

# AMERICAN STATE PAPERS

Volume 4  
1823-1827

PUBLIC LANDS











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AMERICAN STATE PAPERS.

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PUBLIC LANDS.

VOLUME IV.

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AMERICAN STATE PAPERS.

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DOCUMENTS

OF THE

CONGRESS OF THE UNITED STATES,

IN RELATION TO

THE PUBLIC LANDS,

FROM THE

FIRST SESSION OF THE EIGHTEENTH TO THE SECOND SESSION OF THE NINETEENTH CONGRESS, INCLUSIVE:

COMMENCING DECEMBER 1, 1823, AND ENDING MARCH 3, 1827.

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SELECTED AND EDITED, UNDER THE AUTHORITY OF CONGRESS,

BY

ASBURY DICKINS, SECRETARY OF THE SENATE,

AND

JAMES C. ALLEN, CLERK OF THE HOUSE OF REPRESENTATIVES.

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VOLUME IV

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# Foreword

## THE AMERICAN STATE PAPERS — PUBLIC LANDS A WINDOW ON EARLY AMERICAN HISTORY AND LIFE

The promise of America was land. From its earliest colonial beginnings to an independent continental nation, the opportunities for land ownership in America were astonishing. By contrast, in the closed world of Europe, great landed estates were held in the same families for centuries and protected through the legal system that insured the inheritance of the estate by the eldest, which was another way of saying, inheritance by the eldest son. Even in the American colonies along the Atlantic seaboard, land ownership expanded to include those of marginal economic condition, and families who did not wish to take legal steps to ownership simply settled illegally on lands. So plentiful were lands and so vast the distances and so few the Euro-American inhabitants that only on rare occasion could the sheriff or tax collector bring the force of law to bear, and if he did so successfully, the squatter family simply moved to another, more distant, tract.

This same promise of land ownership for all families, regardless of class or origin, was not only recognized but also celebrated after 1776 in the new, independent American nation. Here, the widespread almost universal availability of land was a political statement that emphasized the virtues of this nation and its political system as distinct from European nations that were characterized by closed economic opportunity and absence of individual political participation. Thomas Jefferson most perfectly spelled out the philosophy that an independent, democratic nation rested on the foundation of small land holders. His doctrines provided the marching orders for an expanding America from the adoption of the Constitution in 1789 until the opening of the Civil War in 1861.

Under the government of the new constitution, the American nation established rules for the orderly distribution of what had become known as the public domain. After much debate about the principle of the Ordinance of 1785 (also known as the Land Ordinance) and their

practical application, officials decided that the government would sell tracts by auction to individual purchasers. Such doctrines fitted well the prevailing philosophy that emphasized the widespread availability of land to all groups and an expanding frontier to the West.

The Ordinance of 1787 (the Northwest Ordinance) provided for the organization of government in newly established territories to the West, a series of orderly steps to increasing independence, and eventual admission to the union on the basis of equality. The political influence of the West, measured by new senators and representatives in Congress, produced the increased liberalization of terms under which public lands might be acquired. From the original conditions of \$2 an acre with a minimum tract of 320 acres in 1800 to \$1.25 an acre with a minimum tract of 160 acres in 1820, terms progressively eased to a tract of 40 acres in 1832. For the first time in the history of the American Republic, a farm might be bought from the government for \$50. Other laws benefited citizens in their attempt to acquire lands through the adoption of the principle of preemption (reserving rights for illegal settlers at the minimum price) in 1841, established progressively reduced prices through graduation in 1854, and ended with granting free lands to actual cultivators under the Homestead Act of 1862. Indeed, tinkering with the land system became a major preoccupation of presidents, elected officials at several levels, newspaper editors, and individual citizens. Between the organization of the new government in 1789 and the firing on Fort Sumter in 1861, Congress passed and the president signed more than one thousand laws that dealt with the public domain. No other national issue captured such attention and led to so much legislation in these two generations.

The evolving (and changing) land system was more than simply laws; it was an increasingly vast administrative apparatus that stretched from the cabins on the distant western frontier to the accounting rooms of the Treasury Department in Washington. Officials called registers and receivers in remote land office villages (and occasionally only a crossroads) sold land to individual citizens and sent records of the transactions to Washington for entry into ledgers there. The result was an unparalleled (for the first half of the Nineteenth Century) administrative system whose business grew at the rate of national expansion to the



West. In 1800, for example, Congress established the first four land offices; by 1840, some seventy-six land offices supervised the distribution of the public lands.

These hundreds of thousands of individual transactions over more than a half century, combined with the large volume of correspondence between officials in Washington and those in the field, give us an important window on the lives of anonymous individuals and their families. In a world without central record keeping, land transactions provide us with the best account of the presence of people at a particular place at a particular time. These are invaluable to genealogists and others interested in tracing individuals who have often left few if any other records.

The government organized under the Constitution of 1789 only gradually made its records available to the nation at large. The early congresses provided for only limited distribution of their documents to the public. Finally, in the decade of the 1830s, the Congress made provision for the republication of the papers of the first fourteen Congresses in a series known as *American State Papers*. Of these thirty-nine volumes, the most extensive and, for most Americans, the most useful were those on the Public Lands. This collection ran to nine volumes, covered the period from 1789 to 1837, and included 1,570 documents.

These materials represent the most important collection of documents associated with the public lands in the first half century of the nation's history. They include thousands of references to individuals and families and, as such, aside from the decennial census, they represent the most important records of individual Americans available to us.

Malcolm J. Rohrbough  
Department of History  
University of Iowa



# Introduction

The story of America's **land** is the story of the American people. The hunger for **land** populated American shores and drove the settlers westward. **Land** was the American dream: a piece for every man, every family — **land** each could fertilize with his or her own sweat and pass to their own sons.

It was the abundance of land — for farming, for hunting, for mining — that brought the British and the German to the Atlantic Seaboards; the French and Spanish to the Gulf; Canadians, British, French, and Poles to the Mississippi Valley and the Great Lakes. For land, they challenged the Native Americans wherever they found him. To keep their land, the Indian nations fought back, then bargained, before finally conceding defeat.

*American State Papers, Public Lands* Series documents the melding of these peoples on the first great frontiers of the new United States: the Old Southwest and the Old Northwest. *ASP-PL* is, beyond a doubt, the most neglected source — the most **important** neglected source — of data on ethnic settlement and migration within trans-Appalachian America. It also serves as a vital finding aid to rich stores of public land claim files within the National Archives. In overall importance, *ASP-PL* stands second to none but the Draper Papers.

Between 1832 and 1861, the United States Congress selected and published a series of 38 volumes, some 35,000 pages, of congressional documents, chosen for their importance to “the legislative and documentary history of the United States.” (*ASP-Foreign Relations*, Vol. V, p. vii.) Those records chosen for inclusion in *American State Papers: Documents Legislative and Executive of the Congress of the United States* were grouped into ten classes (Foreign Relations, Indian Affairs, Finance, Commerce & Navigation, Military Affairs, Naval Affairs, Post Office, Public Lands, Claims, and Miscellaneous), with one to eight volumes per group.

*ASP-PL* represents the largest class of this now rare series, offering 1,570 documents spanning some 7,728 pages, within 8 volumes. The number of Americans discussed is mind-boggling — 80,000 would be a conservative estimate of the men and women included in this rich fund of biographical data. The scope of the material which *ASP-PL* makes available to professional and family historians is of both wide range and momentous import.

## As a sampling:

- *Settlements of the United Brethren in Ohio, 1826*
- *Colonial French, British, and Spanish land grants in the Gulf States throughout the 1700s and early 1800s*

- *Settlement of exiled supporters of Napoleon in Alabama's Vine and Olive Colony, 1825 (where records subsequent were destroyed by local officials—on the premise that “no one could read those things anyway, since they’ re all written in a foreign language” !)*
- *Lead mining in Missouri, Illinois, and Michigan, c1810-30*
- *Petitions for bounty land by Revolutionary soldiers of Virginia and patriot refugees from Canada and Nova Scotia*
- *Early plats (designating land and lot owners) of such cities as Detroit, Green Bay, Peoria, Cahokia, and Kaskaskia (whose ‘old town’ now lies under the Mississippi River)*
- *Requests of Polish exiles, deported by the emperor of Austria, to settle in Illinois or Michigan*

— Indians —

- *Choctaw Land Claimants (full and mixed-blood, as well as white countrymen) under the Treaty of Dancing Rabbit Creek, 1830*
- *Creek and Cherokee reservees after the settlement of the War of 1812*
- *North Carolina payments to Indian reservees, in exchange for their abandonment of their lands*
- *Similar documents for the Potowatomie, Quapaw, Catawba, Wyandots and other tribes*

\* \* \* \* \*

Thirteen states are directly, and abundantly, treated in ASP-PL:

Alabama	Iowa	Mississippi
Arkansas	Louisiana	Missouri
Florida	Michigan	Ohio
Illinois	Minnesota	Wisconsin
Indiana		

At least nine others are less directly treated to an extent worth noting:

Georgia	Pennsylvania	Tennessee
New York	Rhode Island	Vermont
North Carolina	South Carolina	Virginia

Historical studies of the Old Southwest suffer immensely from the underuse of grassroots level resources — caused, in part, by haphazard record keeping, by courthouse fires, and by too little awareness of the value of such materials. *American State Papers, Public Lands* offers viable substitutes for destroyed or nonexistent records and an extremely convenient source of biographical data and local-oriented documents, all available to the scholar without travel.

Elizabeth Shown Mills, C.G., F.A.S.G  
 Editor, National Genealogical Society Quarterly

To those engaged in the examination of the political, social, economical, or family histories of this country, the reprinting of the Public Lands and Claims Series of the *American State Papers* (Gales and Seaton edition) is an indescribable gift.

The *American State Papers* is the collection of documents of the first fourteen congresses of the United States. It preserves executive and legislative writings from the archives and manuscript records of the Senate and House and is the most complete record available of the early activities of those bodies.

Eight of the 38 volumes that comprise this set are known as the Public Lands Series. Together with the ninth volume, titled Claims, this collection covers the period 1789-1837. It is these nine volumes that Southern Historical Press has reproduced — the nine volumes that are most critical to historians of all persuasions, but in particular, family history researchers.

Perhaps no single commodity was more compelling nor more precious to our predecessors than land. Long before and long after the acquisition of public lands by a newly formed federal government, the question of who was entitled to this land and the design and development of policy to resolve that question, remains one of the most significant themes in American history. There were essentially two aspects to this theme.

First, there were thousands of frontier folk who viewed themselves as land owners with or without benefit of title. They inhabited the vast territories acquired by the United States government through treaty, purchase, or cession. To some of their contemporaries, these settlers were viewed as mere squatters, illegal occupants who should be forced to move on. To other observers, including many lawmakers, the chains of titles based upon early grants from sovereigns of Spain, France, or Great Britain, or the acts of cultivation and laying a foundation for a home, sanctioned their occupation of the land.

There were also those whose sufferings or deprivations, perhaps occasioned by war or civil turmoil, were worthy of recompense. The abundance of this new land made it a suitable means of compensation to those whose sacrifice or struggle had been in the interest of the new government.

In both situations, the stories of those seeking land had to be heard, their testimony and evidence weighed, and decisions made on their entitlement to secure permanent sites. How to do this?

The course of action decided upon was democratic and uniform and, thankfully for subsequent inquiries, required voluminous recording. Commissioners, appointed to hear and evaluate the claims or appeals, were authorized to act upon them. Their findings and the deposition of the claimant and 'swearer' (persons presenting conflicting or supportive evidence) were then



reported to Congress. The actual reports, rich in the detail historians dream of, are the marrow of the Public Lands Series and Claims of the *American State Papers*. Nothing could hold more promise for researchers of family history.

These volumes, numbered 28 through 36 in the serial set, contain commissioner reports in which testimony and conclusion merge to weave a picture of lifestyles and personal history. Within these pages, our ancestors dance before us in the never ending ritual of human behavior. Their petitions and reports give motion to sufferings and struggles, indiscretions and chicanery, acts of courage and commitment. Events and personalities are choreographed into remarkably keen portrayals of character and circumstance. The stories told supply ample evidence of settlement patterns, family relationships, and life events.

Examples:

*Elizabeth House, formerly of Montgomery County, New York, endured incredible suffering while her husband was in the service of this country. Her 1822 petition, seeking compensation during widowhood, tells of her capture by Indians in 1777, a forced march through 300 miles of wilderness with a babe in arms, and Elizabeth's eventual rescue by her husband some four years later. [9:813]*

*Family relationships may be evident by reading and evaluating multiple claims. Submissions by the Deckers of Vincennes, Indiana, links as brothers Moses, Jr., Joseph, John, and probably Jacob. Their father, Moses, Sr., 'in the year 1786 took up a tract of land for the said John, his son, who was then but one year old, and laid the foundation of a cabin on the land.' A second claim tells us in the same year another tract was taken 'for son Moses, Jr., who was then seven years old.' [7:686]*

*Some cases were decided upon a family relationship. Elbert Herring petitioned the Office of Indian Affairs to add the name of the Choctaw girl, Amelia Trahern, to the register of orphaned children to be provided for by the treaty of 1830. Amelia was missed because she was assumed to be living with her mother, Peggy Trahern. But, as Herring explains, Peggy was Amelia's stepmother. Amelia is actually the daughter of Wesley Trahern and his former wife. As both are now deceased, Amelia is a true orphan, thus qualifying for a quarter section of land. [7:32]*

*Entitlement to land depended on circumstances and witnesses, which often led to improbity. On 14 February 1807, a now-sober Simon Toiton declares he gave a great number of false depositions the previous December. He attributes his wrongdoing to having 'drank a quart of liquor before setting out (to give testimony); another quart upon his arrival and before beginning the certificates; and continuing this until midnight nearly.' To give more*

*authenticity to his February disclosure, Toiton has 'sworn to the present on the Holy Evangelists.'* [2:137]

*Not all appeals were from individuals. In 1836, the general assembly of the State of Indiana sought the passage of a law by Congress to donate one quarter section of land to Margaret and each of her children. Margaret Nation is described as 'a very aged woman, who is encumbered with a large family of deaf and dumb children, whom she is unable to support, and who are unable, on account of the aforesaid affliction, to support themselves.'*

*The children are named: William, Christopher, Elias, Jane, Elizabeth, and Anna.* [8:451]

Page after page of similar recital may be found within the Public Lands and Claims Series. The uniqueness of this set as a reference work is its presentation of history from the inside out. Free from manipulation or interpretation by the minds of scholars, the history found here is the raw data itself.

As only 750 sets of the original series were printed, access to this valuable data has been restricted. Even with microcopy, these documents have been beyond the reach of many researchers. Now, thanks to Southern Historical Press, the reprinting of these critical volumes and of the companion index, Phillip W. McMullen's *Grassroots of America*, makes it possible for even the remotest located of researchers to unravel the threads of the interaction of people, property, and policy." -

Sandra Luebking, Genealogist & Historian  
Western Springs, Illinois



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# AMERICAN STATE PAPERS.

## PUBLIC LANDS.

18TH CONGRESS.]

No. 414.

[1ST SESSION.]

### EXTINGUISHMENT OF TITLE OF QUAPAW INDIANS TO LAND IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 8, 1823.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The general assembly of the Territory of Arkansas represent: That in the very heart of the Territory, and claiming one of the finest sections of our country within our limits, reside the Quapaw Indians. They claim the south bank of the Arkansas from the old post to the present seat of government, a distance of two hundred and fifty miles, with a depth of ninety miles. Above this point the principal objects of agriculture are corn, wheat, &c.; below, including their entire claim, the soil is peculiarly adapted to the culture of cotton. The north side of the river opposite their claim is, in many places, subject to overflow, and much inferior to the south, which is high and commanding. Add to this, the best part of the northern bank is covered by the claim of Winters, which in a great measure prevents its settlement. Thus, out of five millions of good cotton land on the banks of one of the finest navigable streams in the west, but one is open to settlement, and that one the most indifferent of the five. The first object in the improvement of a new country should be good roads. The Quapaw claim, separating the southern and western parts of the Territory, precludes the practicability of a direct communication between them. The remnant of what was once a nation claiming this land, from their insulated situation, surrounded as they are on all sides by the whites, have degenerated into the most perfect sloth and idleness, and the country which they inhabit, which would sustain fifty thousand souls, is scarcely furrowed by a plough. The possession of this country, in three years, from its exports, would produce a balance of trade to Orleans in our favor, instead of the destructive drain which the purchase of necessaries now produces. Its purchase might now be effected for twenty thousand dollars, and the revenue which its sale would produce to the government in five years would be twenty times that amount. They are willing to sell, and would remove beyond the limits of the United States, and unite with the Caddoes of Texas, a tribe who speak their language.

Your petitioners feel satisfied that a view of a map of their country would convince any disinterested mind that the removal of these Indians are essential to our prosperity and advancement. They therefore confidently appeal to your honorable body for a redress of their grievance, and ask for an appropriation that will effect an object so paramount, and so universally desired by their constituents.

P. FARRELLY, *Speaker of the House of Representatives.*  
SAM. C. ROANE, *President of the Legislative Council.*

Approved October 18, 1823.

ROBT. CRITTENDEN, *Acting Governor.*

18TH CONGRESS.]

No. 415.

[1ST SESSION.]

### BOUNTY LANDS IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 8, 1823.

*To the honorable the Senate and House of Representatives in Congress assembled:*

The general assembly of the Territory of Arkansas would most respectfully represent: That most of the lands patented to the soldiers of the late army of the United States are now subject to taxation, nearly all of which are withheld from the knowledge of the proper officers of the Territory, depriving her of a large revenue to which she is justly entitled. We therefore ask of you the passage of a resolution directing the Commissioner of the General Land Office to furnish a list of all the bounty lands lying in the Territory of Arkansas, designating the quarter section, to whom and when granted; which list shall be forwarded, under the direction of our delegate, to the governor of our Territory.

P. FARRELLY, *Speaker of the House of Representatives.*  
SAM. C. ROANE, *President of the Legislative Council.*

Approved October 18, 1823.

ROBT. CRITTENDEN, *Acting Governor.*



[18TH CONGRESS.]

No. 416.

[1ST SESSION.]

## POSTPONEMENT OF THE SALE OF PUBLIC LANDS AND PRE-EMPTIONS TO SETTLERS IN ALABAMA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 12, 1823.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

The memorial of the general assembly of the State of Alabama respectfully represents: That the lands in the counties of Decatur and Jackson have been surveyed with a view to be sold pursuant to the existing laws, and that a majority of the present settlers on those lands and upon all the unsold land in this State, for many considerations of public justice and national policy, deserve the favorable interposition of Congress. They were among the first who relinquished their prospects in their native States and adventured to open the country. They made settlements and improvements upon the land, then unsold, greatly enhancing its value. But those improvements were taken by capitalists and companies, who, having superior means, were permitted to purchase and enjoy without an equivalent the fruits of enterprise and labor not their own. The inhabitants thus supplanted and turned adrift and homeless upon the frontier were among the first who were called to engage in the contest for more territory, and were not the least efficient in obtaining the acquisition; yet, being still unable to obtain permanent possessions, they were constrained to open and cultivate lands remaining unsold. The improvements made by them at the labor and expense of several years have not, however, increased their means of purchasing, while they have greatly raised the saleable value of the land. The causes of this are obvious. The price of cotton, the staple of the country, has fallen; and the bank paper circulated, and which has become almost the only currency of the northern part of Alabama, has, by the refusal of the banks to redeem it, depreciated so greatly as to be rejected at the land offices. Hence, if the sales of the lands in question be immediate, the product to the United States will be inconsiderable when compared to what may be derived under more favorable circumstances. If it be now sold, the small quantity of sound currency in the hands of a few can, in a great degree, be funded for the purpose not only of purchasing at the lowest prices, but of withholding from many of the meritorious settlers even the means of acquiring their improvements at those prices; and the consequence will be that the settlers will be again supplanted, and that, too, in a manner disadvantageous to the United States.

This general assembly, therefore, submit for the consideration of the Congress of the United States the propriety of postponing the sale of the public lands in the counties of Jackson and Decatur, and also the justice of making provisions by law for the benefit of those who have made improvements of permanent value on said lands by granting to settlers the right of pre-emption to one quarter section or half quarter section, embracing their improvements, under such regulations as may seem reasonable and expedient.

*And be it resolved,* That his excellency the governor be required to cause two copies of the foregoing memorial to be made out and forwarded—one to our senators and one to our representative in Congress.

A. P. BAGBY, *Speaker of the House of Representatives.*  
NICH'S DAVIS, *President of the Senate.*

Approved January 1, 1823.

ISRAEL PICKENS.

THE STATE OF ALABAMA, *to wit:*

I, James J. Pleasants, secretary of state for the State of Alabama, do hereby certify that the foregoing is a true copy, taken from the original roll on file in the executive office.

Given under my hand and the seal of the State, at Cahaba, this 2d day of January, in the year of our

[L. S.] Lord one thousand eight hundred and twenty-three, and of American independence the forty-seventh.  
J. S. J. PLEASANTS, *Secretary of State.*

[18TH CONGRESS.]

No. 417.

[1ST SESSION.]

## LAND FOR SEATS OF JUSTICE IN ALABAMA.

COMMUNICATED TO THE SENATE JANUARY 15, 1824.

## MEMORIAL TO CONGRESS ON THE SUBJECT OF PRE-EMPTION RIGHTS.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the general assembly of Alabama respectfully represents: That whereas the Congress of the United States at their last session passed an act granting to certain counties in this State in which the public lands have not been sold the right of pre-emption to a certain quarter section of land for the location of the seats of justice in the said counties, respectively.

Your memorialists would further show that in the counties of Bibb, Henry, and Pike, public buildings have been erected on the public lands at considerable expense to the said counties; your memorialists are therefore of opinion that a similar law in relation to the counties above recited would not only be an act of justice, but would greatly enhance the value of the land adjacent thereto; your memorialists would

further represent that, in several of the counties in this State, a part only of the public lands have been sold by the government; and in some of the counties thus situated the positions most eligible for the establishment of the seats of justice have been sold; and that, therefore, as the act of your honorable body before alluded to requires the location of the seats of justice on the land to which the pre-emption right is granted, the counties so situated are deprived of the benefit which your memorialists believe was intended by the said act of Congress; your memorialists, therefore, in consideration of the premises, pray your honorable body to pass a law granting to the counties situated as herein set forth the right of pre-emption to a quarter section of land to be selected in any part of the county (of such land as has not been sold) to be sold, and the proceeds to be applied to the erection of the public buildings in said counties; and your memorialists, as in duty bound, will ever pray, &c.

*Resolved*, That the governor be required to transmit two copies of the foregoing memorial to the Congress of the United States—one copy to our senators and one copy to our representatives, and request their exertions to procure the passage of a law embracing the objects of the same.

WILLIAM J. ADAIR, *Speaker of the House of Representatives.*

NICH'S DAVIS, *President of the Senate.*

Approved December 17, 1823.

ISRAEL PICKENS.

DEPARTMENT OF STATE, *Cahaba*, December 29, 1823.

A true copy taken from the enrolled copy on file in this department.

JS. J. PLEASANTS, *Secretary of State.*

18TH CONGRESS.]

No. 418.

[1ST SESSION.]

## REGULATIONS FOR GRANTING LAND UNDER THE SPANISH GOVERNMENT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 17, 1824.

REGULATIONS FOR THE GRANTING OF LAND UNDER THE SPANISH GOVERNMENT OF LOUISIANA, AND MR. GALLATIN'S INSTRUCTIONS TO THE LAND COMMISSIONERS IN LOUISIANA AND MISSOURI.

*Don Alexander O'Reilly, commander of Benfeyon, of the Order of Alcantara, inspector general of infantry, appointed by special commission governor and captain general of this province of Louisiana.*

Divers complaints and petitions which have been addressed to us by the inhabitants of Opelousas, Attakapas, Natchitoches, and other places of this province, joined to the knowledge we have acquired of the local concerns, culture, and means of the inhabitants, by the visit which we have lately made to the Cote des Allemands, Cote des Accadians, Hyberville, and La Pointe Coupee, with the examination we have made of the reports of the inhabitants assembled, by our order, in each district, having convinced us that the tranquillity of the said inhabitants and the progress of culture required a new regulation, which should fix the extent of the grants of lands which shall hereafter be made, as well as the enclosures, cleared lands, roads, and bridges, which the inhabitants are bound to keep in repair, and to point out the damage by cattle, for which the proprietors shall be responsible; for these causes, and having nothing in view but the public good and the happiness of every inhabitant, after having advised with persons well informed in these matters, we have regulated all those objects in the following articles:

1. There shall be granted to each newly arrived family who may wish to establish themselves on the borders of the river six or eight arpents in front (according to the means of the cultivator) by forty arpents in depth, in order that they may have the benefit of the cypress wood, which is as necessary as useful to the inhabitants.

2. The grantees established on the borders of the river shall be held bound to make, within the first three years of possession, mounds sufficient for the preservation of the land and the ditches necessary to carry off the water. They shall, besides, keep the roads in good repair, of the width of at least forty feet between the inner ditch, which runs along the mound, and the barrier, with bridges of twelve feet over the ditches which may cross the roads. The said grantees shall be held bound, within the said term of three years' possession, to clear the whole front of their land to the depth of two arpents; and in default of fulfilling these conditions their land shall revert to the King's domain, and be granted anew; and the judge of each place shall be responsible to the governor for the superintendence of this object.

3. The said grants can neither be sold nor aliened by the proprietors until after three years of possession, and until the above-mentioned conditions shall have been entirely fulfilled. To guard against every evasion in this respect, the sales of the said lands cannot be made without a written permission from the governor general, who will not grant it until, on strict inquiry, it shall be found that the conditions above explained have been duly executed.

4. The points formed by the lands on the Mississippi river, leaving in some places but little depth, there may be granted in these cases twelve arpents front; and, on a supposition that these points should not be applied for by any inhabitant, they shall be distributed to the settlers nearest thereto, in order that the communication of the roads may not be interrupted.

5. If a tract belonging to minors should remain uncleared, and the mounds and roads should not be kept in repair, the judge of the quarter shall inquire into the cause thereof. If attributable to the guardian, he shall oblige him to conform promptly to this regulation; but if arising from want of means in the minors, the judge, after having by a verbal process attained proof thereof, shall report the same to the governor general, to the end that the said land may be sold for the benefit of the minors; (a special favor

granted to minors only; but if no purchaser shall, within six months, be found, the said land shall be conceded gratis.

6. Every inhabitant shall be held bound to enclose, within three years, the whole front of his land which shall be cleared; and for the remainder of his enclosure he will agree with his neighbors in proportion to his cleared land and his means.

7. Cattle shall be permitted to go at large from the eleventh of November to the fifteenth of March of the year following; and at all other times the proprietor shall be responsible for the damage that his cattle may have done to his neighbors. He who may have suffered the damage shall complain to the judge of the district, who, after having satisfied himself of the truth thereof, shall name experienced men to estimate the value of the same, and shall then order remuneration without delay.

8. No grant in the Opelousas, Attakapas, and Natchitoches shall exceed one league in front by one league in depth; but when the land granted shall not have that depth, a league and a half in front by half a league in depth may be granted.

9. To obtain in the Opelousas, Attakapas, and Natchitoches a grant of forty-two arpents in front by forty-two arpents in depth, the applicant must make it appear that he is possessor of one hundred head of tame cattle, some horses and sheep, and two slaves to look after them; a proportion which shall always be observed for the grants to be made of greater extent than that declared in the preceding article.

10. All cattle shall be branded by the proprietors; and those who shall not have branded them at the age of eighteen months cannot thereafter claim a property therein.

11. Nothing being more injurious to the inhabitants than strayed cattle, without the destruction of which tame cattle cannot increase, and the inhabitants will continue to labor under those evils of which they have often complained to us, and considering that the province is at present infested by strayed cattle, we allow to the proprietors, until the first day of July of the next year, one thousand seven hundred and seventy-one, and no longer, to collect and kill to their use the said strayed cattle; after which time they shall be considered wild, and may be killed by any person whomsoever; and no one shall oppose himself thereto, or lay claim to a property therein.

12. All grants shall be made, in the name of the King, by the governor general of the province, who will, at the same time, appoint a surveyor to fix the bounds thereof, both in front and depth, in presence of the judge ordinary of the district, and of two adjoining settlers, who shall be present at the survey. The above-mentioned four persons shall sign the verbal process which shall be made thereof, and the surveyor shall make three copies of the same; one of which shall be deposited in the office of the scrivener of the government and the cabildo, another shall be delivered to the governor general, and the third to the proprietor, to be annexed to the titles of his grant.

In pursuance of the powers which our lord the King (whom God preserve) has been pleased to confide to us by his patent, issued at Aranjuez April 16, 1769, to establish in the military, the police, and in the administration of justice and his finances, such regulations as should be conducive to his service and the happiness of his subjects in this colony, with the reserve of his Majesty's good pleasure, we order and command the governor, judges, cabildo, and all the inhabitants of this province, to perform punctually all that is required by this regulation.

Given at New Orleans February 18, 1770.

#### SPANISH REGULATIONS FOR THE ALLOTMENT OF LANDS.

##### *Instructions of Governor Gayoso for the administration of the posts and distribution of lands.*

Instructions to be observed by the commandants of the posts in this province for the admission of new settlers:

1. If the new settler comes from another post in the province where he has obtained a grant of land no other grant shall be made to him; and if he undertakes to fix himself down he must buy lands, or produce my special permission for the grant; and in order to determine whether he has before obtained land or not, the commandant of the post from which he goes shall express it in his passport.

2. If the new settler is a stranger, and is not a farmer, nor married, nor has property in negroes, merchandise, or money, he shall have no right to solicit a grant of lands until he has remained four years, conducting himself well in some honest and useful occupation.

3. Artisans shall be fully protected, but no land shall be granted to them until they have acquired property, and have lived three years in the exercise of their art or profession.

4. To no unmarried emigrant who has not a trade or profession shall lands be granted till after the expiration of four years, and then only on his showing that he has been without interruption honestly employed in the cultivation of the earth; without which necessary circumstance he shall not be entitled to a grant.

5. If any person as described in the last article, after having lived in the country two years, shall obtain a recommendation from a farmer of honesty, who shall be willing, from his industry and application, to give him his daughter in marriage, as soon as the marriage is accomplished in due form he shall be entitled to receive a grant of land, agreeably to the terms contained in this instruction.

6. The privilege of enjoying liberty of conscience is not to extend beyond the first generation. The children of those who enjoy it must positively be Catholics. Those who will not conform to this rule are not to be admitted, but are to be sent back out of the province immediately, even though they possess much property.

7. In the Illinois none shall be admitted but Catholics of the classes of farmers and artisans. They must also possess some property, and must not have served in any public character in the country from whence they come. The provisions of the preceding article shall be explained to the emigrants already established in the province who are not Catholics, and shall be observed by them, the not having done it until this time being an omission, and contrary to the orders of his Majesty, which required it from the beginning.

8. The commandants will take particular care that no Protestant preacher, or one of any sect other than the Catholic, shall introduce himself into the province. The least neglect in this respect will be a subject of great reprehension.



9. To every new settler answering the foregoing description, and married, there shall be granted two hundred arpents of land; fifty arpents shall be added for every child he shall bring with him.

10. To every emigrant possessing property and uniting the circumstances before mentioned, who shall arrive with an intention to establish himself, there shall be granted two hundred arpents of land; and, in addition, twenty arpents for every negro that he shall bring: provided, however, that the grant shall never exceed eight hundred arpents to one proprietor. If he has such a number of negroes as would entitle him, at the above rate, to a larger grant, he will also possess the means of purchasing more than that quantity of land if he wants it; and it is necessary, by all possible means, to prevent speculations in lands.

11. No lands shall be granted to traders: as they live in the towns they do not want them.

12. Immediately on the arrival of a new settler the oath of fidelity shall be required of him. If he is married, he shall prove that the wife whom he brings with him is his lawful wife. If he has goods or personal property, they shall both declare what part of them belongs to the portion of the wife, and whether any part belongs to any person who is absent, giving them to understand that if the contrary of what they assert is proved the lands which are granted to them shall be taken back, with all the improvements they may have made upon them.

13. At the time when they take the oath the above particulars are to be attended to; and no lands are to be granted for any negroes which are not proved to be lawfully and wholly the property of the emigrant, nor for the wife whom he brings with him, unless she is proved to be his lawful wife. In default of making such proofs he is to be taken as coming within the description given in the second article.

14. The new settler to whom lands have been granted shall lose them without recovery if in the term of one year he shall not begin to establish himself upon them, or if in the third year he shall not have put under labor ten arpents in every hundred.

15. He shall not possess the right to sell his lands until he shall have produced three crops on the tenth part of his lands, which shall be well cultivated; but in case of death he may leave them to his lawful heir, if he has one resident in the country. If he has no heir in the country they shall in no event go to an heir who is not of the country, unless such heir shall resolve to come and reside in it conformably to the established conditions.

16. Debts contracted out of the province cannot be paid with the produce of lands thus granted, if there are debts due in the province, until after five harvests have been gathered. If for bad conduct it shall become necessary to eject the settler from the country before he shall have made the three crops necessary to give him the dominion of the soil and the right to dispose of it, the lands shall then again become united to the domain of the King, and in the same state shall be granted alternately to the young man and to the young woman residing within one league of the land which shall thus become vacant who, by their good conduct, shall best deserve such a gift. The question who is entitled to this preference shall be decided in an assembly of the most considerable people, headed by the commandant, which decision they shall make without any expense. They shall only consult me in the case, making known the circumstances for my approbation, and shall without delay put the deserving person in possession.

17. The forms established by my predecessors in which to petition for lands shall be followed under the conditions expressed in this order, with the difference only that when the quantity of land amounts to or exceeds three hundred arpents the fees to the secretary must be paid.

18. It shall not be permitted to any new settler to form an establishment at a distance from other settlers. The grants of land must be so made as not to have pieces of vacant ground between one and another, since this would offer a greater exposure to the attacks of the Indians, and render more difficult the administration of justice and the regulation of the police, so necessary in all societies, and more particularly in new settlements.

MANUEL GAYO DE LEMOS.

NEW ORLEANS, September 9, 1797.

#### GENERAL REGULATIONS AND INSTRUCTIONS OF MORALES FOR CONCEDED LANDS.

Don John Bonaventure Morales, principal comptroller of the army and finances of the provinces of Louisiana and West Florida, intendant (par interim) and sub-delegate of the superintendence, general of the same, judge of admiralty, and of the lands, &c., of the King, &c. \* \* \*

(For these regulations vide volume 3 of Public Lands, page 488.)

TREASURY DEPARTMENT, September 8, 1806.

To J. B. C. LUCAS, C. B. PENROSE, and J. L. DONALDSON, Esqrs., Commissioners for Land Claims, St. Louis:

GENTLEMEN: I have the honor to enclose instructions \* \* \*

(For this letter vide vol. 3 Public Lands, page 402.)

*Instructions for the commissioners appointed to ascertain the titles and claims to lands in the Territory of Louisiana, prepared by the Secretary of the Treasury in conformity with the eighth section of the act entitled "An act supplementary to an act entitled an act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the district of Louisiana," and approved by the President of the United States.*

(For these instructions vide vol. 3 Public Lands, page 402.)

TREASURY DEPARTMENT, November 14, 1806.

To J. B. C. LUCAS, C. B. PENROSE, and J. L. DONALDSON, Esqrs., *Commissioners, &c., St. Louis:*

GENTLEMEN: In conformity with the provisions of the eighth section of the act of 21st of April last, the following rules are prescribed. \* \* \*

(For this letter of instructions from the Secretary of the Treasury vide vol. 3 Public Lands, page 403.)

18TH CONGRESS.]

No. 419.

[1ST SESSION.]

### EXTINGUISHMENT OF INDIAN TITLE TO LAND IN INDIANA.

COMMUNICATED TO THE SENATE FEBRUARY 13, 1824.

A JOINT RESOLUTION on the subject of extinguishing the Indian title to lands within the State of Indiana.

Whereas the further extinguishment of Indian title to lands within the State of Indiana would greatly facilitate the intercourse of the whole western country with the eastern and middle States, increase in a great degree the population of the northern sections of this State, tend to improve the navigation of our rivers in the interior, and further the grand object of effecting a canal communication between the waters of the Ohio and the lakes:

*Resolved*, That our senators be instructed, and our representatives in Congress requested, to use their best exertions to procure an appropriation by Congress for the purpose of effecting this desirable object, and in all respects to promote the object of this resolution.

*Resolved*, That his excellency the governor, at as early a period as possible, forward to our senators and representatives in Congress a copy of the foregoing preamble and resolution, accompanied with a request that the same be laid before Congress for their consideration.

DAVID H. MAXWELL,  
*Speaker of the House of Representatives.*

RATLIFF BOON,  
*President of the Senate.*

Approved January 26, 1824.

WILLIAM HENDRICKS.

18TH CONGRESS.]

No. 420.

[1ST SESSION.]

### EXEMPTION OF PUBLIC LANDS FROM TAXATION AFTER SALE IN INDIANA.

COMMUNICATED TO THE SENATE FEBRUARY 23, 1824.

A JOINT RESOLUTION of the General Assembly of the State of Indiana relative to taxing lands within this State.

*Resolved by the general assembly of the State of Indiana*, That the reasons of the compact between the general government and this State, by which this State guaranteed an exemption from taxation of all lands for five years from and after the purchase thereof, purchased of the general government after the first day of December, one thousand eight hundred and sixteen, have, by the act of Congress changing the whole land system, totally ceased.

*Resolved*, That the right of taxation on the part of this State from and after the day of sale cannot by any possibility be injurious to the interests of the United States.

*Resolved*, That our representatives in Congress be requested, and our senators instructed, to use their utmost exertions to obtain a repeal or modification of the compact between the United States and this State, as referred to in the foregoing resolution.

*Resolved*, That his excellency the governor be requested to transmit a copy of the foregoing resolutions to the Speaker of the House of Representatives in Congress, and a copy to each of our senators and representatives.

DAVID H. MAXWELL,  
*Speaker of the House of Representatives.*

JAMES B. RAY,  
*President of the Senate, pro tem.*

Approved January 30, 1824.

WILLIAM HENDRICKS.

[18TH CONGRESS.]

No. 421.

[1ST SESSION.]

## COMPENSATION OF REGISTERS AND RECEIVERS OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 25, 1824.

TREASURY DEPARTMENT, *February 24, 1824.*

In obedience to a resolution of the House of Representatives, passed on the 11th instant, the Secretary of the Treasury has the honor to transmit herewith a letter from the Commissioner of the General Land Office, which, with the accompanying documents, constitutes all the information in this department touching the several matters referred to in the resolution.

With respect to the compensation allowed by law to the registers and receivers, the Secretary is convinced it has not been adequate to the services rendered in all cases where fees have not been demanded which were not authorized by the law. The Secretary therefore respectfully recommends that the President be authorized to make such additional compensation as may be considered just and reasonable, but in no case exceeding the clerk hire actually paid by each receiver and register during the twelve months immediately preceding July 1, 1821.

Hon. the SPEAKER of the House of Representatives.

GENERAL LAND OFFICE, *February 16, 1824.*

Sir: In compliance with a resolution of the House of Representatives, directing the Secretary of the Treasury to state what practical construction has been given by the several registers and receivers, respectively, to the act of 1821, for the relief of the purchasers of the public lands, and the instructions given them relative to said act with regard to fees or compensation, &c., &c., and which has been referred by you to this office, I have the honor to submit a copy of the instructions given in regard to the fees sanctioned by the seventh and eighth sections of the act above alluded to. It is not known at this office that any other or greater fees were demanded or received by the registers and receivers than those sanctioned by the instructions; it is, however, possible that there may have been instances where the registers have charged more than fifty cents for each declaration, on the ground that the declaration embraced more than one tract for further credit. As no returns of the amount of fees received by the officers were required to be made to this office, we have no means of ascertaining this fact, or the amount of fees which was received by the officers respectively.

It appears that a great variety of constructions have been given by the registers and receivers, respectively, as to the compensation to which they were entitled for services rendered under the act for the relief of the purchasers of the public lands; and as it seems to have been the universal opinion of these officers that the fees allowed by law were inadequate to compensate them for the extra services imposed, and as they appear to have been stimulated to a proper execution of the work by prospects held out from this office that further remuneration for their services would be granted by Congress, I have deemed it proper to submit the correspondence on that subject.

On the adjustment at this office of the accounts of the officers, no charge made for extra services under the act for the relief of the purchasers of the public lands, either in the shape of clerk hire or as a percentage on the amount of the lands relinquished, is admitted.

In those instances where the officers may have received the fees allowed by law and resigned their offices before the business had been finished, their successors have been instructed to have the unfinished business executed and the necessary returns made, and for the extra expense incurred the officer who received the fees will be held liable under his bond.

I am, very respectfully, sir, your obedient servant,

GEO. GRAHAM.

Hon. WM. H. CRAWFORD, *Secretary of the Treasury.*

*Extract from a circular to the registers and receivers, dated*

"TREASURY DEPARTMENT, *General Land Office, June 1, 1821.*

"The registers are entitled to receive fifty cents for receiving, recording, and filing the declaration of each and every person or company who shall avail themselves of the benefit of the act."

"The registers and receivers, respectively, are entitled to receive fifty cents from the party relinquishing for each half quarter section, quarter section, half section, section, fractional section, or legal subdivision of a fractional section so relinquished."

*Abstract of the original letters of the registers and receivers of land offices, transmitted with the communication of the Commissioner of the General Land Office, dated February 16, 1824, to the honorable Secretary of the Treasury.*

- No. 1. From David Hoge, register, Steubenville, July 14, 1821. (See answer, marked A.)
- No. 2. From Michael Jones, register, Kaskaskia, November 2, 1821. (See answer, marked B.)
- No. 3. From Samuel Stokely, receiver, Steubenville, July 16, 1821. (See answer, marked C.)



- No. 4. From William Crawford, receiver, St. Stephen's, August 14, 1821. (See answer, marked D.)
- No. 5. From Beverly R. Grayson, register, Washington, July 21, 1821. (See answer, marked E.)
- No. 6. From Thomas A. Smith, receiver, Franklin, December 1, 1821.
- No. 7. From Alexander Pope, register, Cahaba, January 16, 1822.
- No. 8. From John Miller, register, Franklin, January 24, 1822.
- No. 9. From John Miller, register, Franklin, July 16, 1822. (See answers, marked F and G.)
- No. 10. From Jesse Spencer, register, Chilicothe, January 10, 1822.
- No. 11. From Edward Coles, register, Edwardsville, February 12, 1822.
- No. 12. From Thomas Sloo, register, Shawneetown, March 7, 1822.
- No. 13. From J. C. S. Harrison, receiver, Vincennes, March 12, 1822.
- No. 14. From George F. Strother, receiver, St. Louis, December 4, 1823. (See answer, marked H.)
- No. 15. From Joseph Dunbar, receiver, Washington, January 2, 1823.

There are also transmitted a blank declaration and relinquishment. It will be observed that there was no more compensation allowed for a declaration embracing fifty tracts than for one including a single tract.

LAND OFFICE, *Steubenville, July 14, 1821.*

SIR: I have received your letter of the 29th June, with the circulars of the 1st, 15th, 26th, and 27th, and sundry books and forms, &c. The blank declarations and relinquishments to be executed by purchasers are immediately wanted. The business cannot be entered on without them, as the parties are entirely incapable of writing them for themselves. The blank books for records of relinquishments will probably be sufficient, or nearly so, but of these I cannot make an accurate estimate. I have no data from which a calculation can be made. About four books more for recording declarations will be required. The number of declarations may probably be about one thousand.

I have, unfortunately, been acting on the law. I have not received or entered any relinquishments, but, believing it necessary that a declaration should be filed for every tract to entitle the party to the benefit of the law, and the applications being numerous, and great complaints made of the delay, many stating their inability to attend again, and complaining of the distance they had to travel, I consented to receive and file declarations. I considered the declaration as an entirely distinct thing from the relinquishment, and, being an act necessary only to entitle the party to a benefit, it did not appear to me that as much formality was necessary in this case as in case of a relinquishment. I therefore drew up a short form, stating the consent of the party as purchaser of the tract therein named to the law, which was signed by him or his agent in my presence. Of this transaction I made a marginal note at the original entry, and endorsed the same on his certificate, which was returned to him. One hundred and five declarations have been entered in this manner.

Several payments have been made, and a considerable sum of money received which otherwise would not have been paid, for I did not consider the party as entitled to any benefit of the act until he had filed his declaration. If any of these parties wish to relinquish any part of their land, the relinquishment, which must be entered before the 30th of September, will supersede the declaration, and the whole can, after that day, be entered in the abstracts to which they properly belong. You say "the duties of the office will be arduous" for a few months. To me they appear to be impracticable, on the plan proposed, within the time prescribed. The calculations alone necessary to make the entries in the different abstracts could not be made in the time prescribed. If this plan be insisted on, I must beg leave to decline it entirely. I will take the liberty of suggesting a plan which I think will answer every purpose, and which may be practicable. I will undertake to make the entries required in the abstract of relinquishments, as far as they can now be made, leaving the certificates to be issued and the journal entries to be made out at a time of more leisure, if that time ever occurs. In the case of declarations where no part of the land is to be relinquished, I propose to receive, file, and record the declaration, make the marginal note of it, and endorse the original certificate, leaving it, for the present, at least, in possession of the party. In this way every act to be done by the purchaser to entitle him to the benefit of the law may, possibly, be got through against the 30th of September. After that day, when the pressure of business will be over, the entries can be made in the abstract of further credits from the declarations, and the new certificates, if it be necessary, can be issued when the party comes to pay an instalment, when more time can be taken to make the calculations. But I would beg that new certificates in this case might be dispensed with; they do not appear to me to be absolutely indispensable, and the issuing these will impose an intolerable burden on the register, for which there is no compensation allowed.

The entries in the abstract of lands fully paid for can be made, likewise, after the pressure of business, from my register of certificates.

There is another difficulty which may be insuperable. By the second section of the law "the interest which shall have accrued before the 30th day of September next upon any debt to the United States for public lands shall be, and the same is hereby, remitted and discharged." What interest is remitted by this law? When the payment of an instalment has been completed and the interest charged in the ledger I presume that interest is not remitted. But, in many cases, payments on account have been received. In these cases the calculations of interest and discount were never made until the instalment was closed, and, in some cases, not until the final settlement of the account, when they appeared in the receiver's receipts and were charged in the books. These payments may be entitled to discount, or be chargeable with their proportion of interest, according to the existing law at the time the payments were made, but no actual entry of interest or discount is made in the books, the instalment or the account not being closed. Now, is all this unsettled interest remitted? If it be not remitted it will be impossible to make the entries in the abstract of relinquishments. The time allowed would not be sufficient to make the calculations alone. And it is evident that until the calculations be made, and all the interest and discount actually entered in the ledger, we have not the data from which the entries required in the abstract of relinquishments are to be made. If this interest on these partial payments be remitted by the law, but the party be entitled to a discount on any partial payment made before due by former laws, the entries cannot be made in the abstract until the calculations be made and the discount entered in the



ledger, because we cannot determine the amount transferable from lands relinquished, of which the discount forms a part, nor the balance due on lands retained; so that if any notice is to be taken, either of interest or discount, on partial payments where the instalment is not closed, it appears to me to be impracticable to make the entries required in the abstract of relinquishments. I mean within the time required by law; for, if sufficient time were allowed, and sufficient assistance, every difficulty can be overcome.

In taking a view of the duties imposed on me by this law, and the plan adopted for carrying it into effect, I am ready to sink in total despair of being able to discharge them to your or my satisfaction. The difficulties appear insurmountable, considering the shortness of the time; and I will not attempt or promise what I am unable to perform. Other registers may judge for themselves; but I must declare my decided conviction that the law cannot be executed without allowing clerk hire for one year, at least at the rate of not less than seven hundred and fifty dollars, or giving the register a salary that will enable him to procure the necessary assistance. I presume the Secretary of the Treasury has power to allow clerk hire, and I am persuaded that, on a representation of the case to him, he will see the necessity of it. My whole compensation will not exceed seven or eight hundred dollars per year—a sum which falls far short of supporting my family—and the whole of which would not pay the clerk hire imposed on me by this law. The sum I have mentioned for clerk hire may appear large; but it must be considered that a clerk capable of doing this business is rarely to be found; and as a permanent situation cannot be promised, the salary will probably be higher. As it would require at least one year to do this business as it ought to be done, and secure correctness, the only mode which appears practicable *now* is to file and record the declarations, as already mentioned, and to record and file the relinquishments, and enter all the tracts which will come into view in effecting the relinquishments in the abstract. The debtors will then have complied with everything required of them to entitle them to the benefit of the law in due time; and the other entries in the abstract can be made at leisure, after making the necessary calculations and entries of interest and discount.

I shall anxiously await your answer, and will in the meantime do no business other than receive cash payments.

I am, very respectfully, sir, your obedient servant,

JOSIAH MEIGS, Esq., *Commissioner General Land Office.*

DAVID HOGE, *Register Land Office.*

LAND OFFICE at STEUBENVILLE, July 20, 1821.

SIR: In my letter of the 14th instant, which was written with much haste immediately after receiving the forms, I may have used some expressions which may be misunderstood. I did not mean to express any reluctance to any duty, or to engage in any labor that might be required; but merely my fear of not being able to do the business within the time required, and lest, by that means, purchasers might be deprived of the benefit of the law.

I have now more fully examined and considered your plan. It is admirably calculated to give a connected view of the accounts, and of the operation of the law on them. There is nothing wanting but sufficient time to carry it into complete effect. The great difficulty is the uncharged interest and discount on partial payments. As soon as I receive your final instructions respecting these, and the forms for purchasers, I will engage in the business, and no exertion in my power shall be spared to give you satisfaction and fulfil the law. No inconvenience will result from the present delay. People being now engaged in the labors of harvest, not a single application has been made for a week or two.

As this accumulation of business will oblige me to employ an additional clerk or two, and my compensation is far below what it ought to be, I hope you will think it reasonable to allow clerk hire.

I am, very respectfully, sir, your obedient servant,

JOSIAH MEIGS, Esq., *Commissioner General Land Office.*

DAVID HOGE, *Register.*

No. 2.

KASKASKIA, November 2, 1821.

SIR: Herewith you will receive accounts of lands applied for and moneys entered during the month of October last, together with two receipts, Nos. 4766 and 4767, granted by the receiver in conformity with the provisions of the act of the 2d of March last; also receipt No. 31 and final certificate No. 31, granted to Thomas Ferrill under the cash system; the receipts issued prior to the 30th September last, for payments made for lands purchased prior to July 1, 1820, we have retained, and shall forward them with our abstracts, which will be ready for transmission in a short time. You will perceive that the receipts issued under the act of March last are of the same series of numbers with those issued for the lands purchased prior to July 1, 1820.

I have had for some time four clerks, and never less than three, employed in my office; the duties are very arduous, and will require much labor and time to complete the whole accurately, and I trust the government will allow the registers compensation commensurate with their services. A per centum on all lands relinquished would, in fact, not amount to an adequate reward for the additional services required of them.

I am, very respectfully, sir, your obedient servant,

MICH. JONES, *Register.*

HON. JOSIAH MEIGS, *Commissioner General Land Office.*

No. 3.

RECEIVER'S OFFICE AT STEUBENVILLE, July 16, 1821.

SIR: I have the honor to acknowledge the receipt of your circular of the 30th ultimo. The abstracts, receipts, &c., have come to hand in good order. I shall make my returns of the proceedings under the law of the 2d March at the same time as the register, and in the manner instructed.

As this is one of the oldest land districts, individual accounts, almost innumerable, are open, alone composing several ledgers. It is, therefore, impossible at this time to estimate the number of the books of the abstract B which will be requisite for the use of this office. So soon as it can be done with a probability of certainty I shall inform you. It is equally difficult to estimate the number of receipts of the different forms received; if more are required they can be printed here.

I take the liberty to suggest one thing to you as to the increased and arduous duties the new land law imposes on these offices, an accurate idea of which you have, no doubt, obtained from the examination and complete analysis it has undergone in your office. The limited time that yet remains to those persons who are inclined to take the benefit of that law will necessarily crowd the business almost to pressure in the months of August and September. Very many purchasers of public lands are now waiting until the forms shall be received and understood, so as to enable them to complete their business. To do the necessary business of that period, and to make out and transmit the abstracts and reports within three months thereafter, agreeably to the law and your instructions, will require the whole attention of myself and one clerk. I shall, therefore, be under the necessity of employing another to do the ordinary and current business of the office, and I hope his compensation will be allowed me at the treasury; I am the more inclined to believe that this additional expense will be allowed, as you recollect that the receiver's compensation has within the last few years been curtailed of a half per cent. The remaining percentage received at this office would be no more than sufficient to pay a competent clerk, as none could be useful in it but a person of considerable talents and strict integrity—qualifications not procured in this country without considerable compensation. I should, therefore, in the employment of two clerks (and with fewer I am convinced I cannot complete the business in that correct and satisfactory manner that is contemplated in the instructions) receive nothing for my own labor and attention, risk and responsibility. Although it is extremely irksome for me to ask anything of the government except the usual and ordinary fees of the office, yet I have the less hesitation in making the above request as I consider it to be contemplated by the laws and usages regulating the Treasury Department. I find from letters of record in this office, received from that department, that the receivers of public moneys have been allowed additional compensation for particular services and unexpected duties, such as the transportation of specie, &c., and their reasonable account admitted. I hope, therefore, to receive your instructions to do so in the present instance, as the business of the office has arrived at an unexpected exigency, and to have an additional allowance for clerk hire so long as one shall be necessary.

I have the honor to be, very respectfully, sir, your obedient servant,

SAMUEL STOKELY, *Receiver.*

HON. JOSIAH MEIGS, *Commissioner General Land Office.*

No. 4.

RECEIVER'S OFFICE AT ST. STEPHEN'S, August 14, 1821.

SIR: Some doubt exists in relation to the fees allowed by the act of Congress for the relief of the United States debtors for public lands, upon which I respectfully request your opinion. The law allows a fee of fifty cents to the register and receiver for each relinquishment, and the doubt is whether this fee is also allowed where the debtors relinquish their former contract and claim a further credit. There is as much labor imposed upon the officers in making the entries and balancing the books where a further credit is claimed as where a part of the land is given up; and these entries are made entirely for the benefit of the debtors. As no compensation is allowed by the United States for this labor, it would seem reasonable that those who receive the benefit of it should pay for it fifty cents.

I am, with great respect, your obedient servant,

WM. CRAWFORD.

HON. JOSIAH MEIGS, *Commissioner General Land Office.*

LAND OFFICE, ST. STEPHEN'S, August 14, 1821.

SIR: A doubt has occurred whether, under the late land relief law, any fees are allowable to the receiver and register in cases where further credit only is claimed, other than the register's fees for the filing, &c., of the declaration.

We have declined taking any other fees in those cases; but if your construction of the law will entitle us to any further compensation for this portion of trouble, we are interested how soon you may apprise us of your opinion.

Your most obedient,

ISRAEL PICKENS.  
WM. CRAWFORD.

HON. JOSIAH MEIGS, *Commissioner General Land Office.*

No. 5.

LAND OFFICE WEST OF PEARL RIVER, July 21, 1821.

DEAR SIR: Enclosed you will receive my return for the month of June last; also a list of lands reserved from the sale held in the present month for the use of schools.

The sale consisted of the lands situated among private claims not heretofore offered, (or sold at

private sale,) together with the subdivisions of fractions. The lots and out-lots in the city of Natchez were not offered, it being conceived that the President's proclamation did not embrace them.

The forms and instructions accompanying your letter of the 23d ultimo have been received. I discover that the duties that devolve on me are various, complicated, and arduous, requiring my utmost care and circumspection to prevent confusion, and to carry into effect fully the views of the treasury in relation to the law. All that I can promise under this additional weight of responsibility and accumulation of duties is, that every exertion will be made by me to carry into effect the provisions of the law. I am, however, apprehensive that it will not be in my power to perform all the duties without the assistance of a clerk. May I not reasonably expect that the salary of one (say \$800 per annum for about six months) will be paid by the government.

I am, sir, with great respect, your most obedient servant,

JOSIAH MEIGS, Esq., *Commissioner General Land Office.*

B. R. GRAYSON.

No. 6.

LAND OFFICE AT FRANKLIN, *Receiver's Office, December 1, 1821.*

Sir: I have the honor to transmit herewith my accounts of moneys received under the cash system for the month of November.

The register having offered his resignation and left the country puts it out of my power to make the returns required by law or progress with the entries in the books of my office. The abstract of relinquishment and further credits would now have been ready if I could have obtained the requisite information from the register's office. The abstract of lands fully paid for in cash is now ready, but will not be forwarded until the returns of the register are ready, in conformity with your letter of instructions of June 30.

The late period at which the instructions under the law of the 2d March were received, and the resignation of the register, has caused me to incur an expense which the emoluments of the office will not pay, unless the government will pay the clerks for the period which they were, without my instrumentality, unemployed. This claim I flatter myself will be considered a just one, as the law required certain duties to be performed within a limited period. The clerks necessary to perform it were employed, and the duties would have been executed but for casualties over which I had no control.

I have the honor to be, sir, with high respect, your obedient servant,

T. A. SMITH, *Register.*

JOSIAH MEIGS, Esq., *Commissioner General Land Office.*

No. 7.

LAND OFFICE, *Cahaba, January 16, 1822.*

Sir: I received yours of the 3d and 8th November, stating the transmission of 18 and 36 quarter quires of abstract C. Those abstracts have been delayed on the way, as I understand from the postmaster, to give room for some public documents which have come to the executive department of this State; but they have at last been received. Not having completed the first copy of that abstract, I am unable to say how many of these blanks will be required for this office; but I presume the quantity in hand will be sufficient. The first copy of my abstract A is made up, and has employed eleven of the books or quarter quires, and we have four blanks of this description left; we shall, consequently, want seven more of abstract A to make the duplicate. We are progressing with this labor as expeditiously as we can, but it is so great a task that I can form but a very imperfect idea when we shall have them completed. I have myself been, and am still, so afflicted with bilis that I can do but little at my part of it. I shall add the abstract of relinquishments as soon as I am able to do it, and give you the result of the addition.

It has occurred to me that a great saving of labor may be made by posting each individual account directly from the abstract of relinquishments, instead of first journalizing them. And, in addition to the saving of the labor of journalizing, the chances of errors will be saved manifold, as I should perform the labor myself in this way; otherwise, I shall have to depend on clerks to do the journalizing, in whom I have less confidence, as to correctness, than in my own work. It will occupy the time of a clerk two years at least to do the journalizing. Will the Congress give us any additional compensation this session for those heavy labors? We shall surely need it.

I am, sir, very respectfully, your obedient servant,

ALEX. POPE.

HON. JOSIAH MEIGS, *Commissioner General Land Office.*

No. 8.

REGISTER'S OFFICE, *Franklin, January 24, 1822.*

Sir: I have the honor to inform you that I arrived here on Thursday, the 17th instant, qualified myself agreeably to your instructions of November 14, and immediately entered upon the duties of the office assigned me. I find, on taking charge of the register's office, that all the business which accrued under the law of Congress of March 2, 1821, granting relief to purchasers of public lands prior to July 1, 1820, is yet to perform, or nearly so. From the best information I can obtain from gentlemen acquainted with the business of the office, it will require three or four good clerks twelve or sixteen months to bring up the books and perform the other duties required by the instructions under the law above mentioned.



Exclusive of bringing up the books, the relinquishments and declarations are all yet to record. Certificates of relinquishment and of further credit (with the exception of a few) have yet to be furnished to the receiver. Final certificates and certificates of further credit yet remain to be made out to purchasers, and but little progress has been made in the abstracts, with the exception of the abstract of relinquishments, which is made out as far as relinquishment No. 630, the whole number of relinquishments being 860.

Believing it to be necessary, and the wish of the honorable the Commissioner of the General Land Office, that the business which accrued under the law of March 2, 1821, should be brought up and closed as speedily as possible, I have employed three clerks with that view, relying confidently that the government will defray the whole of the expense of bringing up the business of my predecessor. Allow me to request that you will be good enough to write me on this subject at as early a period as is convenient.

Every effort shall be made by me to have the abstracts of relinquishment and of further credit, &c., required made out and forwarded as speedily as possible. My present impression is that we can commence enclosing them by the 10th of March.

I enclose by this day's mail returns for the months of November and December. They could not be forwarded sooner for the want of the register's signature. Your circular of November 30 has been received, and shall be attended to.

I have the honor to be, with great respect and esteem, sir, your obedient, humble servant,  
JOHN MILLER, *Register.*

Hon. JOSIAH MEIGS, *Commissioner General Land Office.*

No. 9.

FRANKLIN, MISSOURI, *July 16, 1822.*

SIR: Enclosed you will receive my quarterly account, ending 30th June last, and nine monthly returns for moneys received for lands purchased of the United States prior to July 1, 1820. These returns are for the months of October, November, and December, 1821, and for January, February, March, April, May, and June, 1822. The final certificates for lands sold prior to July 1, 1820, and fully paid for under the law of March 2, 1821, are now making out, and will be forwarded as speedily as possible; the receiver's receipts for final payment, &c., will accompany the final certificates.

You will perceive from my quarterly account that I have charged a commission of one per cent. on \$253,294 01, being the amount of moneys transferred from lands relinquished at this office to the payment of lands retained under the law of March 2, 1821. In making this charge, I consider myself as clearly entitled to a commission on the above-mentioned sum as if it had been actually received in cash. The responsibility and labor in performing the duties required by the law of March 2, 1821, are infinitely greater than they would have been under the old law had the same amount in cash been received. Although I have receipted to Thomas A. Smith, esq., receiver, for \$2,532 94, being the commission on the above-mentioned sum, I have not drawn the money, nor shall I do so until a decision is made on the subject by the proper department. Should the amount charged be allowed, I shall consider myself bound to refund to the government the amount charged by me for clerk hire in bringing up the business which accrued under the law of March 2, 1821.

I will here observe that no part of the fees allowed to the register at this place for receiving, filing, and recording relinquishments and declarations, &c., amounting as they did to near \$2,000, were received by me, notwithstanding I have performed nearly the whole of the labor which those fees were intended to have compensated.

Your letter of the 29th and a patent for Mr. Peter Bass have been received, as also your circular to United States land debtors.

I have the honor to be, with great respect, sir, your obedient servant,

JOHN MILLER, *Register.*

JOSIAH MEIGS, Esq., *Commissioner General Land Office.*

No. 10.

LAND OFFICE, *Chillicothe, January 10, 1822.*

SIR: The same mail that carries this letter carries the abstract of relinquishments and further credits and lands fully paid for in cash. The statement of tracts on which the law has not been accepted will be put in the mail in a few days, and also the relinquishments and declarations which have been filed by the purchasers. It has been a very laborious business; the compensation allowed is by no means adequate to the labors performed. I hope it will be found correct. I have given all the attention in my power to have them so.

I am, very respectfully, sir, your most obedient servant,

JESSE SPENCER.

JOSIAH MEIGS, Esq., *Commissioner General Land Office, Washington.*

No. 11.

LAND OFFICE AT EDWARDSVILLE, *February 12, 1822.*

SIR: But for my having been led to believe, from what I had heard, that I should have received a communication from you, I should long since have written to you on the subject of the compensation to



be allowed to the officers of the land offices under the act of the 2d of March last. I have been informed that the Secretary of the Treasury thought the officers were entitled to their per cent. upon lands relinquished; but the silence of the instructions on this subject created some embarrassment, which has since increased by the different views which different officers in this section of the country take as to the sum on which the per cent. should be charged. Most of them contend that they are entitled to one per cent. on the amount of money due on lands relinquished. This I think doubtful. But I am clearly of opinion that they are legally entitled to the per cent. on the amount of moneys heretofore paid on lands relinquished which are transferred and applied to the payment of lands not relinquished.

Those who claim the per cent. on the amount due contend that when the land was sold, the map marked, the certificate issued, and a separate account opened for each tract, the labor was chiefly performed, and but little, comparatively, remained to be done, and that little was required by the old law to be completed within two, three, or, at most, four years, during which time the officers would be reaping a profitable harvest from labor previously bestowed; but by the late law the whole was forced to be done in one year, and, of course, but \$3,000 compensation could be received; one-half of which, in large offices, would be required to pay the number of clerks necessary to complete the business within the very short time limited by law. Their claims are further strengthened by the consideration that in future their emoluments will be greatly postponed and the labor much augmented, in consequence of the increased number of entries, there being now, as you know, in one case, four, where there was but one; in another, six, where there were but two; and in another, eight, where there were but three entries formerly.

These considerations, as well as others which could be adduced, present strong claims on the justice of the government for further and more equitable remuneration to the officers of the land offices for the arduous duties which have been performed under the act of the 2d of March last, and it is hoped they will not be overlooked. But I conceive that the officers are strictly, and, under existing laws, legally entitled to the per cent. on the amount of cash paid on lands relinquished which has been transferred to the payment of lands not relinquished. The fee of 50 cents paid by individuals for each tract relinquished I consider was intended as a compensation for the trouble of making out "abstracts," remarking or lettering the maps, and closing in the books the account of the tract relinquished; and, by the way, a very poor and insufficient compensation it has proved to be for this labor and trouble. The relief law had the effect of converting the certificates of land to be relinquished into a species of land stock, or scrip, which it made receivable in payment of other lands, in the same way that Congress originally made the evidence of public debt and more recently the Mississippi stock; and in this State certificates of unlocated confirmed claims, and in Missouri the certificates granted to Lewis and Clarke's men, were receivable in the land office, and the officers allowed their commission in the same manner as if money had been paid. Indeed, so far as the registers are concerned, it is more troublesome to receive these various species of stock in payment of lands sold, as it is always a longer entry than when money itself is paid. It is not a good objection to urge that the officers have already received their commission on the amount of money paid, for the contract has been, by mutual consent, cancelled, and the money which was paid again placed at the disposal of the original owner to be applied as he may think proper in the payment of lands heretofore sold, and requires more labor to make the entry than if the payment had never been applied to other land. It is, in fact, a payment, and as such, the officers are entitled to their commission, whether the same be made in money, bank notes, public stock, or land certificates.

I therefore consider that the officers have an unquestionable right, under existing laws, to their commission on the amount of money which has been transferred from lands relinquished to the payment of lands not relinquished, and I should have felt no hesitation in having presented my account and received my commission on it without consulting you on the subject, but for other land officers, among others the receiver of this office, having claimed and sent on their accounts charging commission on the amount due on lands relinquished. Having doubts, as I observed before, whether we were legally entitled to this, I declined settling my account for the quarter ending on the 30th of September until the question should be settled on which of these sums the government should think we were entitled to a per cent. That the land officers should receive, from the justice of government, more than what I claim as a legal right, will not be denied by any who are acquainted with the detail of the proceedings under the relief act; and not believing that it could have been in the contemplation of Congress to impose unusually arduous duties, which were extra official, and such as never could have been contemplated at the time the officers accepted their offices, (for they were appointed to sell and not to repurchase land,) I cannot but presume that a compensation proportionate to the service rendered will be allowed. To show you how completely the fees paid by individuals have fallen short of being a compensation for the service performed, I will state the receipts and disbursements of this office.

The amount of fees received from individuals for filing notices, and on tracts relinquished, was about \$800. For clerk hire and office rent, from the 1st of July to the 1st of January last, \$570. On the 1st of January there was between four and five months' employment for one clerk to post the books and complete the business under the relief act, which would cost at least \$200. This, therefore, leaves but thirty dollars as a compensation to the register, who, during the whole period, labored as hard, if not harder, than any clerk in the office; and this, I should think, must be pretty much the case in every register's office (I say register, because he has had three times more to do than the receiver) where, in compliance with the law and your instructions, "abstracts" were made out and transmitted within the time prescribed, and where care was taken to keep the abstracts written up as the business came in, and where certificates of further credit were made out and issued in proper time. By the by, the making out of these certificates was a very laborious job, for which the registers received no compensation, nor did they for making out "abstracts" of further credit—fifty cents being the whole amount of fee paid for recording a "declaration," no matter how many tracts it contained.

The commission of one per cent. upon the amount of cash paid on lands relinquished, which has been transferred and applied to the payment of lands not relinquished, amounts to but about \$700. This, it certainly must be admitted, is not an adequate compensation, and gives us just claims on the government for further and more liberal remuneration.

I ask the favor of you to show this letter to Mr. Crawford, to give it an early answer, and to be assured of my great respect.

EDWARD COLES.

The Commissioner of the General Land Office.

## No. 12.

SHAWNEETOWN, *March 7, 1822.*

SIR: The law granting relief to the purchasers of public lands, and the instructions recently received, pointing out the mode of carrying that law into effect, imposes on the registers of the several land offices a most laborious duty, for which, in many cases, there appears to be no adequate compensation.

In cases of relinquishment and consolidation the fees may perhaps be considered as adequate to the additional labor which the law imposes, which is not the case; taking into view the immense labor of the abstracts, in making them out and comparing them with every individual account, certainly imposes an additional labor on the officers which the law never contemplated.

But in all cases where the extended credit is preferred, though the duty of the land officer in those cases is very laborious, scarcely the shadow of a compensation seems to have been provided, and yet it is hardly to be credited that the national legislature would impose so much additional labor and consequent expense upon the registers of the respective land offices without granting, or intending to grant, a reasonable compensation. There can be no doubt but a very large proportion of the purchasers of public lands have availed themselves of the relief offered by an extension of credit, and, in those cases, the only fee to which the registers seem to be entitled (let the duty be ever so great) is fifty cents from each applicant. Cases have occurred in my office of an application of a single individual for an extension of credit on from twenty to thirty tracts; the labor in the office of the register required by this operation is in every respect equal to that attending the relinquishment of an equal number of quarter sections; in the latter case, where the fees would amount to about fifteen dollars, which in the former they amount to fifty cents only. This disproportion of compensation to the duties required is, no doubt, to be attributed to accident or inadvertence on the part of the government rather than to an intention to throw an uncompensated labor and burdensome expense on the officers of the land offices.

I cannot but persuade myself that it was the intention of government to allow the registers and receivers a fee of fifty cents as well on each case of an extension of credit as on each case of relinquishment, since it is as just and necessary in the one case as the other.

It may not be improper to observe that the compensation in cases of relinquishment and consolidation is not adequate to the additional labor and expense of clerk hire required by the additional duties imposed.

Under these circumstances, and with this state of facts, would not the government, on a fair and just representation of the immense labor, afford some relief; and would not the Secretary of the Treasury and the Commissioner of the General Land Office give to such application the weight and influence of their sanction and advice? It is, indeed, a fact susceptible of demonstration, that the present emoluments of office under the old system are barely equal to the current expenses of the office.

It is equally clear that, after the laborious duty required by the new law shall have been performed and the expenses of the offices paid, the register and receiver will be in debt. There is a subject of importance that I beg leave to call your attention to. Are not the register and receiver entitled by law to their commission on all the lands relinquished? If you are of opinion they are, will you, sir, have the goodness to obtain the opinion of the Secretary of the Treasury on the subject, and advise us of the same.

Your very obedient and humble servant,

THOMAS SLOO.

JOSIAH MEIGS, Esq.

## No. 13.

VINCENNES, *March 12, 1822.*

DEAR SIR: I have just seen a copy of the letter which my worthy colleague, Mr. Badollet, addressed to you some days since upon the subject of our commission on the amount of money paid upon land relinquished, and I have thought it best to inform you that the contents of that letter coincide exactly with my views of the matter.

It has ever been my opinion that we were justly and legally entitled to our commission on this sum, if not upon the balance due on said lands, and it was my intention to have made the charge in my account current for September last; but, hearing that my brother officers to the south and west were divided in their opinions upon the subject, I thought proper to delay making the charge.

I am well convinced that the members of Congress could have had but little idea of the business and trouble they were creating for the land officers, or they would have made some provision by which they might have been recompensed. It is certainly hard, and, indeed, unjust, that they should alone suffer by the operations of a law so well calculated to relieve the rest of society.

But it is needless for me to enter into a detail of our grievances; they have, no doubt, been copiously narrated by persons more able than myself to do justice to the subject.

Sincerely hoping that you will give us all the assistance in your power, and that you will pardon the liberty taken by my addressing you in this manner, I shall conclude by subscribing myself, with respect and esteem, your obedient servant,

J. C. S. HARRISON.

JOSIAH MEIGS, Esq.

P. S.—I think I shall get my "abstracts" off by the next mail.

J. C. S. H.

## No. 14.

ST. LOUIS, *December 4, 1823.*

SIR: By this mail, a full view of the receipts and expenditures of my office is transmitted to you; I have claimed my commission upon the full amount of the relinquishments, for the following reasons:

When I took possession of this office, within the term of the appointment, the whole amount of the

debt due from purchasers of public lands must have been paid or the lands forfeited, and the legal and moral presumption was that the debt would have been discharged by actual payment; and upon this amount I had a claim, under the existing laws, to one per cent.; the government interpose, change the contract, and agree to receive property instead of money in discharge of this debt; money represents property; when receiving actual cash we were only receiving that which represented so much property, either in the hands of government or individuals; by the relinquishment law, government changed this relation between money and property, and in the transactions under that law made property represent so much money then due to them; it could never have intended by this transposition to have deprived us of our commission, because the law did not diminish but increase the labor and expense of the office.

The money paid to the government for the lands relinquished did not pass through my hands; it was received by my predecessor; he reaped the benefit of the commission as compensation for his expense and trouble in that transaction; if, therefore, the government receive back property representing this money thus paid, and I am employed to superintend the operation, and subjected to the expense and labor of conducting it, it appears to me law, justice, and reason proclaim my right to the commission; otherwise the government liquidates a debt of \$411,612, subjecting me to extraordinary labor and expense, and make by depriving me of the commission on \$411,612. If A should employ me to collect a debt from B, and subsequently request me to receive property in payment at valuation, or an agreed price, no man living would suppose me not entitled to the agreed commission; otherwise, shifting the mode of payment, although more troublesome, would enable the principal to deprive his agent of compensation under that agreement.

It is objected to this that the government will pay two commissions on the same money. This is not the fact; but if it was, it is of every day's occurrence amongst men of business; for example, if A employs B to collect a debt from C, receives payment from his agent B, and again loans it to D, and employs B to collect the debt thus contracted from D, he would be entitled to his commission as compensation for his expense and trouble in the collection. If A had consented to receive property, in the last instance, in discharge of the debt, both law and equity would give the agent his per cent. Certainly the case put is not diminished in weight by the change of agency in the period intervening between the contracting of these debts; the principle cannot be changed by substituting the government for A.

I have charged clerk hire, because, if the business had been conducted in the ordinary manner, the whole amount could have been received, and the business of the office managed by one clerk. The relief laws crowded an immense mass of business within a small space of time, and has increased the labor and expense of the office two-thirds; the office is yet suffering under the burden of business imposed upon it, and every expense is at this moment doubled by the effects of the relinquishment law.

In reply to their just claims, it is said the registers and receivers might have resigned; we could not anticipate the embarrassing result of the relief laws, even if gifted with the spirit of prophecy; they could not have resigned; their duty as citizens and officers of the government forbid it; it was a beneficent act in the government, and based upon the deepest and wisest policy; it rescued the morals of the debtors from the danger of two powerful temptations, and brought back the unsettled affections of the extremity of the empire, and chained them to the centre by inspiring confidence and gratitude in the best of governments. If we had not proceeded, we should have thrown the country into confusion, embarrassed the department to which we belonged, and sacrificed ourselves. The practice of all governments authorize us to expect compensation for extra labor and unanticipated expense, and many precedents of our own government justify the expectation of remuneration. The last session of Congress there was an appropriation allowing an extra clerk for the surveyor general to bring up business in arrear, there being, I presume, an unexpected accumulation of business in his office. Upon the same principle we claim clerk hire. If we, at our own expense, have brought up the business, our claim is the stronger; for we have performed a necessary work, relying upon the justice of the government, when it postponed the work until the funds were appropriated, risking nothing.

The charge of office rent and fuel does not stand so firmly upon indisputable legal principle, but I have introduced it, because I understand it has been sanctioned, and I claim it as just, and sustained by precedent.

Yours respectfully,

GEORGE F. STROTHER.

HON. GEORGE GRAHAM.

No. 15.

RECEIVER'S OFFICE WEST OF PEARL RIVER, *Washington, January 2, 1823.*

SIR: I have the honor to transmit to you herewith my account of moneys received for public lands sold during the month of December, 1822, (nothing having been received on account of lands purchased from the United States prior to July 1, 1820;) also a duplicate of my monthly account current with the United States for December, 1822, accompanied by the necessary vouchers in support of the charges therein expressed.

I am aware that the item of \$500, charged in my account for an assistant, is unauthorized; but when the excessive labor necessary to the completion of the duties prescribed under the act of March 2, 1821, and the confident expectation that compensation will be provided for that service is taken into consideration, I trust that item will not be deemed inadmissible.

I am, very respectfully, sir, your obedient servant,

J. DUNBAR.

JOHN McLEAN, Esq., *Commissioner General Land Office, Washington City.*



## A.

*Extract of a letter from the Commissioner of the General Land Office, dated August 15, 1821, to David Hoge, esq., register, Steubenville.*

"It will be necessary that you employ such assistance as may be indispensably requisite to the execution of your duties within the period limited by law. There is every reason to expect that at the next session of Congress some suitable provisions will be made in favor of the land offices for the additional trouble imposed by the late act."

## B.

*Extract of a letter from the Commissioner of the General Land Office, dated December 5, 1821, to Michael Jones, esq., register, Kaskaskia.*

"I am happy to learn that your report, under the law, is in a state of forwardness, and trust that general provisions will be made to compensate registers and receivers for their arduous exertion in the execution of the law in proportion to the labors respectively performed."

## C.

TREASURY DEPARTMENT, *General Land Office, August 4, 1821.*

SIR: Your letter of the 16th ultimo, acknowledging the receipt of my circular of the 30th of June last, and the forms therewith transmitted, has been received. In reply to the difficulties enumerated in your letter attending a proper compliance with the forms and instructions drawn up under the law, without additional aid and compensation, I can only briefly state that there is every reason to expect that government will make a suitable allowance to the registers and receivers of United States land offices generally for the additional burdens imposed on them by the act of the 2d of March last, and that every exertion that I can make will be used to effect some liberal provisions in their favor.

I am, &c.,

JOSIAH MEIGS.

SAMUEL STOKELY, Esq., *Receiver of Public Moneys, Steubenville, Ohio.*

## D.

*Extract of a letter from the Commissioner of the General Land Office, dated September 17, 1821, to William Crawford, esq., receiver, St. Stephen's.*

"The fees allowed by the act are fifty cents to the register and receiver, respectively, for every tract relinquished; and it moreover allows fifty cents to the register for each declaration.

"The trouble of the receiver, in cases of declaration, has not been provided for by the act. In my opinion the compensation should have been equal. But, in the absence of legal provisions, I have no authority to authorize the receipt of fees."

## E.

GENERAL LAND OFFICE, *August 30, 1821.*

SIR: Your return for June last, and a list of lands reserved from sale in July last for the use of schools, have been received with your letter of the 21st ultimo.

In reply to your inquiry whether the assistance of a clerk will be allowed you in the execution of your arduous duties under the act of the 2d of March last, I am fully of the opinion that your request ought to be granted. I have been authorized by the Secretary of the Treasury to inform the land officers generally that every disposition exists to afford them facilities in the despatch of public business, particularly the arduous duties imposed by the act of the 2d of March last, and that it may with great reason be hoped that some provisions may be made in their favor at the next session of Congress.

With great respect, I am, your obedient servant,

J. MEIGS.

BEVERLY R. GRAYSON, Esq., *Register, Washington, Mississippi.*

## F.

GENERAL LAND OFFICE, *August 30, 1823.*

SIR: In the accounts of the receiver of public moneys at Franklin, for the first and second quarters of 1822, are found \$781 29 charged by you for clerk hire to bring up the books under the relief law, and



the sum of \$2,532 92 as commission on the moneys transferred from lands relinquished. The commission is inadmissible; but, as it is proper that you should be compensated for closing the transactions of your predecessor, it has been deemed proper to submit your letter of July 16, 1822, which treats of the subject, to Mr. Carroll, with a request to settle the matter amicably with you, and to determine that, should that gentleman make any difficulty on the subject, the clerk hire will be allowed you and charged to his account.

In order that this incident do not delay the examination of the quarterly account, the sums charged for clerk hire shall be suspended until the result of the transaction between you and Mr. Carroll be made known to this department.

I am, respectfully, your obedient servant,

JOHN MILLER, Esq., *Register, Franklin, Missouri.*

GEO. GRAHAM.

G.

GENERAL LAND OFFICE, *August 30, 1823.*

SIR: I transmit herewith a copy of a letter from the present register of the land office at Franklin, and a copy of the instructions of the Secretary of the Treasury in relation to it. That letter and its endorsements explain so fully the nature of the affair under consideration that I shall merely add a request to communicate to this department, as early as convenient, the result of the transaction between yourself and Mr. Miller.

I am, respectfully, your obedient servant,

CHARLES CARROLL, Esq., *late Register at Franklin, now at Rochester, N. Y.*

GEO. GRAHAM.

H.

GENERAL LAND OFFICE, *January 15, 1824.*

SIR: I have duly received your letter of the 4th ultimo, stating your reasons for charging a commission on the full amount of the lands relinquished, and for a further charge for clerk hire. Agreeably to the usages and instructions of the Treasury Department, neither of these items can be admitted to your credit on the adjustment of the account at this office. I will, however, take great pleasure in submitting your letter to the particular consideration of the Secretary of the Treasury so soon as his health will enable him to attend to the details of the business of his department. I wish it were in my power to give you some assurance that such submission would probably result in the modification of the general principle heretofore adopted, but I am induced to believe that yourself, and other officers similarly situated, will obtain no relief except by legislative interference.

With sentiments, &c.,

GEO. F. STROTHER, Esq., *Receiver, &c., St. Louis, Missouri.*

GEO. GRAHAM.

*Form of a relinquishment.*

RELINQUISHMENT No. —.

—, 1822.

— do hereby declare — consent to the provisions of the act of Congress passed March 2, 1821, entitled "An act for the relief of the purchasers of the public lands prior to July 1, 1820," revived and continued in force by the act of April 20, 1822, entitled "An act supplementary to an act entitled 'An act for the relief of the purchasers of the public lands prior to July 1, 1820;'" and wishing to avail — of the relief granted by the 1st section of the said act of March 2, 1821, — do hereby relinquish to the United States all — right and title to and interest in the following described tract and legal subdivision of — tract of land (the payment of which has not been completed) held by —, and purchased in the district of lands offered for sale at —,

viz :

Date of purchase.	Original certificate herewith surrendered.		Tract or legal subdivision relinquished, whether section, half section, quarter section, half quarter section, &c.	No. of section.	No. of township.	No. of range.
	Number.	Date.				

And request that the sums paid on account of the purchase money of said *lands relinquished* be transferred and applied towards completing the payment of the following described tract and legal subdivi-

vision of a tract of *land not relinquished* (the payment of which has not been completed) held by —, and purchased as aforesaid, viz :

Date of purchase.	Original certificate herewith surrendered.		Tract or legal subdivision not relinquished, whether section, half section, quarter section, half quarter section, &c.	No. of section.	No. of township.	No. of range.
	Number.	Date.				

And — do hereby further request, that if, after the transferring and applying of the said sums, as requested, there shall be any balance (exclusive of interest accrued) due or to become due from —, as —, on account of the purchase money of any part of said *land not relinquished*, — may have further credit on the same, according to the provisions of the 3d section of the act of Congress of March 2, 1821, aforesaid.

In testimony whereof, — have hereunto set — hand and seal this — day of —, 1822.

In presence of —.

*Form of a declaration for further credit.*

—, 1822.

DECLARATION No. —.

— do hereby declare — consent to the provisions of the act of Congress passed on March 2, 1821, entitled "An act for the relief of the purchasers of the public lands prior to July 1, 1820, revived and continued in force by the act of April 20, 1822, entitled "An act supplementary to an act entitled 'An act for the relief of the purchasers of the public lands prior to July 1, 1820,'" and request that — may have a further credit, agreeably to the 3d section of the said act of March 2, 1823, on the balance (exclusive of interest accrued) due or to become due from —, as —, on account of the purchase money of the following described tract of land (the payment of which has not been completed) held by —, and purchased of the United States in the district of lands offered for sale at —, viz :

Date of purchase.	Original certificate herewith surrendered.		Tract on which further credit is requested.	No. of section.	No. of township.	No. of range.
	Number.	Date.				

In testimony whereof, — have hereunto set — hand and seal this — day of —, 1822.

18TH CONGRESS.]

No. 422.

[1ST SESSION.]

## EXTINGUISHMENT OF INDIAN TITLE TO LAND IN MISSISSIPPI.

COMMUNICATED TO THE SENATE MARCH 4, 1824.

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

Your memorialists respectfully represent: That on the extension of the boundary line between this State and the State of Alabama, a considerable extent of country, situated on the east bank of the Tombecbee river was included within the limits of this State; that it is separated from the other settled parts of this State by the intervention of Indian territory of something upwards of one hundred miles in extent; that the section of country above alluded to is too limited, under our constitution, to form a judicial district or an additional number of counties; that from the great distance our judges are compelled to travel, the greater part of which is through a wilderness, and along roads which cannot be kept in repair, the consequence of which is that our courts are frequently disappointed, and justice, although not denied, cannot be extended to a considerable number of our citizens: therefore your memorialists pray the adoption of such measures as are best calculated to remedy the evils complained of. Your memorialists further represent that there is a section of Indian territory, situated on the east of Tombecbee river, belonging to the Chickasaw nation that, in all probability, could be purchased, and thereby

the disagreeable situation of that section of our State in some measure alleviated; though your memorialists would further represent that, if it was possible to purchase a small portion of the Indian territory on the western bank of the Tombeckbee river, it would add in a much greater degree to the interest of that section of the State.

COWLES MEAD,  
*Speaker of the House of Representatives of the State of Mississippi.*  
 GERARD G. BRAND,  
*Lieut. Gov. and President of the Senate of the State of Mississippi.*

18TH CONGRESS.]

No. 423.

[1st Session.]

CONTRACTS FOR SURVEYING THE PUBLIC LANDS IN ILLINOIS, MISSOURI, AND  
 ARKANSAS.

COMMUNICATED TO THE SENATE MARCH 5, 1824.

*To the Senate of the United States:*

I transmit to the Senate a report of the Secretary of the Treasury containing copies of the contracts made by the surveyor general and called for by a resolution of the Senate bearing date February 24, 1824.

JAMES MONROE.

MARCH 3, 1824.

TREASURY DEPARTMENT, *March 2, 1824.*

The Secretary of the Treasury, to whom was referred a resolution of the Senate of the 24th ultimo, has the honor to report to the President that the copies of the contracts made by the surveyor general, and called for by a former resolution of the Senate, were received some time since at this department, and, in consequence of the indisposition of the Secretary, have been overlooked; they are now, however, respectfully submitted to the President, accompanied by a copy of the Secretary's letter to the surveyor general on the subject.

THE PRESIDENT OF THE UNITED STATES.

TREASURY DEPARTMENT, *July 7, 1823.*

SIR: The Senate having, by resolution of February 25, 1823, requested the President to procure and lay before the Senate at the next session of Congress the originals or copies of all the contracts for surveying the public lands made by the surveyor general of Illinois, Missouri, and Arkansas, since January 1, 1819, I therefore request that you will forward them as early as practicable.

I am, very respectfully, your obedient servant,

WM. H. CRAWFORD.

WM. RECTOR, Esq.; *Surveyor General, St. Louis.*

SURVEYOR'S OFFICE, *St. Louis, August 1, 1823.*

SIR: Herewith you will receive copies of all the contracts which I have entered into with deputy surveyors in conformity with the instructions which I received from the General Land Office dated April 22, 1823. The balance of the surveying which I am required by the said instructions to have done has been engaged by deputy surveyors, who will come forward in a short time and sign contracts.

You will also herewith receive an estimate of the expense of surveying the whole of the lands directed by the aforesaid instructions to be surveyed. Most of the deputy surveyors who entered into contracts set out for the woods immediately thereafter in order to do the work; consequently, funds will be wanting immediately to pay for that part of the surveys.

I am, with much respect, your most obedient servant,

WM. RECTOR.

*List of contracts.*

The following is a list of the contracts copies of which were received with this message, to wit:

1. Between Wm. Rector and Nicholas Rightor, deputy surveyor, January 7, 1819.
2. ....do.....Nathaniel Cook, deputy surveyor, January 26, 1819.
3. ....do.....William Gordon, deputy surveyor, February 11, 1819.
4. ....do.....A. L. Langham and J. F. Royston, deputy surveyors, March 6, 1819.

5. Between Wm. Rector and Enoch Steen, deputy surveyor, May 7, 1819.
6. . . . .do. . . . .Charles McPherson, deputy surveyor, May 7, 1819.
7. . . . .do. . . . .Joseph Barton, deputy surveyor, May 8, 1819.
8. . . . .do. . . . .David Deshler, deputy surveyor, May 8, 1819.
9. . . . .do. . . . .David Nolan and Stephen Rector, deputy surveyors, May 8, 1819.
10. . . . .do. . . . .John Davidson, deputy surveyor, July 9, 1819.
11. . . . .do. . . . .letter authorizing other surveys, &c., August 12, 1819.
12. . . . .do. . . . .instructions to Enoch Steen, deputy surveyor, August 12, 1819.
13. . . . .do. . . . .Bartlett Sims and Stephen Rector, deputy surveyors, September 23, 1819.
14. . . . .do. . . . .Stephen Rector and Thomas C. Rector, deputy surveyors, October 27, 1819.
15. . . . .do. . . . .Wharton Rector, deputy surveyor, October 29, 1819.
16. . . . .do. . . . .Elias Rector, deputy surveyor, November 6, 1819.
17. . . . .do. . . . .Joseph Barton, deputy surveyor, December 22, 1819.
18. . . . .do. . . . .Nicholas Rightor, deputy surveyor, February 12, 1820.
19. . . . .do. . . . .Wm. S. Hamilton, deputy surveyor, May 17, 1820.
20. . . . .do. . . . .Elias Rector, deputy surveyor, May 17, 1820.
21. . . . .do. . . . .Charles Bent, deputy surveyor, May 18, 1820.
22. . . . .do. . . . .Stephen Rector, deputy surveyor, May 18, 1820.
23. . . . .do. . . . .A. L. Langham and A. W. McDonald, deputy surveyors, October 9, 1820.
24. . . . .do. . . . .Stephen Rector, deputy surveyor, November 11, 1820.
25. . . . .do. . . . .Lucius F. Thruston, deputy surveyor, November 11, 1820.
26. . . . .do. . . . .James S. Conway, deputy surveyor, November 15, 1820.
27. . . . .do. . . . .Jennifer T. Sprigg, deputy surveyor, November 16, 1820.
28. . . . .do. . . . .letter to John D. Poteet, deputy surveyor, December 20, 1820.
29. . . . .do. . . . .Thomas C. Rector, deputy surveyor, December 25, 1820.
30. . . . .do. . . . .Elias Barcroft, deputy surveyor, December 30, 1820.
31. . . . .do. . . . .Conner & Tingle, deputy surveyors, December 30, 1820.
32. . . . .do. . . . .T. W. Thruston, deputy surveyor, January 27, 1821.
33. . . . .do. . . . .Enoch Rector, deputy surveyor, January 13, 1821.
34. . . . .do. . . . .Wm. H. Ashley, deputy surveyor, February 10, 1821.
35. . . . .do. . . . .Wm. V. Rector, deputy surveyor, February 19, 1821.
36. . . . .do. . . . .William S. Hamilton, deputy surveyor, February 20, 1821.
37. . . . .do. . . . .Henry Wharton Conway, deputy surveyor, February 22, 1821.
38. . . . .do. . . . .A. L. Langham, deputy surveyor, February 27, 1821.
39. . . . .do. . . . .Enoch Steen, deputy surveyor, March 3, 1821.
40. . . . .do. . . . .Patrick O. Lee, deputy surveyor, March 3, 1821.
41. . . . .do. . . . .Frederick R. Conway, deputy surveyor, March 3, 1821.
42. . . . .do. . . . .Taylor Berry, deputy surveyor, March 3, 1821.
43. . . . .do. . . . .Charles Bent, deputy surveyor, March 5, 1821.
44. . . . .do. . . . .Joseph Barton, deputy surveyor, March 5, 1821.
45. . . . .do. . . . .John C. Sullivan, deputy surveyor, March 5, 1821.
46. . . . .do. . . . .John F. Hamtramck and Alexander M. Hamtramck, deputy surveyors, March 6, 1821.
47. . . . .do. . . . .Bartlett Sims, deputy surveyor, March 6, 1821.
48. . . . .do. . . . .Henry Elliott, deputy surveyor, March 6, 1821.
49. . . . .do. . . . .Nathaniel Cook, deputy surveyor, March 8, 1821.
50. . . . .do. . . . .Reuben Smith, deputy surveyor, March 9, 1821.
51. . . . .do. . . . .Samuel P. Browne, deputy surveyor, March 9, 1821.
52. . . . .do. . . . .Wm. L. May, deputy surveyor, March 9, 1821.
53. . . . .do. . . . .James Thompson, deputy surveyor, March 10, 1821.
54. . . . .do. . . . .Beal Greenup, deputy surveyor, March 12, 1821.
55. . . . .do. . . . .Wm. Clarkson, jr., deputy surveyor, March 12, 1821.
56. . . . .do. . . . .Archibald Gamble, deputy surveyor, March 12, 1821.
57. . . . .do. . . . .Jacob Judy, deputy surveyor, March 13, 1821.
58. . . . .do. . . . .Benjamin F. Messinger, deputy surveyor, March 13, 1821.
59. . . . .do. . . . .J. Milton Moore, deputy surveyor, March 13, 1821.
60. . . . .do. . . . .Joseph Borough, deputy surveyor, March 14, 1821.
61. . . . .do. . . . .John Messinger, deputy surveyor, March 14, 1821.
62. . . . .do. . . . .Elias Rector, deputy surveyor, March 18, 1821.
63. . . . .do. . . . .Stephen Rector and Thomas C. Rector, deputy surveyors, March 20, 1821.
64. . . . .do. . . . .John Ruland, deputy surveyor, March 26, 1821.
65. . . . .do. . . . .David Deshler, deputy surveyor, March 26, 1821.
66. . . . .do. . . . .Jennifer T. Sprigg, deputy surveyor, March 26, 1821.
67. . . . .do. . . . .James B. McCall, deputy surveyor, March 26, 1821.
68. . . . .do. . . . .Joseph Sprigg, deputy surveyor, March 26, 1821.
69. . . . .do. . . . .James Trimble, deputy surveyor, March 28, 1821.
70. . . . .do. . . . .Charles H. Pelham, deputy surveyor, March 28, 1821.
71. . . . .do. . . . .John D. Poteet, deputy surveyor, April 4, 1821.
72. . . . .do. . . . .Wm. H. Ashley, deputy surveyor, April 5, 1821.
73. . . . .do. . . . .John Jones, deputy surveyor, April 5, 1821.
74. . . . .do. . . . .Angus Lewis Langham, deputy surveyor, April 5, 1821.
75. . . . .do. . . . .Thomas W. Thruston, deputy surveyor, April 9, 1821.
76. . . . .do. . . . .Martin Jones, deputy surveyor, April 9, 1821.
77. . . . .do. . . . .John Miller, deputy surveyor, April 13, 1821.
78. . . . .do. . . . .Wm. Shields and J. S. Conway, deputy surveyors, May 7, 1821.
79. . . . .do. . . . .Joseph Barton, deputy surveyor, October 22, 1821.
80. . . . .do. . . . .John Ruland, deputy surveyor, January 16, 1822.
81. . . . .do. . . . .Thomas C. Rector, deputy surveyor, February 19, 1822.
82. . . . .do. . . . .Elias Rector and Wharton Rector, deputy surveyors, February 19, 1822.
83. . . . .do. . . . .Enoch Moore, deputy surveyor, February 20, 1822.



84.	Between Wm. Rector and Elias Barcroft, deputy surveyor, February 23, 1822.
85.	do. do. Wm. H. Ashley, deputy surveyor, February 26, 1822.
86.	do. do. Samuel P. Browne, deputy surveyor, February 26, 1822.
87.	do. do. John Jones, deputy surveyor, February 26, 1822.
88.	do. do. Joseph Barton, deputy surveyor, February 26, 1822.
89.	do. do. Stephen Rector, deputy surveyor, March 4, 1822.
90.	do. do. A. L. Langham, deputy surveyor, March 4, 1822.
91.	do. do. Nathaniel Cook, deputy surveyor, March 8, 1822.
92.	do. do. Enoch Steen, deputy surveyor, March 9, 1822.
93.	do. do. Wm. S. Hamilton and Elias Rector, jr., March 15, 1822.
94.	do. do. Thomas W. Thruston and Lucius F. Thruston, deputy surveyors, March 18, 1822.
95.	do. do. Daniel R. Davis, deputy surveyor, March 22, 1822.
96.	do. do. John L. Robinson, deputy surveyor, March 27, 1822.
97.	do. do. Henry W. Conway and James S. Conway, deputy surveyors, April 6, 1822.
98.	do. do. letter to James B. McCall, deputy surveyor, April 18, 1822.

As these contracts are similar in their form (being nearly all printed) and varying only in the particular descriptions of the surveying and work to be done, it was deemed unnecessary to include them all in this compilation as they belong to the details of the surveys, and will be found in the General Land Office; a few of them, however, to exemplify the forms of those contracts and the instructions given to the deputy surveyors, are here inserted, as follows:

*Instructions of William Rector, surveyor general of Illinois, Missouri, and Arkansas, to deputy surveyors for surveying the confirmed claims of individuals therein.*

SURVEYOR'S OFFICE FOR THE STATES OF ILLINOIS AND MISSOURI AND TERRITORY OF ARKANSAS,  
St. Louis, A. D. 182

SIR: You will herewith receive a description of each of the confirmed claims of individuals that are supposed to lie within your district. Such of these claims as you may find to be in your district you will lay off and survey in strict conformity with the confirmations as expressed in the transcript.

In making these surveys you will be careful at all the intersections of the lines of the surveys of the public lands with the lines of the surveys of individuals to establish corners by taking bearing trees or erecting mounds, and to mark in the corner of each fractional section the number of the range, township, and section, and also to ascertain the distance from each intersection to the nearest corner of both surveys, so that you may be able thereby to know and state in your returns the precise length of each line of each fractional section.

All surveys, both of the public lands and claims of individuals, must be surveyed agreeably to the true meridian, and you will keep your reckoning or distances in chains and links.

Where the quantity of land confirmed to an individual is expressed in arpents on the transcript of confirmations, you will in your returns express on the survey the quantity in acres and decimal parts of an acre, and also in arpents.

When the transcript with which you are furnished does not give such a description of the situation of a claim as will enable you to know at what place the survey ought to be made, you will use all means that may be in your power to ascertain where such claim is situated. Information given you by a claimant or his agent with respect to the situation of such claimant's lands you will be governed by, provided such information does not disagree with the description given of such land in the transcript, and you may believe, from all the circumstances that may have come to your knowledge, that such information is correct. You will then proceed to survey the land accordingly, provided the survey does not interfere with the right of any other person. And where two or more confirmed claims interfere with each other, you may, provided the parties concerned shall mutually agree, lay off each claim in such manner that there be no interference in the surveys, and provided the surveys so made shall embrace the nearest unappropriated lands, and do not interfere with the right of any other person, and shall in every other respect conform to the rules and regulations for laying off the claims of individuals.

Where the boundaries of an old survey can be found and known with certainty, you must conform your survey to such boundaries, unless you discover that considerable error was made in the old survey, in which case it will be your duty to correct such error.

Where a survey is found to contain an excessive quantity of land, the claimant, if present, will have the right to point out the side or end of the survey at which such excess must be thrown off. If the claimant does not attend and superintend his survey, you will throw off the excess of land at the side or end that you may suppose will be most convenient for the claimant. Where a survey is found not to contain as much land as is expressed in the confirmation, you will extend the lines of the survey as the claimant may direct or you may think right, so as to include the proper quantity of land, provided by such extension of the lines you do not interfere with the right of any other person.

In making the surveys of the claims of individuals you will keep your field notes in the following manner:

No. —. Surveyed for A B, who claims in his own right, or in right of C D, (as the case may be,) three hundred and forty acres and twenty-eight hundredths of an acre, equal to four hundred arpents.

Beginning at a post from which a black walnut 14 inches in diameter bears south 27° west, 25 links, and an ash 10 inches in diameter bears south 41° east, 43 links distant; thence north at 9 chains 27 links a brook 15 links wide runs southeast 20 chains 18 links; a black oak 24 inches in diameter at 37 chains 22 links intersected the line between sections 15 and 22, township 46 north, range 4 west, where set a post corner of fractional sections 15 and 22, from which a white oak 18 inches in diameter bears north 26° west, 75 links, and a maple 12 inches in diameter bears south 33° east, 48 links; thence measured along the line between sections 15 and 22 west 19.40 links to the corner of sections 15, 16, 21, and 22. In this manner you will proceed until you complete the survey, establishing the corners of the survey by taking bearing trees or raising mounds, and noting the distance you have run at the intersection with each sectional line as well as the length of each line of your survey, and also the distance from the points of intersection of the nearest sectional corner. You will also, at the end of each line of a survey, describe the land, timber, &c., over which it runs.

In surveying sectional lines that intersect the lines of surveys of individuals that have been made, you will, in all cases, at each intersection, establish corners for the fractional sections, and ascertain and note in your field book the distance from such intersection to the nearest corner of such survey, when it shall be necessary so to do, in order to ascertain the quantity of land contained in each fractional section.

*The following is a comparative statement of the land measures of the United States, and the French measures formerly used in the late province of Louisiana.*

LINEAL MEASURE.			SUPERFICIAL MEASURE.		
<i>French.</i>		<i>United States.</i>	<i>French.</i>		<i>United States.</i>
72 feet are equal to .....		77 feet.	288 arpents are equal to .....		245 acres.
6 perches are equal to .....		7 poles.			
<i>Perches.</i>		<i>Chains. Links.</i>			
1.....		0 29 166	1.....		0 85 07
2.....		0 58 333	2.....		1 70 14
3.....		0 87 5	3.....		2 55 21
4.....		1 16 666	4.....		3 40 28
5.....		1 45 833	5.....		4 25 35
6.....		1 75	6.....		5 40 42
7.....		2 04 166	7.....		5 95 49
8.....		2 33 333	8.....		6 80 56
9.....		2 62 5	9.....		7 65 625
10, or 1 arpent lineal .....		2 91 666	10.....		8 50 69
2.....		5 83 333	1,000.....		85 06 94
3.....		8 75	10,000.....		850 69 44
4.....		11 66 666			8,506 94 44
5.....		14 58 333			
6.....		17 50	<i>Arpents. Perches.</i>		<i>Acres.</i>
7.....		20 41 666	1 17 551.....		1
8.....		23 33 333	2 35 012.....		2
9.....		26 25	3 52 653.....		3
10.....		29 16 666	4 90 204.....		4
100.....		291 66 666	5 87 755.....		5
1,000.....		2,916 66 666	7 05 306.....		6
			8 22 857.....		7
			9 40 408.....		8
			10 57 959.....		9
<i>Arpents lineal.</i>		<i>Chains.</i>	11 75 510.....		10
12.....		35	117 55 102.....		100
			1,175 51 020.....		1,000
<i>Side of a large square.</i>			11,755 10 204.....		10,000
84.....		245			
			<i>A league square contains—</i>		
<i>Side of a mile square.</i>			<i>Arpents.</i>		<i>Acres.</i>
			7,056.....		6002 50
<i>Arpents. perches.</i>					
27 42.7.....		80	<i>A mile square contains—</i>		
			<i>Arpents. perches.</i>		
			752 32 64.....		640

*Form of agreement between William Rector, surveyor general, and a deputy surveyor for surveying townships of land containing private land claims, and also for surveying such claims.*

Articles of agreement had, made, and concluded upon this seventh day of January, in the year of our Lord one thousand eight hundred and nineteen, between William Rector, surveyor of the lands of the United States in the Territories of Illinois and Missouri, acting for and in behalf of the United States of the one part, and Nicholas Rightor of the other part, witnesseth: That the said Nicholas Rightor, for and in consideration of the terms, provisions, and covenants hereinafter expressed, and according to the true intent and meaning thereof, doth hereby covenant and agree with the said William Rector, in his capacity aforesaid, that he, the said Nicholas Rightor, will do and perform the following surveying agreeably to the laws of the United States and such instruction as may be given to him by the said William Rector, viz: he will lay off and survey the exterior boundary lines, and subdivide into sections, and establish corners for quarter sections, eight townships of land, or townships and fractional townships, equal in quantity to eight complete townships, between the St. Francis and Arkansas rivers, in the Missouri Territory, and south of the east and west line, passing between townships Nos. 3 and 4 north of the base line, which townships and fractional townships shall consist of those which have not heretofore been surveyed, and in which there are confirmed claims of individuals, (if there be that number of townships and fractional townships wherein there are such claims,) and which contain the largest proportion of good and saleable lands. And the said Rightor also covenants and agrees that he will lay out and survey, agreeably to law and instructions as aforesaid, all the lands that have been or may hereafter be confirmed by law to individuals, and which lands may be within said townships or fractional townships, to be subdivided into sections, &c., as aforesaid. And the said Rightor further covenants and agrees that if, in the course of performing the surveys aforesaid, any corner shall fall (whether of a township, section, quarter section, or survey of any individual) within any prairie where bearing trees within a reasonable distance from such corner cannot be found, then and in that case, and in all such cases, he will erect mounds of earth or sod to perpetuate such corners; the mounds to be at least two feet six inches high and two feet six inches diameter at the base. And the said Rightor further covenants and agrees that he will make out three neat and accurate plats and descriptions of each of the aforesaid townships and fractional townships which he shall survey as aforesaid, with all the lines thereof, according to their true length and position, and connect the lines and corners of the surveys of individuals with the sectional lines and corners in such manner as, from the field notes made thereof, it may be known with certainty the precise

situation of each of the surveys of individuals on the plats of townships, and means thereby shall be furnished by which the contents of each and all the fractional sections can be calculated and ascertained, and that he will make the calculations of the content of each fractional section and set it down on the plats of the townships and fractional townships. And that he will make out three separate plats and field notes of each survey of individuals. And that he will complete the surveys, plats, and descriptions and calculations as aforesaid, and make return thereof, together with the field notes, to the office of the surveyor of the lands of the United States for the Territories of Illinois and Missouri, within twelve months from the date hereof, on penalty of forfeiture and paying to the United States the sum of two thousand dollars if default be made in any of the foregoing conditions.

And the said William Rector covenants and agrees, in his capacity aforesaid, that, on the completion of the work in manner aforesaid, there shall be paid to the said Nicholas Rightor, on account of the United States, as a full compensation for the whole expense of surveying, making the plats, descriptions, and calculations aforesaid, three dollars per mile for every mile and part of a mile of the sectional lines and the boundary lines of such of the surveys of individuals as the laws of the United States provides shall be surveyed at the expense of the United States that shall actually be surveyed and marked, (random lines and offsets not included,) provided no member of Congress have any part in this contract. It is expressly understood by the parties to this agreement that the said Rightor is to lay off and survey, in manner aforesaid, those claims of individuals that the laws of the United States provides shall be surveyed at the expense of the claimants, and that the said Rightor agrees to look to and collect his surveying fees from the claimants of such lands.

In testimony whereof, the parties to this agreement have interchangeably set their hands and seals the day and year aforesaid.

WM. RECTOR. [L. s.]  
N. RIGHTOR. [L. s.]

Signed, sealed, and delivered in presence of—

J. D. POTTE.  
HENRY CASSIDY.

*Form of instructions from Wm. Rector, surveyor general, to a deputy surveyor for surveying the public lands to connect with other surveys, and with authority to appoint other surveyors in the event of inability by sickness of such deputy.*

SURVEYOR'S OFFICE, St. Louis, May 7, 1819.

SIR: On the 15th day of January last Nicholas Rightor contracted to select, lay off, and subdivide into sections, &c., eight townships of land between the St. Francis and Arkansas rivers, and south of the line between townships Nos. 3 and 4 north of the base line. This line, between townships Nos. 3 and 4 north of the base line, is the south boundary of the district which you by your contract of this day have engaged to lay off and survey. It is probable that before you get on the ground Mr. Rightor will have surveyed the line between townships Nos. 3 and 4 north, and established corners therein, which will serve as points of beginning your surveys. But in case Mr. Rightor does not survey that line in time for you to start your surveys from, you will survey it yourself; in order to do which it will be necessary to commence in the base line at the corner of townships Nos. 1 and 1 north and 1 and 1 south, of ranges Nos. 8 and 9 west; run from thence north, establishing as you proceed quarter section, section, and township corners, until you arrive at and establish the corner of townships Nos. 3 and 3, 4 and 4 north, ranges Nos. 8 and 9 west, from which corner you can run random lines both east and west for the township corners already established, and correct the lines back, and establish quarter section and sectional corners agreeably to the instructions for laying off townships. From the corner of townships Nos. 3 and 3, 4 and 4 north, ranges Nos. 8 and 9 west, you will run duly east, establishing as you proceed quarter section, sectional and township corners until you intersect White river. You will then proceed to lay off the townships agreeably to the instructions for laying off townships which you are in possession of. The surveying of the west boundary lines of your district properly belongs to the deputy surveyors, who will work west of you. But in case they do not run those lines in time for you to close on, you will survey them yourself. It is very important that you complete your contract as soon as possible. Should anything happen to put it out of your power to continue to survey—I mean inability by sickness—you will endeavor to get the balance of your work done by some of the other deputy surveyors, or you can employ some other person who understands the business of surveying public lands, and are men of good and respectable moral character, (no others, however well qualified, will be permitted to survey public lands.) But should this be the case, your assistants, before they attempt to survey, must take and subscribe an oath faithfully and impartially to execute the surveys they may be employed to make agreeably to my instructions to deputy surveyors, (which you will furnish them with,) and a true report make in their field notes.

I am, with much respect, sir, your obedient servant,

CHARLES MCPHERSON, Esq., Deputy Surveyor.

WM. RECTOR.

P. S.—In closing your surveys on the Cherokee boundary line you will establish and mark the corners of fractional sections, and will measure to the nearest mile post established in that line, so as to show an accurate connexion between the surveys of the public lands and that line.

WM. RECTOR.

*Form of agreement between William Rector, surveyor general, and a deputy surveyor for surveying the public lands.*

Articles of agreement had, made, and concluded upon this seventh day of May, in the year of our Lord one thousand eight hundred and nineteen, between William Rector, surveyor of the lands of the United States in the State of Illinois and Missouri Territory, acting for and in behalf of the United States of the one part, and Charles McPherson of the other part, witnesseth: That the said McPherson, for and in consideration of the terms, provisions, and covenants hereinafter expressed, and according to the true intent and meaning thereof, doth hereby covenant and agree with the said William Rector, in his capacity aforesaid, that he, the said Charles McPherson, will do and perform the following surveying agreeably to



the laws of the United States and such instruction as may be given to him by the said William Rector, viz: He will lay off and survey the exterior boundary lines, and establish quarter section and section corners thereon, of all the townships and fractional townships included within the following bounds and limits, viz: beginning at the corner of townships Nos. 3 and 3, 4 and 4 north of the base line, of ranges Nos. 7 and 8 west of the fifth principal meridian line; thence north to the corner of townships Nos. 7 and 8 north, ranges Nos. 7 and 8 west; thence west to the corner of townships Nos. 7 and 8 north, ranges Nos. 8 and 9 west; thence north to the Cherokee Indian boundary line; thence with said Indian boundary line north 53 degrees east to White river; thence down White river to the range line between ranges Nos. 5 and 6 west; thence south to the corner of townships Nos. 8 and 8, 9 and 9 north, ranges Nos. 5 and 6 west; thence east to White river; thence down that river to the line between ranges Nos. 4 and 5 west; thence south with that line to the corner of townships Nos. 3 and 3, 4 and 4 north, ranges Nos. 4 and 5 west; thence west to the place of beginning. And the said Charles McPherson further covenants and agrees, that after he shall have completed the surveys of the exterior boundary lines of townships above mentioned, that he will select out of the aforesaid townships and fractional townships not less than sixteen townships, nor more than twenty townships, or townships and fractional townships, equal in quantity of land to twenty complete townships, which townships, or townships and fractional townships, to be so selected, shall consist of those which contain the largest proportion of lands that is fit for cultivation, which said townships so selected he will survey and subdivide into sections, and will establish quarter sections and section corners, &c. And the said Charles McPherson further covenants and agrees, that if, in the course of performing the surveys aforesaid, any corner shall fall (whether of a township, section, or quarter section) within any prairie where bearing trees within a reasonable distance from such corner cannot be found, then, and in that case, and in all such cases, he will erect mounds of earth or sod to perpetuate such corners; the mounds to be at least two feet six inches high, and two feet six inches diameter at the base. And the said McPherson further covenants and agrees, that he will make out three neat and accurate plats and descriptions of each of the aforesaid townships and fractional townships which he shall survey as aforesaid, with all the lines thereof, according to their true length and position. And that he will make the calculations of the content of each fractional section, and set it down on the plats of the townships and fractional townships. And that he will complete the surveys, plats, and descriptions and calculations as aforesaid, and make return thereof, together with the field notes, to the office of the surveyor of the lands of the United States for the State of Illinois and Territory of Missouri, within seven months from the date hereof, on penalty of forfeiture and paying to the United States the sum of three thousand dollars if default be made in any of the foregoing conditions.

And the said William Rector covenants and agrees, in his capacity aforesaid, that, on the completion of the work in the manner aforesaid, there shall be paid to the said Charles McPherson, on account of the United States, as a full compensation for the whole expense of surveying, making the plats, descriptions, and calculations aforesaid, three dollars per mile for every mile and part of a mile that shall actually be surveyed and marked, (random lines and offsets not included,) provided no member of Congress have any part in this contract.

In testimony whereof, the parties to this agreement have interchangeably set their hands and seals the day and year aforesaid.

WILLIAM RECTOR. [L. s.]  
CHARLES MCPHERSON. [L. s.]

Signed, sealed, and delivered in the presence of—  
PATRICK LEE, jr.

*Letter of instructions authorizing the deputy surveyors, to whom it was addressed, to survey other lands than those contained in their contracts, and to draw for funds, &c. Addressed to David Nolan and Stephen Rector, David Deshler and Stephen Rector, and to Charles McPherson.*

SURVEYOR'S OFFICE, St. Louis, August 12, 1819.

GENTLEMEN: You are hereby authorized to survey and subdivide into sections, and establish corners for quarter sections, all the townships and fractional townships the exterior boundary lines of which you, by your contract with me of May 8, 1819, undertook to lay off and survey. For that part of this surveying not included in your said contract you will be entitled to receive from the United States the same fees per mile as you are to get for the surveying mentioned in your contract; provided, the surveys shall be correctly executed agreeable to the instructions with which you have been furnished by this office, and you do make the necessary and usual returns thereof to this office on or before December 8, 1819. Should you require more funds to enable you to complete the above-mentioned surveys, you are hereby authorized to draw on me for any sum not exceeding two hundred dollars, payable ten days after sight.

*Form of agreement between William Rector, surveyor general, and a deputy surveyor for surveying the public lands.*

Articles of agreement had, made, and concluded upon this sixth day of April, in the year of our Lord one thousand eight hundred and twenty-two, between William Rector, surveyor of the lands of the United States in the States of Illinois, Missouri, and Territory of Arkansas, acting for and in behalf of the United States of the one part, and Henry W. Conway and James S. Conway of the other part, witnesseth: That the said Henry W. Conway and James S. Conway, for and in consideration of the terms, provisions, and covenants hereinafter expressed, and according to the true intent and meaning thereof, doth hereby covenant and agree with the said William Rector, in his capacity aforesaid, that they, the said Henry W. Conway and James S. Conway, will do and perform the following surveying, agreeably to the laws of the United States and such instructions as may be given to them by the said William Rector, viz: They will lay off and survey the exterior boundary lines, and survey and subdivide into sections, and establish corners for quarter sections, forty townships and fractional townships, equal to forty complete townships of land, in the Territory of Arkansas; to consist in part of townships Nos. 1, 2, 3, 4, and 5 south of the base line, ranges Nos. 17 and 18 west of the 5th principal meridian. The remaining thirty townships to be selected and surveyed in the following described townships and fractional townships, viz: Townships



Nos. 11, 12, 13, 14, 15, 16, and 17 south (or to the Louisiana boundary) of the base line, ranges Nos. 19 and 20 west; townships Nos. 16 and 17 south, ranges Nos. 21, 22, and 23 west; townships Nos. 15 and 15 south, ranges Nos. 22 and 23 west; townships Nos. 14, 15, and 16 south, ranges Nos. 24 and 25 west of the 5th principal meridian, all north of Big Red river; townships Nos. 12, 13, 14, 15, 16, and 17 south (or to the north boundary of the State of Louisiana) of the base line, ranges Nos. 1, 2, 3, 4, and 5 west of the 5th principal meridian; townships Nos. 4, 5, 6, and 7 south, ranges Nos. 1, 2, and 3 east of the 5th principal meridian, except such lines or parts as may heretofore have been surveyed. The thirty townships so selected must be those townships and fractional townships which contain the greatest proportion of good land and timber, and are best calculated for compact settlements.

And the said Henry W. Conway and James S. Conway further covenant and agree, that if, in the course of performing the surveys aforesaid, any corner shall fall (whether of a township, section, or quarter section) within any prairie where bearing trees within a reasonable distance from such corner cannot be found, then, and in that case, and in all such cases, they will erect mounds of earth or sod to perpetuate such corners; the mounds to be at least two feet six inches high, and two feet six inches diameter at the base. And the said Henry W. Conway and James S. Conway further covenant and agree, that they will make out three neat and accurate plats and descriptions of each of the aforesaid townships and fractional townships which they shall survey as aforesaid, with all the lines thereof, according to their true length and position. And means shall be furnished by which the content of each and all the fractional sections can be calculated and ascertained, and that they will make the calculations of the content of each fractional section, and set it down on the plats of the townships and fractional townships. And that they will complete the surveys, plats, and descriptions and calculations as aforesaid, and make return thereof, together with the field notes, to the office of the surveyor of lands of the United States for the States of Illinois, Missouri, and Territory of Arkansas, within twelve months from the date hereof, on penalty of forfeiture and paying to the United States the sum of seventeen thousand dollars if default be made in any of the foregoing conditions.

And the said William Rector covenants and agrees, in his capacity aforesaid, that, on the completion of the work in the manner aforesaid, there shall be paid to the said Henry W. Conway and James S. Conway, on account of the United States, as a full compensation for the whole expense of surveying, making the plats, descriptions, and calculations aforesaid, three dollars per mile for every mile and part of a mile that shall actually be surveyed and marked, (random lines and offsets not included,) provided no member of Congress have any part in this contract.

In testimony whereof, the parties to this agreement have interchangeably set their hands and seals the day and year aforesaid.

HENRY W. CONWAY. [SEAL]  
JAMES S. CONWAY. [SEAL]  
WM. RECTOR. [SEAL]

Signed, sealed, and delivered in the presence of—

JOHN D. POTEET  
F. R. CONWAY.

18TH CONGRESS.]

No. 424.

[1ST SESSION.]

## EXEMPTION OF PUBLIC LANDS FROM TAXATION AFTER SALE IN INDIANA.

COMMUNICATED TO THE SENATE MARCH 8, 1824.

Mr. BARTON, from the Committee on Public Lands, having had under consideration a joint resolution of the general assembly of the State of Indiana, asking the consent of Congress to the revocation of that part of the compact between the United States and the State of Indiana, by which all public lands sold in that State after December 1, 1816, were exempted from taxation by the State for the term of five years after the sale thereof, made the following report:

By the general regulations for the sale of the United States lands, passed May 10, 1800, the United States reserved a reversionary interest, for the term of five years, in all lands by them sold. At the expiration of that term, if the lands sold were not fully paid for, they might, in the manner described in those regulations, revert absolutely to the United States, although during that term the purchaser had an estate in the lands purchased, (subject to the reversion,) which might have been taxed by the State in which they lie if no compact to the contrary had been made.

To guard this reversionary interest from the embarrassments that might have been created by the States exercising the right of taxation, and to prevent the debtors of the United States from being rendered less able to pay for their lands, the United States required, as one of the conditions to the propositions made to the several States of Ohio, Indiana, Illinois, Missouri, Mississippi, Louisiana, and Alabama, in the respective acts authorizing them to form their constitutions, that they should provide by ordinances irrevocable, without the consent of Congress, that all lands sold by the United States, within the limits of those several States, after the times limited in said acts respectively, should be exempt from any taxation under the authority of those particular States during the term of five years. With this condition each of the States complied.

Afterwards, by an act passed April 24, 1820, Congress, among other things, abolished the system of credit in the sales of public lands made after the first of July of that year.

Upon this event, the committee is of the opinion that every reason which induced that condition ceased; that the lands sold by the United States after July 1, 1820, being absolutely private property, became taxable of right by the States in which they lie; and that a proper case had then occurred in which to give the consent of Congress to the revocation of so much of those compacts as provide for the exemption in question, as seems, indeed, to have been anticipated and provided for by the several acts authorizing the formation of those States, and the ordinances passed by their conventions.

That the enhancement of the value of public lands was not the object of Congress in requiring those exemptions from taxation, is manifest from the fact that no such exemption has ever been attached to the

sale of lands in the several Territories of the United States, neither before nor since the adoption of the enumerated States into the Union. Yet, as the compacts in that respect were not revoked in point of fact, but remained in force to the present time; and as the exemption from taxation may have entered into the inducement to the purchase of lands heretofore sold under it, the committee deem it inexpedient to propose any change in those compacts that may affect lands heretofore sold by the United States.

But, believing that every reason for such exemptions has ceased with regard to the United States, and that great inequality and injustice are produced in those individual States by the unequal burdens imposed on that class of their citizens who purchased before the formation of their respective constitutions, and that class who purchased since; and also by a great diminution of the revenues of those States after it has ceased to be necessary, or even useful to the United States, the committee submit a bill declaring the consent of Congress to the revocation of so much of the said ordinances as establishes the exemptions complained of by the State of Indiana on her part, so far as they may affect lands hereafter to be sold by the United States.

18TH CONGRESS.]

No. 425.

[1ST SESSION.]

## LAND FOR THE USE OF SCHOOLS IN OHIO.

COMMUNICATED TO THE SENATE MARCH 23, 1824.

*Resolved by the general assembly of the State of Ohio,* That our senators and representatives in Congress be requested to use their exertions to procure the passage of an act to authorize the legislature of this State to select and locate so much of the public lands for the use of schools in that part of the State called the "Connecticut Reserve" as shall, together with such lands as have heretofore been set apart as an equitable proportion for that section of said reserve lying east of the Cuyahoga river, be equal in quantity to one thirty-sixth part of all the lands in said reserve; and also so much of the public lands for the use of schools within the tract called the Virginia Military Reservation as will be equal to one thirty-sixth part, agreeably to the original compact between this State and the United States.

*Resolved, further,* That the governor be requested to transmit a copy of these resolutions to each of our senators and representatives in Congress.

JOSEPH RICHARDSON,  
*Speaker of the House of Representatives.*  
ALLEN TRIMBLE,  
*Speaker of the Senate.*

JANUARY 22, 1824.

SECRETARY OF STATE'S OFFICE, *Columbus, Ohio, January 23, 1824.*

I certify the foregoing resolutions to be correct copies of the original rolls remaining in this office.  
JER. M'LENE, *Secretary of State.*

18TH CONGRESS.]

No. 426.

[1ST SESSION.]

## SURVEY AND DISPOSITION OF THE PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 24, 1824.

GENERAL LAND OFFICE, *March 23, 1824.*

SIR: I enclose two tables or statements, marked Nos. 1 and 2. No. 1 contains a statement, in columns, of the quantity of land which has been surveyed, the estimated quantity which has been surveyed and remaining unsold, and the estimated quantity to be surveyed in each district; also the amount of money due from individuals to the government December 31, 1820, and September 30, 1821 and 1822, respectively.

Table No. 2 contains a statement of the land sold, and amount of purchase money under the credit and cash systems, respectively; the total amount of both in each land district and State separately; and also the quantity of land relinquished under the act of 1821, with the amount for which it sold.

These statements have been made as accurately as the materials at present in this office will admit.

The relative quantities of the lands surveyed, those surveyed and unsold, and those estimated to be unsurveyed in each land district, vary daily with the progress of the surveys and the sales of the public lands.

The amount of lands "unsurveyed" is founded upon actual returns to this office, and excludes school lands and those private confirmed claims which have been surveyed and returned. The lands "surveyed and unsold" and the lands "unsurveyed" are estimated quantities, as we know that large quantities of lands are surveyed, the township plats of which have not yet been returned to this office, particularly in the land districts containing private confirmed claims; those claims not being in many cases surveyed, and, if surveyed, not being connected with the public surveys in such a manner as to enable the surveyor general to make out the township plats accurately.

I regret exceedingly the delay which has occurred in furnishing you with these statements, but it has been unavoidable.

Very respectfully, your obedient servant,

GEO. GRAHAM.

Hon. RUFUS KING.

No. 1.—Statement exhibiting the quantity of land surveyed, the quantity remaining to be sold, and the probable quantity remaining to be surveyed; also the balances due from individuals December 30, 1820, and September 30, 1821—22.

Land district.	Quantity of land actually surveyed, subject to sale, originally, after deducting reservations for schools, private claims, &c., up to the latest returns.	Quantity of land estimated to remain unsold in each district on June 30, 1822.	Estimated quantity of land remaining to be surveyed.		Balances due from individuals at the end of the quarter immediately preceding that in which the relief law of 1821 took effect, December 31, 1820.	Balances due from individuals on September 30, 1821, after the relief by relinquishment, under the act of Mar. 2, 1821.	Balances due from individuals on September 30, 1822, after the operation of the acts of March 2, 1821, and April 29, 1822.
			In each district.	In each State.			
OHIO.							
Marietta, including reserved sections in the Ohio Company's purchase....	652,800	500,113			\$90,777 47	\$59,426 70	\$43,641 50
Zanesville.....	1,629,220	709,499			370,892 44	270,591 81	192,196 73
Steubenville.....	1,869,964	418,223			257,810 62	175,038 77	131,350 39
Chillicothe.....	2,022,707	1,027,015			314,825 94	197,716 63	152,050 16
Cincinnati.....	3,413,521	752,632			994,844 19	685,834 07	526,818 00
Wooster.....	1,934,500	347,097			497,857 77	290,515 64	214,814 09
Piqua.....	2,365,529	2,344,736					
Delaware.....	2,031,791	1,802,106					
INDIANA.							
Jeffersonville.....	2,758,483	1,556,770			909,752 45	633,429 47	542,547 78
Vincennes.....	4,424,984	3,187,147			1,304,416 18	810,290 76	670,267 50
Terre Haute.....	2,600,384	2,465,210	564,480	1,046,272			
Brookville.....	2,198,622	1,712,136					
Fort Wayne.....	1,226,622	1,226,622	481,792				
ILLINOIS.							
Kaskaskia.....	2,035,840	1,737,933			490,183 36	234,991 56	204,485 04
Shawneetown.....	3,183,139	2,696,723			734,812 85	468,100 48	429,690 14
Edwardsville.....	3,565,956	3,046,272			527,024 24	252,498 12	207,127 61
District north of Edwardsville.....	1,330,311	1,330,311	1,332,480	3,683,904			
Vandalia.....	3,530,450	3,518,538	1,892,160				
Palestine.....	3,861,661	3,838,765	459,264				
MICHIGAN TERRITORY.							
Detroit.....	2,947,809	3,763,431	8,266,742		127,746 46	61,320 82	50,584 89
Southern district.....	903,369	No sales up to above date at the southern land office.		8,266,742			
MISSOURI.							
St. Louis.....	3,817,082	3,401,269	299,520		556,737 21	497,752 77	395,996 80
Howard county.....	3,444,500	2,985,932	4,999,680		1,504,119 76	415,834 32	338,119 07
Cape Girardeau.....	6,866,651	6,845,487	7,165,440		15,467,730		
Western district.....	1,934,071	1,904,071	1,869,330				
LOUISIANA.							
Northern district.....	590,395	567,448	8,862,560				
Southwestern district.....	1,405,440	1,405,440	9,207,680				
Southeastern district.....	222,240	222,240	2,551,740	22,945,500			
St. Helena Court-House.....			3,323,520				
ARKANSAS TERRITORY.							
Lawrence county, after deducting Arkansas county, } military lands. }	3,895,453	3,871,966	9,038,720				
	3,131,716	3,130,589	3,807,360	12,846,080			
MISSISSIPPI.							
West of Pearl river.....	2,915,097	1,791,965			972,023 38	774,387 11	684,093 50
Choctaw district.....	2,041,468	2,035,631	3,128,220	5,133,952			
Jackson Court-House.....	3,096,697		2,005,632				
ALABAMA.							
St. Stephen's district.....	2,577,022		1,690,304		1,298,724 44	785,690 98	739,746 81
Cahaba.....	5,958,400	4,821,284			3,616,887 24	2,538,774 41	2,260,270 24
Huntsville.....	5,801,600	4,671,849			6,014,073 87	2,805,225 97	2,760,710 96
Tuscaloosa.....	3,920,000	3,662,990		1,690,304			
Conecuh county.....	2,800,000	2,799,518					
	104,240,500	86,828,194	71,066,724	71,066,724	21,173,488 87	11,957,430 39	10,544,454 16

Estimated quantity surveyed.....	104,240,500 acres.
Do.....unsold.....	86,828,194
Difference in quantity sold.....	17,412,306
To which add sales at New Orleans, not included.....	80,437
	17,492,743
Also fractions not taken into view.....	23
Makes the quantity, as exhibited in the statements of land sold.....	17,492,766

The quantity of land exhibited as surveyed and remaining unsold in the southeastern district of Louisiana is the amount of the lots surveyed (agreeably to the ancient Spanish and French custom) on the rivers, bayous, and water-courses, between the Bayou Lafourche and the river Achafalita, which lands have been since proclaimed for sale. The quantity exhibited as sold in that district, in statement No. 2, (viz., 80,437 61 acres,) is the amount of the back concessions and pre-emption rights, of which no returns of survey have yet been made; their total quantity cannot even be estimated. Hence their amount is not included in the column of surveys.

For the two districts of Michigan it will be perceived that the quantity of land remaining unsold is stated in the aggregate. The reason of this is, that the southern district was partly formed out of the Detroit district; and the quantity sold at the land office at Detroit, in those townships now attached to the southern district, cannot readily be discriminated.

The quantity of land remaining unsold in the district of Jackson Court-House, in Mississippi, and the District of St. Stephen's, in Alabama, is also stated in the aggregate, for the reason that the former named district was formed, in part, by attaching to it all the lands in the old district of St. Stephen's which lie in the State of Mississippi. The quantity of land exhibited as surveyed in the district of Jackson Court-House is only that portion of the former which lie in the State of Mississippi. No surveys have been received south of the 31st degree of latitude in either of those districts.

## No. 2.

Statement exhibiting the quantity of land sold, and the amount of the purchase money in each land district, and in each State, from the commencement of the sales of lands at each office, up to June 30, 1828, after deducting lands reverted and relinquished to the United States.

Name of State and district.	Credit system.		Cash system.		Total amount in each district.		Total amount in each State.		Relinquishments.	
	Land sold after deducting lands reverted and relinquished.	Purchase money.	Land sold.	Purchase money.	Land sold.	Purchase money.	Land sold.	Purchase money.	Lands relinquished under the act of March 2, 1831.	Purchase money.
	<i>Acres.</i>		<i>Acres.</i>		<i>Acres.</i>		<i>Acres.</i>		<i>Acres.</i>	
<b>OHIO.</b>										
Marietta.....	146,382.492	\$354,403.96	6,324.58	\$7,906.44	132,687.074	\$362,309.404	11,159.244	.....	11,159.244	\$25,383.91
Zanesville.....	881,949.994	1,781,598.69	27,778.28	47,236.61	919,728.274	1,828,835.30	33,955.00	.....	33,955.00	71,453.43
Steubenville.....	1,414,735.41	3,028,073.12	50,006.15	69,311.93	1,464,741.56	3,090,385.05	29,400.84	.....	29,400.84	66,550.63
Chillicothe.....	976,397.36	2,101,097.27	18,894.92	23,018.33	995,292.28	2,124,115.60	46,020.10	.....	46,020.10	99,239.13
Cincinnati.....	2,642,066.42	5,365,423.14	18,185.99	22,371.15	2,660,252.41	5,387,794.29	102,476.08	.....	102,476.08	226,142.89
Wooster.....	846,941.27	1,819,799.95	38,463.03	49,050.88	885,404.30	1,868,850.13	48,101.35	.....	48,101.35	100,819.23
Delaware.....	.....	.....	229,685.50	294,236.82	229,685.50	294,236.82	.....	.....	.....	.....
Piqua.....	.....	.....	20,753.43	28,658.97	20,753.43	28,658.97	.....	.....	.....	.....
Totals.....	6,914,492.95 71 town lots.	14,657,454.44	430,137.96	535,600.79	7,331,630.92	15,193,055.24	7,331,630.92 71 town lots.	\$15,193,055.24	.....	.....
<b>INDIANA.</b>										
Vincennes.....	1,136,735.41	2,445,536.13	51,039.25	64,016.92	1,187,774.66	2,509,553.05	.....	.....	218,946.87	445,456.09
Jeffersonville.....	1,131,716.19	2,361,125.12	79,997.27	109,779.01	1,211,713.46	2,470,904.13	.....	.....	112,514.36	227,349.73
Terre Haute.....	.....	.....	135,174.36	177,276.93	135,174.36	177,276.93	.....	.....	.....	.....
Bloomington.....	.....	.....	486,486.06	654,484.29	486,486.06	654,484.29	.....	.....	.....	.....
Totals.....	2,268,501.60	4,706,661.25	726,709.94	994,497.75	3,001,311.54	5,703,149.00	3,001,311.54	\$5,703,149.00	.....	.....
<b>ILLINOIS.</b>										
Shawneetown.....	479,203.60	988,833.15	7,212.47	8,265.04	486,416.07	997,147.19	.....	.....	119,135.71	228,741.03
Kaskaskia.....	292,387.61	503,927.98	5,520.01	6,920.33	297,907.62	510,847.61	.....	.....	194,467.99	330,483.94
Edwardsville.....	471,331.70	547,109.73	48,333.14	60,477.79	519,664.84	607,585.51	.....	.....	132,046.85	266,770.52
Vandalia.....	11,919.45	15,272.54	11,919.45	15,272.54	11,919.45	15,272.54	.....	.....	.....	.....
Palatine.....	.....	.....	22,686.59	28,982.95	22,686.59	28,982.95	.....	.....	.....	.....
Totals.....	1,362,942.36	2,039,189.15	95,874.96	119,948.69	1,338,817.32	2,159,136.84	1,338,817.32	\$2,159,136.84	.....	.....



No. 2.—Statement exhibiting the quantity of land sold, and the amount of the purchase money in each land district, &amp;c.—Continued.

Name of State and district.	Credit system.		Cash system.		Total amount in each district.		Total amount in each State.		Relinquishments.	
	Land sold after deducting lands re-verted and re-linquished.	Purchase money.	Land sold.	Purchase money.	Land sold.	Purchase money.	Land sold.	Purchase money.	Land re-linquished under the act of March 2, 1821.	Purchase money.
<b>MISSISSIPPI.</b>										
Washington .....	<i>Acres.</i> 1,065,133.361	\$2,228,500.96	<i>Acres.</i> 37,999.03	\$49,692.69	<i>Acres.</i> 1,123,132.391	\$2,278,193.08			<i>Acres.</i> 74,819.62	\$149,639.24
Jackson, Choctaw district .....			5,837.14	9,015.04	5,837.14	9,015.34				
Jackson Court-House .....			Town lots in Mobile.	13,405.55	Town lots in Mobile.	13,405.55				
Totals .....	1,065,133.361	2,228,500.96	43,836.17	73,113.71	1,128,968.531	2,300,613.97	1,128,968.531	\$2,300,613.97		
<b>ALABAMA.</b>										
Huntsville .....	1,060,711.83	5,300,267.63	69,049.10	92,989.46	1,129,761.03	5,493,256.55			415,196.07	3,146,585.69
St. Stephen's .....	783,061.381	1,810,938.04	13,415.15	19,539.13	796,476.531	1,830,477.67			186,414.714	500,860.61
Canaba .....	1,335,431.901	4,173,359.46	101,684.48	143,714.00	1,437,116.381	4,317,073.66			398,790.45	1,367,546.70
Tuscaloosa .....			527,010.501	116,715.47	527,010.501	416,715.47				
Sparta .....			507 town lots.		507 town lots.					
			483,714	603.361	483,714	603.361				
Totals .....	3,079,205.414	11,374,565.381	441,641.95	673,561.94	3,520,847.361	12,048,127.531	3,520,847.361	12,048,127.531		
<b>MICHIGAN.</b>										
Detroit .....	49,895.01	104,640.68	44,839.40	60,685.78	87,747.41	104,726.46	87,747.41	104,726.46	30,341.72	63,389.58
<b>MISSOURI.</b>										
Franklin .....	392,748.951	937,706.75	65,823.96	83,466.18	458,574.911	1,041,173.93				
St. Louis .....	354,224.91	846,078.74	61,984.21	76,763.77	415,813.12	922,846.52			336,571.551	1,073,628.10
Cape Girardeau .....			41,164.76	51,810.00	41,164.76	51,810.00			120,291.041	301,627.68
Totals .....	746,973.861	1,803,785.491	168,578.93	219,039.96	915,552.791	2,015,833.411	915,552.791	2,015,833.411		
<b>ARKANSAS.</b>										
Lawrence county .....			23,467.96	29,492.41	23,467.96	29,492.41				
Arkansas .....			1,127.13	1,408.91	1,127.13	1,408.91				
Totals .....			24,595.12	30,901.32	24,595.12	30,901.32	24,595.12	30,901.32		
<b>LOUISIANA.</b>										
Ouchaite .....			2,947.69	3,654.61	2,947.69	3,654.61				
New Orleans .....			80,437.04	146,764.98	80,437.04	146,764.98				
Totals .....			83,384.73	150,419.59	83,384.73	150,419.59				
			33 town lots.		33 town lots.					
Totals .....			83,384.73	150,419.59	83,384.73	150,419.59	17,492,766.571	39,767,985.71	2,469,517.991	8,844,556.92
			33 town lots.		33 town lots.		754 town lots.			

18TH CONGRESS.]

No. 427.

[2D SESSION.]

## MILITARY BOUNTY LANDS.

COMMUNICATED TO CONGRESS, BY THE PRESIDENT OF THE UNITED STATES, DECEMBER 7, 1824.

DEPARTMENT OF WAR, *Section of Bounty Lands*, December 3, 1824.

SIR: In obedience to your instructions, I herewith hand you abstracts A and B. The first exhibiting a statement of the transactions of this office from its commencement to November 22, 1824; the second a report of the business of the office for the year ending September 30, 1824.

I have the honor to be, sir, very respectfully, your obedient servant,

WM. M. STEUART, *Clerk*.Hon. J. C. CALHOUN, *Secretary of War*.

## A.

*Abstract of the number of warrants issued for military bounty lands, for services in the late war, up to November 22, 1824, inclusive, viz :*

1. Authorized by the act of December 24, 1811, and January 11, 1812.....	25,347
2. Authorized by the act of February 6, 1812.....	129
3. Authorized by the act of December 10, 1814.....	1,017
4. Authorized by the act of March 5, 1816.....	268
Total number of warrants of these cases.....	<u>26,761</u>

Number of warrants of the first and second description, 25,476 of 160 acres each.....	4,076,160
Number of warrants of the third description, 1,017 of 320 acres each.....	<u>325,440</u>

Number of warrants of the fourth description, 268, (Canadian volunteers).....	4,401,600
	<u>74,032</u>
	<u>4,475,632</u>

N. B.—In this class of claims officers received land in different proportion from privates.

*Return of claims included in the above statement which have been deposited in this office since the war, viz :*

Discharges and posthumous claims.....	<u>32,122</u>
Whereof, number admitted for which warrants issued under the first, second, and third class.....	26,493
Number returned to the applicants for further evidence, or definitively rejected....	5,155
Number remaining on file waiting further evidence.....	<u>474</u>
	<u>32,122</u>

Return of "Canadian volunteer" claims deposited in the office since March 5, 1816.....	<u>436</u>
Number admitted on which warrants have been granted.....	268
Number rejected not entitled to land.....	40
Number still remaining on file awaiting further evidence of service, &c.....	<u>128</u>
	<u>436</u>

The number of claims for five years' half-pay pension, in lieu of bounty land, under the several acts of Congress granting that option, that have been deposited in the office from April 16, 1816, the date of the first act, to March 4, 1822, the day of the expiration of the third and last act, are.....	<u>1,631</u>
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Disposed of as follows, viz:

Admitted, and certificates sent to the Pension office.....	1,184
Rejected, not being entitled to that option.....	429
Suspended until it can be ascertained to what regiment the soldier was attached....	<u>18</u>
	<u>1,631</u>

The number of claims for revolutionary bounty land under the several acts of Congress passed since the burning of the War Office in the year 1801 that have been deposited in the office are.....	<u>5,622</u>
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Disposed of as follows, viz:

Number admitted for which warrants have been issued.....	1,070
Number rejected not being entitled to land, or which had been previously satisfied..	4,455
Number remaining on file awaiting additional documents or authority to receipt for the warrants .....	97
	<u>5,622</u>

*Warrants issued since April, 1803, included in the above statement.*

1st class, to major generals.....	3, of 1,100 acres each....	3,300
2d class, to brigadier generals.....	3, of 850 acres each....	2,550
3d class, to colonels.....	8, of 500 acres each....	4,000
4th class, to lieutenant colonels, hospital surgeons, &c.....	14, of 450 acres each....	6,300
5th class, to majors and regimental surgeons.....	22, of 400 acres each....	8,800
6th class, to captains and surgeons' mates.....	99, of 300 acres each....	29,700
7th class, to lieutenants and adjutants.....	91, of 200 acres each....	18,200
8th class, to ensigns.....	13, of 150 acres each....	1,950
9th class, to privates.....	817, of 100 acres each....	81,700
	<u>1,070</u>	<u>Acres..... 156,500</u>

WILLIAM M. STEUART, *Clerk.*

DEPARTMENT OF WAR, *Section of Bounty Lands, December 3, 1824.*

### B.

*Abstract of the number of warrants issued for military bounty lands, for services in the late war, from November 22, 1823, to November 22, 1824, inclusive, viz:*

1. Authorized by the act of December 24, 1811, and January 11, 1812.....	190
2. Authorized by the act of February 6, 1812.....	2
3. Authorized by the act of December 10, 1814.....	7
	<u>199</u>
Number of warrants of the first and second description, 192, of 160 acres each.....	30,720
Number of warrants of the third description, 7, of 320 acres each.....	2,240
	<u>32,960</u>

*Return of claims which have been deposited in the office from October 1, 1823, to September 30, 1824, inclusive, viz:*

Discharges, &c.....	398
On file at date of last report.....	606
	<u>1,004</u>
Whereof, number admitted, for which warrants issued.....	205
Number returned to the applicants for further evidence, or rejected.....	325
Remaining on file awaiting further evidence of service, &c.....	474
	<u>1,004</u>

The "Canadian volunteer" claims still remain suspended, awaiting further evidence of service, &c.

The claims for five years' half-pay pension, in lieu of bounty lands, also remain suspended, awaiting proof of service, &c.

The number of revolutionary claims on file at the date of the last report were.....	123
Received from October 1, 1823, to September 30, 1824, inclusive.....	218
	<u>341</u>

Disposed of as follows, viz:

Rejected, not being entitled to land, or which had been previously satisfied.....	202
Admitted as being entitled, but awaiting additional documents or authority to receipt for the warrants.....	17
Suspended and still on file.....	97
Warrants issued (amounting to 4,650 acres).....	25
	<u>341</u>

WM. M. STEUART, *Clerk.*

DEPARTMENT OF WAR, *Section of Bounty Lands, December 3, 1824.*

18TH CONGRESS.]

No. 428.

[2D SESSION.]

## SURVEYS NORTH AND SOUTH OF RED RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 27, 1824.

TREASURY DEPARTMENT, December 24, 1824.

SIR: In obedience to a resolution of the House of Representatives of the 14th instant, requiring the Secretary of the Treasury to inform "the House of the causes which have retarded the surveying of the public lands north and south of Red river; whether the said surveys are progressing; at what time the said public lands will be ready for sale; and whether any further legislative measures are necessary," I have the honor to submit a report of the Commissioner of the General Land Office, together with four papers, marked A, B, C, D, which contain all the information required by the resolution.

I have the honor to be your most obedient servant,

WM. H. CRAWFORD.

Hon. H. CLAY, *Speaker House of Representatives.*

GENERAL LAND OFFICE, Washington, December 17, 1824.

SIR: In compliance with a resolution of the House of Representatives, dated the 14th of this month, in the following words: "*Resolved*, That the Secretary of the Treasury be directed to inform this House of the causes which have delayed the surveys of the public lands and private land claims in the district south and north of the Red river, in Louisiana; whether the said surveys are progressing, and if not, what are the reasons; at what time the said public lands will be in a state of readiness for sale; and if any further legislation be deemed necessary for the bringing of said public lands into market," and which has been referred to this office, I have to state that the great body of the lands lying in the districts north and south of Red river, in the State of Louisiana, consist of piney barrens and extensive prairies; that the valuable lands are confined principally to the margins of water-courses emptying into the Mississippi swamp and the swamp itself. This latter description of lands, except where the water-courses approach the prairies, are alluvial lands, covered with cane and other growths, which make them very difficult to survey. Of the piney barrens and prairie lands, large quantities have been surveyed, and so small a portion of them has been sold that it has been deemed proper to suspend, for the present, the surveying of this description of lands.

The lands adjacent to the water-courses being valuable, the private claims are confined almost exclusively to and occupy a very great portion of them; the only salable lands, therefore, belonging to the government in these land districts, with very slight exceptions, and which it is at present desirable to bring into market, is that portion of this description of lands which is interspersed among and free from private claims.

The surveys of these lands cannot be completed, nor can any sale of them take place until *all* the private claims are located and surveyed.

The causes which have retarded and arrested the surveying of the private claims are various. The following are, however, some of the most prominent:

The renewal and extension of the several acts for the final adjustment of land claims in these districts, and the revival of the *fifth* section of the act of 1811 relative to what is termed back or double concessions by the acts of 1820 and 1823. From the year 1804 until the present time, with a short interval, the several acts for the final adjustment of land claims have made it impracticable to close the township plats within which there were private claims in the district south of the Red river, in Louisiana; and these causes only ceased to operate in the district north of the Red river in 1823. The period for entering back concessions expired only in August last. These causes, in themselves, satisfactorily account for the delay, and show the legal impediment to the completion of the township plats, in which there were private claims, and the consequent impracticability of bringing into market the public lands lying within such townships. (See paper marked A.)

Although these causes satisfactorily account for the impracticability of bringing into market the public lands interspersed among the private claims, yet that progress which the public had a right to expect in surveying the private and public lands thus situated has not been made, and which, even under existing difficulties, ought to have been made. This, among other causes, may be attributable to the death of the surveyor, Colonel Freeman, in 1823, and the dismissal of his successor last spring; and, up to the present time, the progress of these surveys are arrested by attempts to locate fraudulent claims and to make improper locations of claims that may, perhaps, have been properly recommended for confirmation.

It is believed that the reports of the land officers at New Orleans, dated November 20, 1816, and January 6, 1821, and that of the register of the land office north of Red river, dated January 1, 1821, include and recommend for confirmation many fraudulent claims, and claims not entitled to confirmation, and which claims were confirmed on their reports. Some of the claims contained in the report of the register at New Orleans have, I understand, been admitted to be fraudulent, and I refer to the enclosed papers (marked B) for the information in relation to some of the other cases alluded to. From information received at this office, there is reason to believe that many similar and equally unfounded claims have been filed with the register at Opelousas, whose report, as required by the act of 1820, has not yet been returned.

The experience, talents, and indefatigable industry of the present surveyor, Mr. Davis, afford good reason to believe that the surveying of the public and private claims in the districts south and north of Red river, in Louisiana, will progress with as much expedition as the difficulties inherent to this portion of his difficulties will permit; and it is believed that a large portion of the lands lying on the Mississippi and Red river, in the district north of that river, will be prepared for sale in the course of the ensuing year. Surveys for part of these lands have lately been returned to this office and may be proclaimed for sale at any time that may be deemed expedient.



Although it would seem that the causes which delayed the surveys of the public lands and private claims in the districts south and north of Red river may be attributable, to a certain extent, to prolonged legislation, yet further legislative provisions may be deemed necessary.

By an act passed May 11, 1820, entitled "An act supplementary to the several acts for the adjustment of the land claims in the State of Louisiana," the register of the land office at Opelousas was required to report to the Secretary of the Treasury all the claims filed with him in pursuance of that act, with his opinion thereon, by January 1, 1821. Many claims under that act were filed with the register, but he omitted to make any report in relation to them while in office, and his successor could not legally make such report. A letter, however, a copy of which (marked C) is transmitted, was addressed to the present register from this office requesting him to make the report, with a view to submit it to Congress. Should this report not be received in time to be acted upon this session, it will be necessary to make some legislative provision for the case.

The act of April 31, 1806, provides for the appointment of two principal deputy surveyors with a salary of \$500 each, and certain fees of office, in the Territory of Orleans; and the act of March 3, 1819, provides for an additional principal duty.

This organization of the surveying department in Louisiana was suggested with a view of accommodating the private claimants and facilitating the surveying and patenting of their lands. If, however, we are to judge from results, it seems not to have been a happy one. A similar organization of the surveying department exists now in no other State; and in every other State or Territory where there have been private claims, (and they extend to all,) there has been no such delay and difficulties incident to the surveying and patenting of the private claims as have occurred in Louisiana.

Previous to my coming into office no patent had been issued on any private confirmed claim in that State; and since I came into this office, notwithstanding my attention was early drawn to the subject, but two patents have been issued, and one of them was on a claim improperly recommended for confirmation, and improperly patented, it appearing, subsequent to the issuing of the patent, that it covered reserved public lands occupied for public uses. This organization of the department has a tendency to divide responsibility and to lessen that of the surveyor for the district, to whom alone this office can look for the due execution of all the surveying within his district. It is suggested, therefore, for the consideration of Congress, whether these offices ought not to be abolished. So far as they are depositories of the surveys and field notes, they may occasionally afford accommodation to individuals. The paper marked D contains an extract of a letter from me to the surveyor (Mr. Davis) on this subject, with his answer.

All which is respectfully submitted.

GEORGE GRAHAM.

The SECRETARY of the Treasury.

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*Extract of a letter from the Commissioner of the General Land Office to Levin Wailes, esq., surveyor south of the State of Tennessee, dated*

"GENERAL LAND OFFICE, September 12, 1823.

"The general object of my instructions to you has been to expedite, as far as practicable, the surveying of all that part of your district which is in any way connected with the surveying of private confirmed claims, and not to authorize, at present, the surveying of any townships unconnected with such claims other than those which you had been instructed to survey previous to my communications. You are authorized, however, to contract for the surveying of any of the lands which you may deem it expedient to survey, under my former instructions, on bayous, lakes, &c., and in conformity to the second section of the act of March 3, 1811."

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A.

*Extract of a letter from the Commissioner of the General Land Office to George Davis, esq., surveyor general Washington, Mississippi, dated June 30, 1824.*

"In relation to the views of this office as it respects the surveying of public lands, private claims, and back concessions, in your surveying district, I must refer you to and request your perusal of the letters addressed by me to Mr. Wailes, of the following dates: 1823, July 18, 27; August 19, 28; September 8, (circular,) September 12; November 12, 17; December 19 and 31; 1824, January 10, 12, 30; March 4; April 1. To no one of these letters has a direct answer been given, so far as I recollect, by Mr. Wailes.

"The principal object of these communications, and it is one to which I must call your particular attention, was to hasten the completion of the surveys of the private claims and back concessions in Louisiana, and to connect those heretofore made with the township lines, where such have been or are intended to be run, in order that the necessary returns may be made to this office, on which patents could be issued. In accomplishing this, all the residuary public lands adjacent to and interspersed among the private claims would be ascertained and prepared for sale. These surveys will include nearly all the good lands in every land district in the State of Louisiana which is at present desirable to bring into market, with the exception of the lands lying immediately on the Mississippi above Natchez and extending to the northern boundary of the State, the surveying of which, it is presumed, is nearly if not quite completed; only two township plats, however, of these lands have been returned to this office. Until these objects are accomplished, the surveying of any other lands in the State of Louisiana should be suspended.

"The several acts of Congress allowing further time for the adjudication of private claims in the district of St. Helena and Opelousas will occasion some legal impediment to the immediate final completion of the township plats in those districts. Nevertheless, much progress may be made in surveying and connecting with the township lines the private claims which have been heretofore confirmed and the back concessions in Opelousas.

"To the completion of the several series of surveys in the southeastern district and of the plats of those townships containing private claims in the district north of Red river there exists no legal impediment; and every effort should be made by you to have the surveys in those districts completed and the plats returned to this office with as little delay as possible.

"You will take every possible precaution to guard against the unnecessary resurvey of the public lands or private claims which have heretofore been surveyed and paid for either by individuals or the public."

*Copy of a letter from George Graham, esq., Commissioner of the General Land Office, to Samuel H. Harper, esq., register of the land office at New Orleans, Louisiana, dated*

GENERAL LAND OFFICE, September 19, 1823.

SIR: On reference to the reports made by yourself and the receiver, bearing date November 20, 1816, I find that the claims of Joseph Gabon and James Felice on the Bayou Boeuf, for about one league front and forty arpents deep on each side of the bayou, and the claims of Joseph Talbo and John Toledo on the Bayou Caillon, for similar quantities, must be considered as confirmed by the act of 1820. As these lands were not settled and probably not surveyed when the lands which we have lately advertised for sale on those bayous were run out, it is possible that there may be some interferences. This fact should be ascertained by the principal deputy surveyor previous to the sale; and if there is an interference, those lots covered by the private claims should be withheld from sale, provided the private claims have been surveyed on the lands designated in the original order of survey; and upon this point the principal deputy surveyor should be perfectly satisfied.

If the whole or any part of the claims above mentioned have not been surveyed, and if the designation in the original order of survey of the places of location on the respective bayous is so vague as to produce any doubt in the mind of the principal deputy surveyor as to the proper point of location, he will in that case take care so to survey them as not to interfere with the lands surveyed and advertised for sale by the United States, and he will make a special report of the facts in the case to this office.

The private claims on the Bayou Darbonne having been granted on account of settlement principally, I presume that there is no danger as to interference with them. It is possible, though I think not probable, that there may be some old grants on the Bayou Grostete which may interfere with the lands proclaimed for sale; this should be inquired into previous to the sale.

Can you give me any information on the subject of the claim of the Chotamache tribe of Indians on the Bayous Plaquemine and Jaques? Do the Indians now occupy the land, or is it occupied by others? If so, under what title? The Indians, I presume, had no right either to lease or to sell the lands.

You will please furnish the principal deputy surveyor with a copy of this letter for his information and guidance on the points mentioned.

I am, with great respect, &c.,

GEORGE GRAHAM.

*Extract of a letter from the Commissioner to S. H. Harper, esq., register, &c., New Orleans, dated*

GENERAL LAND OFFICE, October 12, 1823.

"Having had occasion to refer to the claims of the Marquis de Lafayette, I find that you have, by your report dated November 20, 1816, recommended the confirmation of a claim filed by Cooley for two thousand acres of land, which interferes materially with the lands patented to the marquis on the Mississippi, and adjacent to the bayou.

"In your report of the case of Charles Grass, on which that of Cooley depends, you observe that the commissioners rejected this claim, and others of a similar nature, principally on the ground of abandonment, alleging 'that the Spanish government would, upon application, have granted the same land to others,' and in which opinion you concur.

"I presume, therefore, that you had no knowledge of the grant to the marquis at the time you reported in favor of the claim of E. Cooley; for if the Spanish government would have granted these lands on the application of an individual, it would seem the United States had the right to grant the land, particularly after the solemn decision of the commissioners, and that on the ex parte testimony of the claimant. I will thank you to furnish me with certified copies of all the papers filed in your office relative to the claim of E. Cooley.

"GEORGE GRAHAM."

*Extract of a letter from J. Wilson, esq., principal deputy surveyor, to George Graham, esq., Commissioner of the General Land Office, dated*

NEW ORLEANS, March 13, 1824.

"In a letter directed to the register under date of September 19, 1823, (a copy of which was furnished me,) in relation to the claims of James Gabon and Joseph Felice on the Bayou Boeuf, and J. Talbot and John Toledo on the Bayou Caillon, I am directed to survey them in such manner as not to interfere with the lands surveyed and ordered for sale, provided the designation of the places of location is not pointed out in the original order of survey. As there are a great many claims similarly situated with those, (no place of location being designated,) I would beg leave to ask whether the same rule shall apply to them all, the claimants having in many instances selected the best lands among the lots already surveyed, and located themselves upon them. Should this be allowed, it will create much confusion, and leave fractional lots to be sold, besides a very great loss to the government if left in the power of the claimants to select lands wherever they please. I would beg the favor of a reply, addressed to me at Donaldsonville.

"With great respect, I have the honor to be, sir, your obedient servant,

"J. WILSON, Principal Deputy Surveyor."

*Extract of a letter from the Commissioner of the General Land Office to John Wilson, esq., principal deputy surveyor, Donaldsonville, Louisiana, dated April 15, 1824.*

"The recommendations of the register and receiver in favor of the claims of Gabon, Felice, Talbot, and Toledo are evidently founded on the principles established by the 1st section of the act of April 12, 1814.

"That act requires that the warrant or order of survey either should have been located or that it should contain in itself a *special location*. The rule, therefore, for you to follow, in relation to these as well as other cases similarly situated, is to refuse to survey unless satisfactory evidence is produced to show that the land required to be surveyed is the particular land designated in the warrant or order of survey. And the rule should be particularly attended to in cases where the land has been surveyed by this government, as the Spanish government never would have permitted a floating warrant to have been located on lands subsequent to the surveying of them by the government for any purpose whatsoever.

"Yours, very respectfully,

"GEORGE GRAHAM."

SURVEYOR'S OFFICE, *Washington, Miss., October 16, 1824.*

SIR: In a letter from me to the Commissioner of the General Land Office dated 16th August last, speaking of the surveys of private claims north of Red river, I took occasion to remark that "these surveys are progressing slowly at present, under orders from Mr. Wailes, before I relieved him; that they should be executed at the expense of the claimants, on the ground, as I understand, that these claims being in fact *donations*, the evidence upon which they were confirmed having been false and fraudulent, the donation itself was sufficient loss to the government without the expense of surveying being superadded."

The Commissioner, in reply to this part of my letter, observes: "I do not understand the distinction taken by Mr. Wailes in relation to the claims north of Red river. If the evidence on which any claim has been confirmed is 'false and fraudulent,' it affects the validity of the claim and not its classification; and in all cases where testimony is furnished to this office to show that a claim has been confirmed on 'false and fraudulent evidence' patents will be withheld. I will thank you to call upon Mr. Wailes and ascertain the grounds he has for believing that there are any claims which have been confirmed on such testimony."

Whether the information that gave rise to the remark in my letter to the Commissioner was derived directly from yourself, or from Mr. Bramhall, chief clerk in this office, or from both, I do not now recollect; nor is it very important that I should, since, had the question of who should pay the surveying expenses been a doubtful one, which it does not now seem to be, the motive imputed to you as having influenced your decision does you, in my opinion, great honor.

The conversations I have heard in relation to the manner in which the confirmation of many or most of those claims have been obtained, as well as in relation to the testimony offered to influence, in some instances, their location, are both shocking and astonishing.

I have chosen this mode of soliciting of you any information you can communicate on this subject likely to be useful, in however small a degree, towards protecting the interests of the government against a lawless combination of individuals.

I am, very respectfully, sir, your obedient servant,

G. DAVIS.

LEVIN WAILES, Esq.

WASHINGTON, *Miss., October 16, 1824.*

SIR: Most of the information I have had on the subject of the claims referred to in your letter of this date, just received by Mr. Winston, was derived from Kenneth McCrummen, esq., to whom, as he is now here, I beg leave to refer you, and recommend your reducing to writing such information as Mr. McCrummen will afford you. I shall answer your letter more fully in a few days. I write this in a hurry that you may call on Mr. McCrummen before his departure for Louisiana.

I am, very respectfully, your obedient servant,

LEVIN WAILES.

GEORGE DAVIS, Esq., *Surveyor General.*

WASHINGTON, *Sunday Morning, October 17, 1824.*

DEAR SIR: In a letter I yesterday wrote to Levin Wailes, esq., I made inquiry of him, at the desire of the Commissioner of the General Land Office, respecting certain supposed fraudulent practices in a particular district of Louisiana, by means of which public lands have been converted, or are converting, into private property, without any valuable consideration being given in exchange for them.

Mr. Wailes, in a hasty reply, promises to answer me more fully hereafter, and, in the meanwhile, refers me to you as one from whom much useful information may be obtained.

As you are presumed to be intimate with Mr. Wailes, he will, no doubt, give you the perusal of my letter to him, as well as of his answer, by which means you will be better informed of the nature of my inquiries; and I solicit, and have the greatest confidence of obtaining, from you all the useful information you shall be able to furnish. I must beg of you to reduce it to writing, and leave nothing untold which you may suppose likely to be useful on the subject.

With great respect, your obedient servant,

G. DAVIS.

KENNETH MCCRUMMEN, Esq., *Deputy Surveyor—present.*



WASHINGTON, October 18, 1824.

SIR: The private claims to which you refer and of which, by your letter dated yesterday, you desire me to afford you any information in my power, I understand to be those filed with and reported by the register of the land office north of Red river, in the State of Louisiana. The task you have imposed on me is an unpleasant one. Nevertheless, as an officer acting under the authority of the government of the United States, I consider it my duty to withhold no information from you which can tend to detect any fraud practiced or intended to be practiced on the government.

It will be proper that I should particularize some of the claims which are said to be derived from settlements which have been established by oral testimony. I begin with the claim of Richard Green, of *one league square*. I believe it will be found, by a recurrence to former statutes under which the American government provided for the adjustment of land claims in Louisiana, that a mere occupancy right could in no case exceed the quantity of two thousand acres; and this required an occupancy, as well as I can recollect, of ten years before the cession of Louisiana to the United States. If the occupancy commenced from a later date, a settlement right could not exceed one mile square, or 640 acres; no person could hold more than one such right, nor could he hold that if he held land under any other title from the Spanish government. It is within my knowledge that this same Mr. Green, at an early date, filed his claim to a tract of land in the parish of Catahoula, and was confirmed to the extent of 640 acres by the commissioners for adjusting such claims at Opelousas. This ought to have barred his claim to the tract he now claims; but if this had been a valid claim, is it not strange and inexplicable that he did not enter it when he entered the first? I shall, however, show the whole ground of this claim to the tract of a league square as I have it from Green's own witness. Philip O'Neal, whose testimony was taken before the late Reuben T. Sacket, then a justice of the peace, has, I understand, been made to testify that he, the said O'Neal, did, for some years before the change of government, say twenty-two or twenty-three years, occupy, inhabit, and cultivate the said land for the claimant, *Richard Green*. I do not pretend to state the testimony word for word; I only give what I understood to be the substance of it. Philip O'Neal assures me that his testimony has not been minuted by this justice of the peace as he gave it in; he has repeatedly said, to myself and others, that, when a boy, about twenty years ago, perhaps about the time of the change of government, or a year or two before, he, said O'Neal, accompanied his father on a hunting excursion up the Rigolet, the water-course on which Mr. Green claims this land, at that time an unsettled wilderness, and for the purpose of getting cypress bark to cover cabins at the place where his father then resided; that the getting this cypress bark was the only improvement which he or his father made on the place; that three or four years ago Dr. Green came to him, O'Neal, and offered him \$50 for the improvement so made; that he informed Dr. Green that he did not pretend to have any claim to the land, but Green insisting on giving him the \$50, he agreed to let him have the claim, such as it was, and such as he has stated it to be; that a few months afterwards he was cited before R. T. Sacket to give testimony in the claim of Richard Green; and that when on oath he made the statement corresponding with the foregoing information, and no other.

Louis L. Huffman is another person who has obtained the confirmation of his claim, under the report of the register north of the Red river, for a tract of 640 acres of land. He had originally claimed a tract with ten arpents of front, with forty arpents in depth, (say 400 arpents, equal to 338 acres,) to which extent his claim was confirmed by the register and receiver at Opelousas. To obtain an enlargement of this tract he has found it convenient to claim (on the same ground, in part) 640 acres, for which he has obtained confirmation. A reference to former acts of Congress will show that he ought to have been confined to his first claim if, indeed, he was legally entitled to that.

The heirs of Benjamin Miller claim under the settlement of their father. One claim, lying in the parish of Catahoula, has already been confirmed to Benjamin Miller for 640 acres. This, by former acts of Congress, ought to bar the claim filed with the register at Ouachita for the benefit of his heirs.

Adam Huffman has also a claim favorably reported on by the register north of Red river. The father of the claimant, whose name was Adam also, with some of his neighbors, erected cow-pens on this land, probably for the purpose of gentling their wild cattle; the son has found it convenient to call it a *stock farm*; and he has produced, as I suppose, such testimony as satisfied the register north of Red river that his claim was a valid one. On this ground there appears a small improvement, which I know to have been made only five years past by some wood-cutters, who remained three or four months on the land, cutting and carrying away the public timber.

August O'Neal's claim is of so little value that the inhabitants neither care nor say much about it, thinking the loss will not be great to the government if they should be swindled out of it. There is no improvement on it, however, that appears to have been made longer ago than eight or ten years, perhaps long enough since to entitle him to the right of preference to purchase from the United States.

I have no better opinion of the claims said to have been founded on concessions from the Spanish government, and filed with the register north of Red river at Ouachita. It is possible, and barely possible, that there may be some few valid and honest claims among them; but it is my opinion, and that of the most respectable inhabitants of the parishes of Natchitoches and Rapides, that the far greater part of these documents are base counterfeits. It is true I have seen none of those papers myself, but I have heard respectable persons and *good judges*, who have seen many of them, speak publicly of them, not only as counterfeits, but very bungling counterfeits. Besides, I have inquired of the most ancient and respectable inhabitants of both these parishes, who assure me that they never before have so much as heard the names of any of the persons to whom those large and valuable tracts of land are said to have been granted by the Spanish government.

I have myself been very generally acquainted in the parishes of Rapides and Natchitoches and Catahoula for about sixteen years. I have never heard the names of any of these grantees before, nor do I believe the names of any of them are to be found on any records of either of those parishes. In short, the whole thing is ridiculed and condemned by every honest man in the northern district as a base attempt to defraud the government. It is a curious fact that all those grants are, although purporting to have been made some thirty and more years ago, (or past,) for the most part, for the most valuable lands in the State, in situations which were totally unknown to any civilized man until long since the cession of Louisiana to the United States, and not until, by the running and marking the public lines, facilities were given by which the country could be examined.

If the act of Congress confirming the claims under consideration has not placed them on a footing beyond the control of the government, I do not hesitate to say that it is my belief that the government



would save a million of dollars at least by ordering all the documents of title which were filed with either of the registers in that part of Louisiana called the Territory of Orleans, under the last acts granting indulgence to land claimants, to be transmitted to the seat of government, and there scrutinized and investigated by gentlemen well acquainted with such documents, and competent to judge of their authenticity.

I am, with great respect, sir, your very obedient servant,

KENNETH McCrummen.

GEORGE DAVIS, Esq., *Surveyor General south of Tennessee.*

SURVEYOR'S OFFICE, *Washington, Miss., October 23, 1824.*

SIR: The correspondence between myself and Messrs. Wailes and McCrummen, of which a transcript is herewith enclosed, in relation to the land claims confirmed by the second section of the act of Congress of February 28, 1823, has resulted from the request made in the closing part of your letter to me of the 11th ultimo, to which I have but a single additional remark to offer: that if all that I daily hear upon the subject be not mere idle stories, it will require but a little further indulgence by Congress to the persons for filing notices of claims to wrest from the government all the lands in that interesting district of Louisiana worth being surveyed.

I have the honor to be, with great respect, sir, your most obedient servant,

C. DAVIS.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington City.*

P. S.—No other letter has been received from Mr. Wailes.

*Extract from a letter from George Davis, esq., surveyor, &c., dated*

WASHINGTON, MISS., *October 29, 1824.*

SIR: I have been so beset, for two or three days past, by a land claimant, under the second section of the act of February 28, 1823, of the name of Bowie, that I have been able to think of scarcely anything else. A deputy surveyor, Mr. Milo Johnson, had been surveying claims of this kind, and chiefly for this individual, slowly, for about a year previously to my arrival here, under orders from Mr. Wailes, and I found a considerable bundle of his papers in the office when I took possession of it; they had laid dormant ever since, until within a few days past.

The claimant is extremely anxious to obtain my approval of Johnson's locations, in order to facilitate the sale of the lands to squatters. When any of those squatters are found on good tracts of land, these locations are laid on them; and after the parties come to an understanding on the subject, the squatters are found ready to assist in the most iniquitous means of defrauding the government, or so says report.

In one instance, and it was the first presented to my notice, the location is laid on a bayou called in all the maps that I have seen, as well as by the present inhabitants of the vicinity, Bayou Tensas; whereas his claim calls for Bayou Mason, (in French, Maçon,) situated a considerable distance further from the Mississippi than the former, and both running nearly parallel to it.

B.

*Extracts of a letter from George Davis, esq., surveyor south of the State of Tennessee, dated*

SURVEYOR'S OFFICE, *Washington, Miss., November 1, 1824.*

SIR: In your letter of general instructions of the 30th of June last you seem to suppose that all the good lands on the Mississippi between Natchez and the north boundary of Louisiana, in that State, had been already surveyed. Whatever public land may still remain to be surveyed, the maps transmitted with my letter to the General Land Office of the 22d ultimo, in addition to the two some time previously forwarded by Mr. Wailes, comprehend the whole that has yet been surveyed in that part of the north of Red river district.

Being about to enter into a contract with Mr. E. S. Ludlow to complete the survey of these lands between the part heretofore surveyed by him and the north boundary of the State of Louisiana, I transmit herewith a copy of a draught of that part of the work the exterior lines of which have been heretofore surveyed and paid for by Mr. Wailes.

This draught is forwarded for the double purpose of presenting a portion of the work upon which the accounts of Mr. Wailes have been founded, and of exhibiting a location recently attempted to be made on Lake Providence and Bayou Tensas of two private claims, the confirmations of which, by the second section of the act of February 28, 1823, called for Bayou Maçon, situated a considerable distance further from the Mississippi river than the former.

You will find these claims on the list in the name of Juan Gonzales and Francisco Andante;\* the real claimant is, however, named Bowie. I have declined approving the surveys on account chiefly of their mislocation, or of their being laid in a part of the country not warranted by the grant. I transmit the affidavits of two individuals said to have been squatters on those lands; they were obtained by the claimant in order to induce the surveyor to make the location. It is acknowledged, I believe, on all hands, that the bayou is still called Tensas. In relation to these locations I shall only further remark, that it is pretty confidently believed by some that the real Bayou Maçon derived its name originally from a noted river pirate named Mason, who had his haunts on it in the year 1804-'5, and who was killed by

one of his men in order to secure the reward offered for his capture by the proclamation of Mr. Jefferson, while President of the United States. Happening to be in this village myself when the fellow came here to demand his reward, I can have no doubt of the time; and were the fact established that the etymology of the name of the bayou has been correctly ascertained, it would destroy the validity of the claim altogether, as the claims themselves look as far back for their origin as 1788 and 1789, respectively.

## C.

GENERAL LAND OFFICE, September 7, 1824.

SIR: Your predecessor, Mr. Wailes, made no report to this office relative to the claims filed with him agreeably to the provision of the second section of the act supplementary to the several "acts for the adjustment of land claims in the State of Louisiana," passed May 11, 1820. As the surveying of the private claims which have heretofore been confirmed in your district cannot be so closed as to give to the claims their respective sectional numbers until all the claims in each township shall have been finally acted upon, and as much time will be lost and the claimants generally, as well as the public, subjected to great inconvenience by delaying the returns until a special act of Congress can be procured which shall authorize you to make the report that was required by law of Mr. Wailes, I take the liberty of suggesting the propriety of your investigating and reporting on the claims which have been filed with Mr. Wailes, when register, within the period prescribed by the act above mentioned. Your report would be submitted to Congress, and I have no doubt would be acted upon by them in the same manner that any report would be which would be made under any act that might be passed at the next session authorizing you to report on these claims.

In making your report you will confine yourself to the provisions of the act which limits your jurisdiction to claims founded on *Spanish grants, concessions, or orders of survey*, and which shall have been filed with your predecessor previous to December 31, 1820. These restrictions are equally applicable to the claims provided for by the second and fourth sections of the act.

As to the form of your report and the classification and numbering of the claims, I would refer you to the report made by Mr. Wailes and Gerard, dated December 30, 1815, which affords the simplest form in which the substance of the evidence in each case may be embodied.

It is possible that Mr. Wailes may have neglected to file some of the claims which may have been presented to him previous to December 31, 1820, or the evidence of their having been filed may have been lost. In such cases you will make a special report, accompanied by the evidence, that the claim was filed within the period limited by law.

In addition to the fees for recording specified in the act, a part of which I presume Mr. Wailes has received, a further sum of \$600 is allowed to the register for making this report, which Mr. Wailes has not received, and which would be paid to you whenever Congress should act upon the report.

I am, &c.,

GEORGE GRAHAM.

VALENTINE KING, Esq., Register of the Land Office, Opelousas, Louisiana.

## D.

*Extract from a letter from the Commissioner of the General Land Office to George Davis, esq., dated August 27, 1824.*

"Should you find, on due investigation, that your principal deputy surveyors are not qualified or are inattentive to their duties, you should remove them. I have great doubts whether that part of the organization of the surveying department has in any manner facilitated the surveying the private claims. Measures should be taken by you to give more efficiency to this branch of the department, or it ought to be abolished."

*Extract from a letter from George Davis, esq., surveyor of public lands south of Tennessee, to the Commissioner of the General Land Office, dated October 25, 1824.*

"Having nothing to conceal, I must beg permission to state that the law does not, in effect, put the office of the principal deputies under the due control of this office, simply because the salary and legal fees and perquisites of them will not command the services of any man under fifty years of age who possesses the necessary talents and industry to perform the duties of them if their pecuniary circumstances be above those of absolute pauperism. This, sir, is an unpleasant, perhaps a dangerous truth, but my situation imposes upon me no duty more imperative than that of telling it. In doing it, I have no private views to subserve, no friend with whom I wish to fill a vacancy. On the contrary, I know of no proper person acquainted with the really arduous duties that would be required of him who would be willing to accept of one of those appointments with an intention at the same time of performing them. This the present incumbents know; and hence it results that if any substantial services are required of them as an equivalent for their salaries they are ready to resign."

18TH CONGRESS.]

No. 429.

[2d Session.]

NEW LOCATIONS IN LIEU OF LOTS IN NEW MADRID AND LITTLE PRAIRIE VILLAGES,  
IN MISSOURI, INJURED BY EARTHQUAKES.

COMMUNICATED TO THE SENATE DECEMBER 30, 1824.

IN SENATE OF THE UNITED STATES, December 12, 1823.

*Resolved*, That the Committee on Public Lands inquire into the expediency of making further provision by law for the final decision of incomplete titles to lands held under the authority of France or Spain, in the State of Missouri and Territory of Arkansas; and also into the expediency of making further provision by law to perfect the title to lands located by virtue of warrants issued under the act of Congress of February 17, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes."

Attest:

CHARLES CUTTS, *Secretary*.

IN SENATE OF THE UNITED STATES, December 20, 1824.

*Resolved*, That the Committee on Public Lands inquire into the expediency of making further provision by law to perfect the titles to lands located by virtue of warrants issued under the act of Congress of February 17, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes."

Attest:

CHARLES CUTTS, *Secretary*.

DECEMBER 30, 1824.

Mr. BARTON, from the Committee on Public Lands, reported "A bill supplementary to 'An act to perfect certain locations and sales of the public lands in Missouri,'" passed April 26, 1822, and submitted the following documents:

GENERAL LAND OFFICE, January 22, 1824.

SIR: In reply to your letter of the 19th instant, requesting information relative to the instructions under which the recorder of land titles in Missouri acted in issuing certificates of new location in lieu of town lots, out lots, &c., in the villages of New Madrid and Little Prairie, under the act of February 17, 1815, I have the honor to transmit the papers marked from No. 1 to No. 17. These papers contain the instructions and correspondence, as well as my own views in relation to the subject, and show the grounds upon which patents have been withheld.

It appears from the returns of the recorder of land titles in Missouri that he has issued 182 certificates for 160 acres of land each, in lieu of town lots and other tracts of land of less quantity than 160 acres which have been relinquished. Patents have been issued on twenty-eight of these certificates; of the residue there are eighty-five on which patents will be withheld under the construction given to the act of February 17, 1815, unless there shall be some further legislative provisions on the subject.

The paper marked No. 17 is a copy of a letter from Mr. Sloo, a gentleman appointed by the Secretary of the Treasury to examine the land offices in Missouri and Arkansas, and who was requested by me to communicate such information as he might be able to procure in passing through that district of country injured by the earthquakes relative to the New Madrid claims and the lands which had been relinquished. Any further communication that may be received from him on the subject shall be submitted to you.

I am, with very great respect, your obedient servant,

GEORGE GRAHAM.

HON. DAVID BARTON, *Chairman of the Committee on Public Lands, Senate*.

No. 1.

*Copy of a letter to Frederick Bates, esq., recorder, St. Louis, dated March 1, 1815.*

SIR: Enclosed you have a copy of an act of Congress, passed 17th ultimo, entitled "An act for the relief of the inhabitants of the late county of Madrid, in the Missouri Territory, who suffered by earthquakes."

The first section declares that "the title of the person or persons to the land injured as aforesaid shall revert to and become absolutely vested in the United States."

You will therefore take from the parties who may apply for the benefit of this act transfers of their titles (for the lands injured) in favor of the United States, and make those acts matter of record in your office.

The third section requires you to transmit to this office "a report of the claims allowed and locations made." You will be pleased, also, to report the lands transferred to the United States by the claimants under this act.

I am, &amp;c.,

JOSIAH MEIGS.

No. 2.

*Extract of a letter to F. Bates, esq., St. Louis, dated September 18, 1815*

I approve of your refusal to issue certificates to any other than the original claimants who are contemplated in the act of February 17, 1815. Should you be the bearer of your work to this city it will give me pleasure to have an opportunity of conversing with you.

I am, &amp;c.,

JOSIAH MEIGS.

## No. 3.

*Copy of a letter to Frederick Bates, esq., recorder of land titles at St. Louis, dated October 6, 1815.*

SIR: An inquiry has been made at this office whether claimants of land under the act of 17th February last, for the relief of the inhabitants of the late county of New Madrid, &c., may locate a claim in different places.

The act describes two classes of claimants:

1st. Those who claim less than 160 acres, and who may locate 160 acres.

2d. Those who claim more, but who may not locate more than 640 acres.

There is not anything in the act that authorizes the idea that any certificate you may issue can (legally) be located in different places; but as that idea appears to be entertained, it will be necessary that the certificates expressly state that the location of each individual claimant be made in one tract. You will not issue any patent certificates for locations which may have been made contrary to this regulation, because patents will not be granted upon such certificates.

I am, &c.,

JOSIAH MEIGS.

## No. 4.

*Copy of a letter to Frederick Bates, esq., recorder at St. Louis, dated March 11, 1817.*

SIR: I have received from the speaker of the house of representatives of the Territory of Missouri a resolution of the general assembly relative to the commons of the village of Carondelet. Congress have not acted during the late session on that subject, but in my opinion the New Madrid claimants ought not to be permitted to locate on those commons.

I am, very respectfully, &c.,

J. MEIGS.

## No. 5.

*Copy of a letter to Frederick Bates, esq., recorder at St. Louis, dated February 24, 1819.*

SIR: A document, of which the following is a copy, has been sent by the Secretary of the Treasury to this office, endorsed "Referred to the Commissioner of the General Land Office, who is requested to ask the recorder for the facts and reasons upon which he made the within decision. W. H. C." I will thank you to give the said information by the return of the mail.

I am.

## DOCUMENT.

St. Louis, December 31, 1818.

Joseph Story, attorney in fact for the persons whose names are hereafter mentioned, of the county of New Madrid and Territory of Missouri, applies to the recorder of land titles for the aforesaid Territory for certificates of new location to issue on and for the following lots of ground, at a town called the Little Prairie, in said Territory, (to be held in lieu thereof,) in conformity to the act of Congress of February 17, 1815, in the case made and provided, viz:

Original claimants.	Lots. Arp.	Original claimants.	Lots. Arp.
John L. Lafavre.....	2 2	Thomas G. Horsley.....	2 2
Nich. Tirard.....	2 2	David G. Horsley.....	2 2
Nipotele Tirard.....	2 2	John Summers.....	2 2
Anthony Reardean.....	2 2	Noel Burk.....	2 2
Joseph Reardean, jr.....	2 2	Richard Secoy.....	2 2
Francis Allars.....	2 2	Furman Lesieur.....	2 2
Louis Drumond.....	2 2	Lois Pelties.....	2 2
Josh. Payne, jr.....	2 2	Hugh Gallacher.....	2 2
Noel Gamlan.....	2 2	Jenkin Harris.....	2 2
John Goodbesear.....	2 2	Charles Gilbeult, jr.....	2 2
Nichs. Revelce.....	2 2		

Which said above lots of ground have been heretofore proven in your office to have been materially injured by earthquakes. Signed by their agent and attorney in fact.

JOSH STORY.

FRED'K BATES, Esq., Recorder of Land Titles, Missouri Territory.

OFFICE OF THE RECORDER OF LAND TITLES, St. Louis, December 31, 1818.

On the presentation of this demand I have not thought myself justified in issuing certificates of new location, and have declined to do so.

FRED'K BATES.

Which shows that the Little Prairie claims have been laid before the recorder.

## No. 6.

TREASURY DEPARTMENT, General Land Office, January 17, 1822.

SIR: The act of February 17, 1815, for the relief of the sufferers by earthquakes in the county of New Madrid, authorizes them to locate the like quantity of land on any of the public lands in the (then)



Territory of Missouri, the sale of which is authorized by law: "*Provided*, That no person shall be permitted to locate a greater quantity of land under this act than the quantity confirmed to him, except the owners of lots of ground or tracts of land of *less quantity than one hundred and sixty acres*, who are hereby authorized to locate and obtain any quantity of land *not exceeding one hundred and sixty acres*; nor shall any person be entitled to locate more than six hundred and forty acres."

The point to which I beg leave to call your attention is this: on the list of certificates of the right of new location under that act I find that the same individual has been permitted, in numerous instances, to locate to the amount of one hundred and sixty acres for *each lot of one arpent*, and certificates of location in such cases have been granted by the recorder of land titles.

To exemplify my meaning, I would merely mention two instances: Francis Lesseur has received four certificates of one hundred and sixty acres each, for four lots of one arpent each. Joseph Genereux has received four certificates of the same kind, and for the same number of lots of one arpent.

Conceiving that the law never intended to grant to any one owner of town lots the privilege of locating more than one hundred and sixty acres, except, indeed, in cases where the quantity of the lots owned by them, exceeding the quantity of one hundred and sixty acres, would thereby entitle them to the privilege of locating a like greater quantity, whatever such might be. I beg leave to ask advice whether patents can legally be demanded, and am, with great respect, your most obedient servant,

JOSIAH MEIGS, *Commissioner of the General Land Office.*

HON. SECRETARY OF THE TREASURY.

No. 7.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES, *January 22, 1822.*

SIR: I entirely concur in the opinion expressed by the Commissioner of the Land Office, that it is not the intention of the act of Congress of February 17, 1815, to permit the owners of town lots in the county of New Madrid to locate a tract of one hundred and sixty acres for *each town lot* they may own; but one tract for the *whole of their town lots, however many*, unless the aggregate shall exceed the quantity of one hundred and sixty acres, when they will fall within the general enactment of being authorized to locate the quantity they have lost.

I have the honor to remain, sir, very respectfully, your obedient servant,

WM. WIRT.

HON. WILLIAM H. CRAWFORD, *Treasury Department.*

No. 8

GENERAL LAND OFFICE, *April 1, 1822.*

SIR: Enclosed you have a copy of my letter to the honorable the Secretary of the Treasury, dated the 17th of January last, relative to certain locations made under the act of February 17, 1815, for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, and a copy of the opinion of the Attorney General of the United States, dated the 22d of January last, declaring the issuing of certificates for one hundred and sixty acres in favor of persons holding lots of a less quantity (so as to allow any person holding four lots of one arpent each to receive four certificates for one hundred and sixty acres) to be contrary to the act referred to. In consequence of which opinion no patents will be issued by this office on the certificates, which are thereby declared void; and I have to request that you will issue no certificates for such claims.

I am, &c.,

J. MEIGS.

FREDERICK BATES, Esq., *Recorder of Land Titles, St. Louis, Missouri.*

No. 9.

GENERAL LAND OFFICE, *August 13, 1822.*

SIR: I will thank you for a list of those persons claiming lands under the act of February 17, 1815, in whose favor location certificates have been issued for a greater quantity of land than the amount they have surrendered to the United States, mentioning in each case the amount surrendered and the amount for which certificates have been issued, and their numbers.

I am, &c.,

J. MEIGS.

FREDERICK BATES, Esq., *Recorder of Land Titles, St. Louis, Missouri.*

No. 10.

OFFICE OF THE RECORDER OF LAND TITLES, *St. Louis, September 10, 1822.*

SIR: In compliance with the instructions contained in your letter of the 13th ultimo I enclose a list of those persons who, under the act of February 17, 1815, have received location certificates for greater quantities of land than they had relinquished to the United States.

I am, very respectfully, &c.,

FREDERICK BATES.

HON. JOSIAH MEIGS, *Commissioner of the General Land Office.*

*A list of those persons claiming lands under the act of Congress of February 17, 1815, in whose favor location certificates have been issued for a greater quantity of land than the amount they have surrendered to the United States.*

No. of certificate.	Original claimants.	Quantity surrendered.	Quantity of location certificate.
2	Joseph Huro, jr.....	A lot, 1 arpent, in New Madrid .....	Not exceeding 160 acres.
5	John B. Perron.....	.....do.....do.....	Do.
6	Simon Subtil.....	A lot, 1 arpent, in Little Prairie.....	Do.
7	Francis Lesseur.....	.....do.....do.....	Do.
8	do.....	.....do.....do.....	Do.
9	do.....	.....do.....do.....	Do.
10	do.....	.....do.....do.....	Do.
14	Peter Porier.....	.....do.....do.....	Do.
15	do.....	.....do.....do.....	Do.
17	Joseph Genereux.....	.....do.....do.....	Do.
18	do.....	.....do.....do.....	Do.
19	do.....	.....do.....do.....	Do.
20	do.....	.....do.....do.....	Do.
23	Peter Garreau.....	A lot, 1 arpent, in New Madrid.....	Do.
25	Eustache Pelier.....	A lot, 1 arpent, in Little Prairie .....	Do.
29	Peter Dumay.....	A lot, 2 arpents, in New Madrid.....	Do.
30	Antoine Vachard.....	A lot, 1 arpent, in New Madrid.....	Do.
31	John B. Gobeau.....	A lot, 2 arpents, in New Madrid.....	Do.
33	John Dodge.....	80 arpents.....	Do.
37	Joseph Hunot, sr.....	A lot, 1 arpent, in New Madrid.....	Do.
38	Raphael Lesseur.....	A lot, 1 arpent, in Little Prairie.....	Do.
39	do.....	.....do.....do.....	Do.
42	Ant'y Hibemois alias Anable Yon .....	150 arpents, in Little Prairie.....	Do.
43	Hyacinth Gayon.....	A lot, 1 arpent, in Little Prairie.....	Do.
44	do.....	.....do.....do.....	Do.
45	Joseph Payne.....	.....do.....do.....	Do.
46	do.....	.....do.....do.....	Do.
47	Joseph Brendean .....	.....do.....do.....	Do.
48	do.....	.....do.....do.....	Do.
49	Amable Guyon.....	.....do.....do.....	Do.
50	do.....	.....do.....do.....	Do.
71	Etienne Dumay.....	A lot, 1 arpent, in New Madrid.....	Do.
77	John Baptiste Bellefeuille.....	A lot, 1 arpent, in Little Prairie.....	Do.
78	do.....	.....do.....do.....	Do.
80	George Roddie.....	.....do.....do.....	Do.
87	do.....	.....do.....do.....	Do.
88	Gerrard Dodge.....	A lot, 1 arpent, in New Madrid.....	Do.
95	Nicholas Hebert.....	180 feet square, in New Madrid .....	Do.
96	Louis Lardoise.....	A lot, 1 arpent, in New Madrid.....	Do.
103	Eustache Pelier.....	A lot, 1 arpent, in Little Prairie.....	Do.
104	John B. Chartier.....	.....do.....do.....	Do.
105	do.....	.....do.....do.....	Do.
106	Andrew Godair.....	A lot, 1 arpent, in New Madrid.....	Do.
110	Richard J. Waters, under John Horner .....	110 arpents.....	Do.
118	John B. Barraloux.....	150 arpents.....	Do.
119	do.....	80 arpents.....	Do.
120	John B. Langlois.....	A lot, 1 arpent, in New Madrid.....	Do.
121	Charles Castongnet.....	.....do.....do.....	Do.
122	John B. St. Mary.....	.....do.....do.....	Do.
128	Ambrose Seraphin.....	.....do.....do.....	Do.
129	John Lafemait.....	A lot, 2 arpents, in New Madrid.....	Do.
130	Peter Perron.....	A lot, 1 arpent, in New Madrid.....	Do.
141	Louis Baby.....	A lot, 2 arpents, in New Madrid.....	Do.
159	J. Smith.....	A lot, 2 arpents, in Little Prairie.....	Do.
160	James Smith.....	A lot, 1 arpent, in New Madrid.....	Do.
165	Widow La Course.....	A lot, 1 arpent, in Little Prairie .....	Do.
167	John Ruddle.....	.....do.....do.....	Do.
168	do.....	.....do.....do.....	Do.
169	John Derian.....	.....do.....do.....	Do.
170	do.....	.....do.....do.....	Do.
171	Reinckie & Steinback, under John Dodge .....	120 arpents, in Little Prairie .....	Do.
176	Hunter & Couteley, jr., under Joseph La Plante .....	98 arpents.....	Do.
179	Baptiste Pelier.....	A lot in Little Prairie.....	Do.
180	Samuel Masters.....	A lot in New Madrid.....	Do.
181	Joseph Dumay.....	.....do.....do.....	Do.
182	Louis St. Aubin.....	A lot in Little Prairie.....	Do.
183	do.....	.....do.....do.....	Do.
184	Henry Peyroux, under Francis Hamelin.....	A lot in New Madrid.....	Do.
185	Henry Peyroux, under John S. Guerin.....	.....do.....do.....	Do.
186	Henry Peyroux, under H. McD. Chesholm.....	81 arpents.....	Do.
187	do.....	100 arpents.....	Do.
195	Louis St. Aubin.....	A lot in Little Prairie.....	Do.
196	do.....	.....do.....do.....	Do.
197	Francis R. Dupin.....	A lot in New Madrid.....	Do.
205	Joseph St. Mary, or legal representatives .....	120 arpents.....	Do.

## LIST—Continued.

No. of certificate.	Original claimants.	Quantity surrendered.	Quantity of location certificate.
222	John B. Thibeaud.....	A lot in New Madrid.....	Not exceeding 160 acres.
221	Ceril Ledue.....	do.....	
224	Widow La Course.....	A lot, 1 arpent, in Little Prairie.....	Do.
243	Joseph Payne.....	120 arpents.....	Do.
245	Joseph La Plante.....	A lot in New Madrid.....	Do.
247	Luke Devore.....	A lot, 2 arpents, in New Madrid.....	Do.
248	Joseph Story.....	do.....do.....	Do.
255	Joseph Dorion.....	A lot, 1 arpent, in Little Prairie.....	Do.
256	do.....do.....	do.....do.....	Do.
263	Eloy Dejarlais.....	A lot in Little Prairie.....	Do.
264	do.....do.....	do.....do.....	Do.
270	Francis Langlois.....	A lot, 1 arpent, in Little Prairie.....	Do.
271	do.....do.....	do.....do.....	Do.
281	Baptiste Fournier.....	A lot, 2 arpents, in Little Prairie.....	Do.
282	Eustache Peltier.....	100 arpents, in Little Prairie.....	Do.
284	Azor Rees.....	75 arpents.....	Do.
285	John Hemphill's representative.....	90 arpents.....	Do.
288	Robert McCoy.....	40 arpents.....	Do.
291	Lue Bellefeuille.....	A lot, 1 arpent, in Little Prairie.....	Do.
292	do.....do.....	do.....do.....	Do.
295	John Viend.....	A lot in Little Prairie.....	Do.
296	do.....do.....	do.....do.....	Do.
297	Mary P. Ledue.....	A lot in New Madrid.....	Do.
298	Joseph Ledue.....	do.....do.....	Do.
304	Hibernois.....	A lot in Little Prairie.....	Do.
305	do.....do.....	do.....do.....	Do.
335	Joseph Vandenbenden.....	120 arpents.....	Do.
336	John Lovel, under John Summers.....	170 arpents.....	Do.
339	Charles Gurbault.....	120 arpents.....	Do.
332	John B. Charter.....	A lot in New Madrid.....	Vide general report.
365	Arthur Mellon.....	120 arpents.....	
366	Joseph Muhel, under John Brown.....	170 arpents.....	Not exceeding 160 acres.
367	Arthur Mellon, under Jacob Myers.....	160 arpents.....	Do.
368	Robert Masters.....	A lot, 2 arpents, in New Madrid.....	Do.
372	W. Germain <i>alias</i> George Germain.....	do.....do.....	Do.
374	Charles Guibeault.....	A lot in Little Prairie.....	Do.
375	do.....do.....	do.....do.....	Do.
376	Jean Montmenie.....	do.....do.....	Do.
377	do.....do.....	do.....do.....	Do.
385	Charles Gurbault.....	130 arpents.....	Do.
390	James Williams.....	A lot, 1 arpent, in New Madrid.....	Do.
391	do.....do.....	do.....do.....	Do.
420	Charles Bonneau.....	80 arpents.....	Do.
426	Jean Montmenie.....	A lot in Little Prairie.....	Vide general report.
427	Gabriel Hunot, jr.....	A lot in New Madrid.....	
434	Louis Corgnard.....	A lot, 2 arpents, in New Madrid.....	Not exceeding 160 acres.
436	Francis Racine.....	75 arpents.....	Do.
437	Thomas Johnson.....	A lot in New Madrid.....	Do.
438	Michael Bontram.....	do.....do.....	Do.
440	Hugh McD. Chesholm.....	75 arpents.....	Do.
444	Toussaint Godair.....	A lot, 2 arpents, in New Madrid.....	Do.
449	Lemuel Masters.....	A lot in New Madrid.....	Do.
452	Alexander Frazer.....	A lot in Little Prairie.....	Do.
459	Collett Carron.....	do.....do.....	Do.
460	John Derlan.....	do.....do.....	Do.
468	P. St. Mary.....	A lot in New Madrid.....	Do.
469	Nicholas St. Jean.....	do.....do.....	Do.
470	Francis Langlois.....	do.....do.....	Vide general report.
471	Nicholas Dapron.....	do.....do.....	
472	Francis St. Mary.....	do.....do.....	Do.
474	Francis Pasquin.....	90 arpents.....	Do.
476	Andrew Wilson.....	A lot in New Madrid.....	Do.
479	Jas. Alcover, under Philip Ducomb.....	do.....do.....	Do.
480	George Unerous.....	85 arpents.....	Vide general report.
486	Peter Deroche.....	40 arpents.....	
490	Andrew Drybread.....	90 arpents.....	Not exceeding 160 acres.
497	Jacob Myers.....	A lot in New Madrid.....	Do.
498	do.....do.....	do.....do.....	Do.
499	Jacob Myers, under Francis Hudson.....	A lot of 2 arpents.....	Do.
506	John B. Barsejoux.....	A lot in Little Prairie.....	Do.
507	do.....do.....	do.....do.....	Do.
512	Francis Trenchard.....	do.....do.....	Do.
513	do.....do.....	do.....do.....	Do.
516	Manuel Violet, (by special order of the commissioner) ..	A lot in New Madrid.....	Do.

## No. 11.

TREASURY DEPARTMENT, *General Land Office, August 8, 1823.*

SIR: Mr. Wash, of Missouri, lately presented several patent certificates issued by you under the provisions of the act of February 17, 1815, for the relief of the inhabitants of New Madrid. These certificates appear to have been issued under the first proviso of the first section of that act, which declares "that no person shall be permitted to locate a greater quantity of land under this act than the quantity confirmed to him, except the owners of lots of ground, or tracts of land of less quantity than 160 acres, who are hereby authorized to locate and obtain any quantity of land not exceeding 160 acres; nor shall any person be entitled to locate more than 640 acres." I am of opinion that, under this provision of the law, no more than 160 acres of land can be patented to any original confinee of a lot or tract of land of less quantity than 160 acres; and as the certificates presented by Mr. Wash embraced cases where more than that quantity had been located patents were of course refused.

I understood from Mr. Wash that the ground on which these certificates had been issued by you was, that although the certificate was granted in the name of the original confinee, (which appears also from your report,) yet he had assigned his interest to a part of the lots previous to the injury sustained from the earthquake, and therefore as many certificates were issued as there were assignees. I also understand from him that although the confinee of a larger tract of land than 160 acres might have divided it into tracts of less than that quantity, and assigned them as before stated, yet such a practical construction was given to the law as to prevent the confinee and his assigns from obtaining more in the whole than 640 acres, or the quantity originally confirmed. This was a correct interpretation of the law, and there seems to be no reason why a different one should be given as to town lots.

Some few patents have been issued on the certificates granted by you, on what is now considered an erroneous interpretation of the law, a list of which is forwarded; and, as I can readily conceive that in many cases the assignees might be more entitled to the relief intended to be given than the original confinee, I have to request that you will report to this office the evidence of transfer in all cases where there has issued either location or patent certificates in the name of the confinees of town lots for more than 160 acres of land. I ask this information with a view of having the cases submitted to Congress, should that course be deemed necessary.

I also wish to know what construction you have given to the 3d section of the act before mentioned; it appears to me that the evident intention of that section was to limit the time of location to twelve months from the date of the location certificate, and that the ambiguity in this section arises principally from the omission of the word "location," between the words "which" and "certificate," in that section.

As it is intended to bring into the market, as soon as practicable, all the relinquished and reserved lands, you will be so obliging as to inform me what course was pursued in relation to the New Madrid lands which were relinquished, and particularly as to the following points:

*First.* Was there any particular form in the relinquishment?

*Second.* Was there any evidence required of the confinee that no transfer had been made of the whole or any part of the land confirmed to him?

*Third.* If any transfer had been made, was a relinquishment required from the transferee?

*Fourth.* In cases of transfer, what evidence was required to show that the transfer had been made previous to the injury sustained from the earthquake?

*Fifth.* Was the surveyor general notified of the relinquishment in such a manner as to enable him to lay down the lands relinquished upon his maps?

*Sixth.* Have you any plats of the towns of New Madrid and Little Prairie, on which the lots relinquished in these towns, respectively, are laid down and designated as relinquished lands?

I am, with great respect,

GEORGE GRAHAM.

FREDERICK BATES, Esq, *Recorder of Land Titles, St. Louis, Missouri.*

*Lists referred to.*

Joseph Dorion, certificate 41, for 200 arpents, patented; certificate 256, for a lot, patented; certificate 255, for a lot, not patented.

Joseph Payne, certificate 45, for 1 arpent patented; certificate 243, for 120 arpents, patented; certificate 46, for 1 arpent, not patented.

## No. 12.

GENERAL LAND OFFICE, *August 8, 1823.*

SIR: I enclose you a copy of a letter addressed to Mr. Bates, the recorder, relative to the New Madrid claims, and the relinquishment of lands on which those claims were founded, with a request that you will furnish this office with such information as may be in your power relative to the fifth and sixth inquiries, as stated therein.

We have a map in the office on which is laid down a number of private claims immediately adjoining the town of New Madrid; but the township plats not having been as yet returned, the names of the persons to whom these claims were originally granted do not appear.

Can you furnish me with a connected plat of that part of the county of New Madrid, within which any private claim had been surveyed previous to February 17, 1815, having reference to the extent which the said county had on November 10, 1812, and designating the surveys by the names of the persons to whom they had been originally confirmed?

I will also thank you for information on the following points:

*First.* Were the private claims or any part of them surveyed and connected with the township lines previous to February 17, 1815?

*Second.* Have the whole or any part of the lands relinquished under the act for the relief of the



inhabitants of New Madrid been designated on your township maps as private claims, or have they in all instances been sectioned off as other public lands?

*Third.* If any part of the relinquished lands are designated agreeably to surveys made prior to sectioning the adjacent lands, you will describe these surveys in such special manner as will enable us to proclaim them for sale.

From an examination of Mr. Bates' returns, under the act for the relief of the inhabitants of New Madrid, I find that there has been relinquished, in acres, 112,460; in arpents, 53,859; in lots, 71, in New Madrid; in lots, 49, in Little Prairie; in lots, 2, place not designated.

I am, respectfully, your obedient servant,

Gen. WILLIAM RECTOR, *St. Louis, Missouri.*

GEORGE GRAHAM.

No. 13.

SURVEYOR'S OFFICE, *St. Louis, September 5, 1823.*

SIR: I received by the last mail your letter of the 8th ultimo, enclosing one of the same date to the recorder of land titles, relative to New Madrid claims, &c. In answer to the fifth and sixth inquiries, as stated therein, I have to inform you that I was not notified of the relinquishments in such manner as to enable me to lay down or designate on the maps in this office the lands so relinquished. I have not in my possession plats of the towns of New Madrid and Little Prairie, on which the lots relinquished in those towns, respectively, are laid down and designated as relinquished lands. None of the private claims were surveyed and connected with the township lines previous to February 17, 1815. None of the lands relinquished under the act for the relief of the inhabitants of New Madrid county have been designated on the township plats as private claims. They have, in all cases, (where the country has been surveyed,) been laid off in sections, &c., as other public lands. Plats and descriptions of all the townships and fractional townships embracing and near to New Madrid will be forwarded to the General Land Office in a short time. These papers would before now have been transmitted, but that two of my clerks have been sick, and we have been much engaged in preparing the necessary papers for the different land offices in time for the public sales. Your letters of the 31st July and of the 4th and 5th of August have been received, and shall be particularly attended to as soon as practicable.

I am, with much respect, your obedient servant,

HON. GEORGE GRAHAM, *Commissioner General Land Office, Washington City.*

WM. RECTOR.

No. 14.

*Extract from a letter of the recorder of land titles, dated*

OFFICE OF THE RECORDER OF LAND TITLES, *St. Louis, September 25, 1823.*

SIR: I have been honored this day with your letter of the 8th ultimo, and I rejoice that I have been at this time called upon for an explanation of my conduct in the transaction of a business which has given rise to such a variety of unfounded conjecture. The statement shall be made with all the candor, brevity, and explicitness of which I am capable.

We have plats of the villages of New Madrid and Little Prairie, made by Spanish authority previously to the change of flag, on which plats are designated the several lots; in issuing certificates for which no one of these lots has ever suffered a subdivision. Mr. Wash was mistaken in supposing it. The same principle has been observed with respect to them which governed me in relation to tracts in the country exceeding 160 acres. There were as many original entire lots as there are certificates of location. If in any case these lots have been divided, either before or since the earthquakes, the transferees have been considered as joint or common "legal representatives," and entitled only to one relief, not exceeding 160 acres for each original lot. I cannot sufficiently express my surprise at the misconception which has arisen on this subject.

You require me to report to you the evidence of transfer in all the cases of excess beyond 160 acres in the name of the same confirmee, for the liberal purpose, as you are pleased to say, of having them submitted to Congress if it should be deemed necessary. I pray you to indulge me until next mail; for, although I have been engaged in making up the reports required by your former letters, I have not yet been able to complete them; and these latter are in no respect different in class, principle, and character, from those contained in the general statement, which had been commenced before the receipt of your last communication.

You wish to know what construction I have placed on the 3d section. It was, I think, obviously my duty to transmit a report of the claims allowed, and of locations made, and to deliver to the "party" a certificate of "circumstances," with the addition that he was entitled to a patent, &c. In discharge of the first two requisitions, I hope and trust that the lists of location certificates and of patent certificates reported to the General Land Office will be, and have been, found satisfactory. In supposed fulfillment of the third duty which this section imposes, I have given to the "party" the certificate *itself* from which the abstract in the patent list had been taken. I never could comprehend why this certificate should be again returned to the recorder's office. It was heretofore believed that the General Land Office had acquiesced in, although it may not have expressly sanctioned, this practical construction. The details of the law seem to me to be clouded with ambiguities, yet, as its general intentment is, perhaps, sufficiently apparent, I attempted a substantial attainment of ultimate objects, to the neglect, perhaps, of intermediate process, which appeared to me to be useless and even without a purpose. I confess, however, that I ought to have observed all the forms.

It remains for me to answer your inquiries as to the course which has been pursued in relation to the lands relinquished.

1st. There was no particular form of relinquishment. A guarantee could not be expected, for in a legal construction the titles, however prospectively good, were yet in the government. I mean that patents had not yet issued, though every claim the subject of relief had been previously *confirmed*. A quit-claim has been accepted without the observance of any set form of words. Indeed, had I not been positively instructed, I never should have deemed a written relinquishment necessary, as, under the last proviso of the 1st section of the act, the damaged lands became vested in the United States on the acceptance of the relief.

2d. No evidence was required of the confirmer that he had not *transferred* either in whole or in part. If the office has committed an error, I regret it exceedingly; but that course did seem to me impracticable.

3d. When a transfer was *known* to have been made, a relinquishment was required from the transferee.

4th. It never did occur to me that it was material whether the original interest was transferred before or after the earthquakes, and no inquiry was ever thought of as to that fact. Where the deeds themselves were presented their dates will show; but the transferees, for the most part, chose rather to file the county recorder's certificate.

5th. A statement of the relinquishments was supplied to the surveying department (perhaps not handed to General Rector himself) while the deputies were engaged in a survey of the New Madrid lands. Other relinquishments have since been made, which, indeed, I have not yet reported, as I did not know that any present use could be made of them.

6th. We have, as I observed in a former part of this letter, plats of the towns of New Madrid and Little Prairie, but I have not designated thereon the several lots which became vested in the United States, as the very foundations of the latter were broken up by the earthquakes and have passed down the Mississippi. The greater part of the town of New Madrid has suffered a similar fate. I, therefore, could not but consider these lots as forever lost to the government, though the interior of the country is, I understand, regaining, from year to year, its former appearance and productiveness.

I have the honor to be, very respectfully, sir, your obedient servant,

FREDERICK BATES.

HON. GEO. GRAHAM, *Commissioner of the General Land Office.*

#### No. 15.

OFFICE OF THE RECORDER OF LAND TITLES, *St. Louis, October 1, 1823.*

SIR: I now forward the relinquishments made to the United States by the persons who obtained certificates of location under the act of February 17, 1815, for the relief of the inhabitants of New Madrid, who suffered by earthquakes, accompanied by a detailed abstract. As this office was not competent to decide finally as to derivative title, the names of those to whom the lands were confirmed have been retained through the whole business, with the addition of the words of the law "*or legal representatives.*" On the application of a purchaser the original deeds or certificates of their record in the county office of New Madrid were always required. It might have been premised that, as matter of course and of obvious necessity, the proof of material injury had, on the first application of the party for relief, been recorded in the minutes. As the reports now transmitted includes all the certificates of location either for damaged lands in the country or for lots in the towns, I have thought that you would not expect the particular evidence on issues for lots beyond one hundred and sixty acres, more especially as the certificates of title, as well as the relinquishments for *these*, are so blended with the others as not to be susceptible of separation.

With great respect, I have the honor to be, sir, your obedient servant,

FREDERICK BATES.

HON. GEORGE GRAHAM.

#### No. 16.

TREASURY DEPARTMENT, *General Land Office, November 12, 1823.*

SIR: Your letters of the 25th of September and 1st of October, with the papers referred to therein, have been received, and I am much indebted to you for the information communicated relative to the New Madrid claims. The letters shall be submitted to the Secretary of the Treasury immediately on his arrival. The daily expectation, for some time past, of his return has prevented an earlier acknowledgment of them.

I have had the relinquishments compared with the reports of the confirmed claims which are in this office, and find them to correspond.

I confess that I have been much surprised to find that so large a quantity of land had been confirmed to settlers in the county of New Madrid, and that one hundred and fifty or one hundred and sixty thousand acres of this land should have been materially injured by the earthquake. So far, however, as the government may sustain injury from the loose manner in which the law may have been drawn up, we can afford no remedy, but it is our duty to take care that the government incur no loss, nor sustain embarrassment from the manner in which the law shall be executed. The construction given by you, that the confirmer to several lots of land of less quantity than one hundred and sixty acres was entitled to a certificate for one hundred and sixty acres for each of such lots is not considered here as a correct interpretation of the law, and patents will be withheld in all cases where more than one certificate issued to such confirmer. There is, perhaps, another class of cases where great embarrassment to the government may arise, and ultimately great loss to innocent individuals. I allude to that description of cases where the relinquishment may not be valid, either from fraud or from defective assignment. As I shall issue no patents except in the name of the original confirmer and his legal representatives, the government will sustain no loss in those cases; for if the relinquishment is invalid from either of the causes mentioned, the patent founded on such relinquishment is necessarily null and void, but the interests of innocent

individuals may be materially affected, and we should take every possible precaution to guard against the issuing of patents in these cases. Whether any such cases exist I have no means of ascertaining at present; and if they do, I shall not know the extent of them until the township plats designating the private claims are received at this office, and the land shall have been proclaimed for sale. With a view, however, to a more critical investigation, at this office, of the authority and powers on which the several relinquishments were made, I have to request that you will forward all the original papers in your possession on which relinquishments have been made, designating those cases, if any, where you have any suspicion, from any cause whatever, of irregularity in the relinquishment, together with any other information which you may have it in your power to communicate. To guard against loss by accident, or otherwise, it would be advisable to forward those papers by some private conveyance in which you can place entire confidence.

I have requested Mr. Sloo to collect such information as it may be in his power relative to the persons claiming the relinquished lands on his route through that district of country, and to examine the land office in Arkansas.

With sentiments of great respect, &c.,

GEORGE GRAHAM.

FREDERICK BATES, Esq., *Recorder of Land Titles, St. Louis, Missouri.*

No. 17.

St. Louis, November 22, 1823.

SIR: In the examination of the land offices in Missouri and Arkansas I have noticed that a uniformity is not observed in marking the maps and township plats. Some adhere to the old mode, A P; some designate a sale by the letter E; and others by the letter S. I think it would be better to adopt the latter mode, with the addition of the number of the application on the township plat. The general map might be marked with the letter S only. I have also noticed a want of uniformity in the charge of commissions by the receivers. Some charge commission on the amount of *moneys received* at the end of every quarter; others charge commission on moneys paid over. The former I should think the best mode, as the entries are not so numerous, consequently the probability of error lessened, and the accounts of the register and receiver would then be a check upon each other; and whether it is permitted or not, I am confident that the amount is universally applied at the end of every quarter. I have also observed that there appears to be a general complaint on account of the delay in issuing patents. Such a length of time has elapsed since many persons have paid for their land that they begin to think that there is some mistake in the matter, and feel a great deal of anxiety on the subject. From information obtained in passing through Missouri and Arkansas I feel it my duty to observe to you that I think it would be advisable to have a tribunal established for the immediate and final adjustment of New Madrid claims. I will venture to say that the New Madrid law, as it is termed, has given rise to more fraud and more downright villany than any law ever passed by the Congress of the United States, and, if the claims are not immediately decided upon, will involve the citizens of Missouri in endless litigation and trouble in addition to the numerous frauds practised upon the government. In many instances, I am informed, fraudulent relinquishments have been made, and certificate obtained, by persons who had not the shadow of a claim to the land surrendered, and the tract thus surrendered has sometimes been covered by another Madrid certificate, while the real owner continued in quiet possession of his property, without the least idea of relinquishing it. Many persons have received certificates for large quantities of land, when I believe it was never contemplated by the law that any claimant should receive more than six hundred and forty acres. And to close the scene, a great many of the persons who really did relinquish have claimed and intend to claim the right of pre-emption on the tracts relinquished. This information I have from the register and receiver at Jackson, Missouri. I would beg leave to suggest to you the propriety of having an early decision on the old Spanish claims in Missouri and Arkansas. They cover a considerable extent of valuable country which must be withheld from market until government shall determine their fate. I think it important to the United States and to the State of Missouri and Territory of Arkansas, as well as to the claimants themselves, that a speedy decision should be had. In their present situation they hold out an incitement for fraud and speculation, and give rise to a false hope, which it is wrong to encourage, and I am persuaded that it would be better for all parties to have an immediate decision, be that what it may, than to be kept longer in suspense.

With great respect, I have the honor to be, sir, your obedient servant,

THOMAS SLOO, JR.

HON. GEORGE GRAHAM, *Commissioner of the General Land Office, Washington City.*

18TH CONGRESS.]

No. 430.

[2D SESSION.]

## LANDS FOR SCHOOLS IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1825.

RESOLUTION AND MEMORIAL to Congress on the subject of school lands.

*Resolved*, That the following memorial be submitted to the Congress of the United States during the present session or so soon as may be practicable:

*To the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the State of Ohio, in general assembly, respectfully represents: That, by the act of the Congress of the United States, passed the 30th day of April, in the year 1802, the following, among



other propositions, were offered to the convention to be assembled for the formation of a State government for the people of the eastern division of the territory northwest of the Ohio, including the State of Ohio—that is to say, that the section number sixteen in every township, and where such section had been sold other lands equivalent thereto should be granted to the inhabitants of such township for the use of schools.

*Secondly.* That the six miles reservation, including the salt springs, commonly called the Scioto Salt Springs, the salt spring near the Muskingham river, and in the military tract, with the section of land which include the same, should be granted to the said State for the use of the people thereof: *Provided*, the said legislature should never sell nor lease the same for a longer period than ten years.

That the foregoing propositions when acted upon and considered in convention of Ohio, and by an ordinance passed the 29th day of November, in the year 1802, the aforesaid propositions were accepted: *Provided*, That the following modifications should be made thereto—that is to say, that, in addition to the first propositions, securing the section number sixteen in every township, within certain tracts, to the inhabitants thereof for the use of schools, a like donation, equal to the one thirty-sixth part of the amount of the lands in the United States military tract, should be made for the support of schools within that tract; and also that the like provision should be made for the support of schools in the Virginia reservation, so far as the unlocated land in that tract would supply the proportion after the warrants issued from said State should have been satisfied; and also that a donation of the same kind, or such provision as Congress should deem expedient, should be made to the inhabitants of the Connecticut reserve, and that, out of all the lands which might hereafter be purchased of the Indian tribes by the United States, and lying within the State of Ohio, the one thirty-sixth part should be given as aforesaid for the support of public schools, and that all lands, before mentioned, to be appropriated for the use of schools should be vested in the legislature of said State of Ohio in trust for said purpose.

That a certain proportion of the lands lying within the State of Ohio had already been disposed of by the United States; and by patent, dated on the 13th day of September, in the year 1794, certain lands therein described were granted unto John Cleves Symmes, reserving to the United States, out of each township within the same, lot numbered sixteen for the use of schools, being one thirty-sixth part of the whole tract granted as aforesaid.

That a certain tract had also been granted unto Manassah Cutler and others, under the name of the Ohio Company, in which lot number sixteen, being one thirty-sixth part, was also reserved for the use of schools, in addition to which are the appropriations for the Ohio and Miami Universities, but to which last appropriations to the Ohio and Miami University your memorialists have only adverted as not being intended to be embraced in the prayer of the memorial herewith submitted.

That the ordinances of the convention of Ohio, of November, 1802, gave rise to the act of the Congress of the United States of the 3d day of March, in the year 1803, by which it was enacted more specifically—

*First.* That certain quarter townships in the tract commonly called the United States military tract, and in said act particularly described, amounting to the one thirty-sixth part of the estimated whole amount of lands within that tract.

*Second.* That certain other quarter townships in the same United States military tract, and in said act particularly described, for the use of the tract of country commonly called the Connecticut reserve, were also, by said act, granted or reserved.

*Third.* So much of that tract within this State, commonly called the Virginia military reservation, as would amount to one thirty-sixth part of the whole tract, was also granted, to be selected by the legislature of the State of Ohio out of the unlocated land in that tract, after the warrants issued from the State of Virginia should have been satisfied.

*Fourth.* There was also granted and secured by the same act one thirty-sixth part of all the lands of the United States lying in the State of Ohio, to which the Indian title had not been extinguished, which might thereafter be purchased of the Indian tribes by the United States, which thirty-sixth part should consist of the sections number sixteen in every township; the specified and declared object of the aforesaid grants and reservations were for the use of common schools within the several districts of country therein specified, and were, as your memorialists conceive, granted upon full consideration arising from the increased value of the remaining lands belonging to the United States, and also from the relinquishment, on the part of the State of Ohio, of the right to tax the lands of the United States within the State of Ohio, until five years after the sale thereof, and that it was, by the aforesaid act, expressly declared that the several appropriations for schools, made therein, were in conformity with and in consideration of the conditions agreed on by the State of Ohio, by the ordinance of the convention of said State, bearing date the twenty-ninth day of November, in the year one thousand eight hundred and two, and herein before particularly referred to.

That your memorialists conceive that it was the intention of the parties to the compact aforesaid that one thirty-sixth part of all the lands within the State of Ohio should be granted to the people thereof for the use of common schools, and should be placed under the control of the *legislature* thereof; and that this construction is warranted by the spirit and even by the letter of the different acts of Congress of the United States, when considered in relation to the ordinance of the State of Ohio above referred to, and to which a direct reference is had by the aforesaid last recited act of the Congress of the United States.

That when it was afterwards ascertained that the grant aforesaid, in relation to the tract of country commonly called the Virginia military reservation, would be rendered wholly inoperative in consequence, the limitation and condition thereunto annexed, by reason of the great and uncertain amount of warrants which had been issued by the State of Virginia, together with the extended period for locating the same, the Congress of the United States, in pursuance of the stipulations of the compact aforesaid, by the act passed the second day of March, in the year one thousand eight hundred and seven, appropriated eighteen quarter townships and three sections, as are in said act described, for the use of schools in that tract of land in the State of Ohio commonly called Virginia military reservation, which were by the said act also vested in the legislature, in trust for the use aforesaid.

That at the period when the act aforesaid, making an appropriation for the tract commonly called the Connecticut reserve, was passed, the Indian title had been extinguished to that part only which lies east of the Cuyahoga river, and the appropriation was made only in relation to that part to which the Indian title had been extinguished, and consisted of a tract equal to one thirty-sixth part of the reserve to which the Indian title had been so extinguished; since which time the Indian title to that part of the reserve lying west of the Cuyahoga river has been extinguished by the United States for and on account of the State of Connecticut, who made the necessary appropriations for that purpose.

That, as your memorialists conceive, it was in conformity with the spirit and intention of the compact



aforsaid, and formed a material item of the consideration which induced the State of Ohio to make the concession they did make under that compact, that they should receive, in return, lands equal to one thirty-sixth part of all the lands within the State of Ohio to be appropriated for the use of common schools within said State.

The legislature of the State of Ohio, construing the terms and spirit of the compact in the manner above set forth, do not hesitate to represent to the United States that when the Indian title was extinguished to the tract of country lying in the Connecticut reserve west of the Cuyahoga, the terms aforesaid required of the United States that a law should be passed appropriating from their unlocated lands within the State of Ohio a tract equal to one thirty-sixth part of the Connecticut reserve lying west of the Cuyahoga river; and that they, relying on the justice and good faith of the government of the United States, confidently anticipated the passage of such an act in aid of the exertions of the State of Ohio in establishing a system of common free schools throughout the State.

That in relation to the lands already appropriated, as above described, the legislature of the State of Ohio, in pursuance of the trust aforesaid, and in aid of the great and important object contemplated, have resorted to various methods of rendering them productive, and in particular that of leasing them to such individuals as have applied therefor; that experience, however, has fully demonstrated that this fund will be wholly unavailing in their hands in its present shape. That in order that the beneficial and laudable objects contemplated by the grants aforesaid may be secured to the people of the State of Ohio, it will, as your memorialists conceive, be necessary that the legislature should possess the unlimited control over the lands aforesaid, with the power of disposing of them in fee.

The objections which are urged against the present mode of administering that fund are, in the first place, that, by reason of the facilities which the State of Ohio affords of acquiring a property in real estate, a necessity exists of leasing the lands in question to persons almost wholly destitute of pecuniary means, whereby the avails of those lands are rendered at least uncertain. In consequence, also, that as these lands are detached over the whole State of Ohio, the expense which must necessarily be incurred by creating a superintendence over them renders them much less productive than your memorialists conceive they might be rendered if the lands were sold and the proceeds concentrated in one fund.

The fact, also, before adverted to, that these lands must necessarily be intrusted to the possession of those of the lowest class of the community, and who possess no permanent interest in the soil, has produced a waste upon these lands of their timber and otherwise equal, perhaps, to the whole revenue which may have been derived from them. The fact also, that, by holding them under the present tenure, your memorialists are compelled to offer upon lease so great a proportion of their soil as will invite and retain a population within her boundaries of a character not to be desired, and in amount so great as to create an evil which can only be conceived of in a country where every individual possessing a very moderate portion of industry and economy may, within a single year, appropriate to himself, in fee, a quantity of land sufficient to furnish means of support for an ordinary family, is also a circumstance which your memorialists conceive is not undeserving of consideration.

While the State of Ohio, in common with her sister States, shall have her ordinary proportion of idle and unprofitable members, this great proportion of land which must be held by lease must, of necessity, produce a corresponding feature in her population, although many industrious and valuable citizens may be found among the lessees of school lands; yet it must be admitted that the great body of those who constitute the strength and basis of every government, and who are to be considered as the friends of good order and public improvement, are among those who are the owners as well as occupiers of the soil. These evils, as your memorialists conceive, arise wholly from the system of granting these lands upon leases, and are such as cannot be remedied by any course of legislation whatever, if, as some have supposed, the State has not the power under the term of the original grant of disposing of these lands in fee. Notwithstanding your memorialists may be of the opinion that they already possess this right, yet so long as the question shall admit of any doubt it must of necessity have the effect to restrain its exercise. It is true, that if the forms of proceedings established by States as the rules of action for its members shall or can be brought to operate upon the States themselves, this question might perhaps be rendered still more uncertain; but your memorialists conceive that the grants aforesaid, being made to the people of the State of Ohio through the medium of the legislature for the use of the people, that no limitations can have any operation further than as it shall furnish an argument against diverting this fund from its original and legitimate object. The legislature of the State of Ohio being in all respects sovereign within the constitution, their capacity to do any and every act in relation to property which its citizens hold in common, is, as they conceive, necessarily implied; nor can they acknowledge that any rule, other than the constitution, can operate with any obligatory effect upon the power which has created the rule itself, except upon considerations of justice and policy towards those who may be affected by their acts. It may, it is true, be said that these grants partake of the nature of a compact between the United States and the State of Ohio, and that therefore they are to be limited to their particular terms in relation to the State of Ohio. It is admitted that the grant exists in consequence of a compact; but inasmuch as the United States have received a full and valuable consideration which formed the inducement of the grant, and inasmuch as they have not reserved to themselves any beneficial interest in the land aforesaid or possibility of reversion, or any title whatever, it cannot be supposed that they can possess any controlling power; it may be urged also that, inasmuch as there has been no method pointed out in respect of the manner in which this trust should be executed, the legislature of the State of Ohio have an unlimited discretion in this respect, and may avail themselves of every possible method of producing the greatest advantage to those whom they represent. This argument, they conceive, is powerfully supported by the fact that the same act grants to the State, as well the school lands in question as the six miles reservation, including the Scioto salt springs; in respect of which latter the legislature are expressly restrained from selling the same or leasing them for a longer period than ten years, and that the inference from this circumstance is direct, that it was the intention of the parties to that compact that no such restraint should exist in relation to the other lands which did not come within this provision. While your memorialists have been thus particular in endeavoring to give the proper definition of the powers they possess, in order that no conclusions may hereafter be drawn unfavorable to their claim from having made this application, and have thereby perhaps shown that in a particular point of view this application is wholly unnecessary, they are of opinion that an act of Congress of the United States declaratory of the extent of the grants aforesaid will be productive of much benefit, in case the legislature of the State should hereafter determine to dispose of the same; that it will have the full effect of removing every doubt in the minds of the purchasers, and thereby enhance the price which will be obtained for the same.

Therefore, your memorialists represent that it would be of advantage, and conduce to the future prosperity of the State of Ohio, that a law of the United States be passed declaring the authority of the State of Ohio to dispose of the said lands granted for the use of schools within said State in fee, and that the proceeds thereof be invested in some permanent fund, the proceeds of which shall be applied, under the directions of the legislature, for the use of common schools within the townships or districts to which they were originally granted in said State, and for no other use or purpose whatever: provided that the sections numbered sixteen, granted as aforesaid for the use of schools, shall not be sold without the consent of the inhabitants of such original surveyed township, and that they may be authorized and empowered to sell and dispose of the aforesaid six miles reservation, including the Scioto salt springs, the salt springs near Muskingum river and in the military tract, with the sections of land which include the same, and apply the proceeds thereof to such literary purposes as the legislature of the State of Ohio may hereafter direct.

*Resolved, further,* That the governor be requested to forward the foregoing memorial to the government of the United States, and take such order and disposition of the funds as shall seem to him proper.

JOSEPH RICHARDSON,

*Speaker of the House of Representatives.*

ALLEN TRIMBLE,

*Speaker of the Senate.*

FEBRUARY 26, 1824.

SECRETARY OF STATE'S OFFICE, *Columbus, Ohio, February 27, 1824.*

I certify the foregoing to be a correct copy of the original roll remaining in this office.

JER. McLENE, *Secretary of State.*

18TH CONGRESS.]

No. 431.

[2D SESSION.]

# CLAIM OF THE BARON DE MAISON ROUGE TO LANDS IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 7, 1825.

Mr. BRENT, from the select committee to whom was referred the consideration of the report of the Secretary of the Treasury relative to the claim of the representatives of the Marquis de Maison Rouge to a large tract of land situated in the parishes of Ouachita and Catahoula, in Louisiana, by a resolution of the House of Representatives of the Congress of the United States of December 23, 1824, reported:

That, on March 17, 1795, the governor of Louisiana entered into a contract with the Marquis de Maison Rouge, of which the following is a copy:

We, Francis Lewis Hector, Baron de Carondelet, knight of Malta, brigadier general of the royal armies of his Catholic Majesty, military and civil governor of the provinces of Louisiana and West Florida; Don Francis Rendon, intendant of the army and deputy superintendent of the royal domains in the said provinces; Don Joseph de Orne, knight of the royal and distinguished order of Charles the Third, principal accountant for the royal chests of the army, exercising the functions of fiscal of the royal domains, declare, that we agree and contract with the Señor Marquis de Maison Rouge, an emigrant French knight, who has arrived in this capital from the United States, to propose to us to bring into these provinces *thirty families* who also are emigrants, and *who* are to descend the Ohio for the purpose of forming an *establishment* with them on the lands bordering upon the Washita, designed principally for the culture of wheat, and the erection of mills for manufacturing flour, under the following conditions:

1st. We offer, in the name of his Catholic Majesty, whom God preserve, to pay out of the royal treasury two hundred dollars to every family composed of two white persons fit for agriculture or for the arts useful and necessary to *this establishment*, as house or ship carpenters, blacksmiths, and locksmiths; and four hundred to those having four laborers; and, in the same way, one hundred to those having no more than one useful laborer or artificer, as before described, with his family.

2d. At the same time we promise, under the auspices of our sovereign monarch, to assist *them* forward from New Madrid to Washita with a skilful guide, and the provisions necessary for them, till their arrival at the place of destination.

3d. The expenses of transportation of *their* baggage and implements of labor, which shall come by sea to this capital, shall be paid on account of the royal domains, and *they* shall be taken on the same account from this place to the Washita, provided that the weight shall not exceed three thousand pounds for each family.

4th. There shall be *granted to every family* containing two white persons fit for agriculture *ten arpents of land extending back forty arpents*, and increasing in the same proportion to those which shall contain a greater number of white cultivators.

5th. Lastly, it shall be permitted to *the families* to bring, or to cause to come with them, European *servants*, who shall bind themselves to their service for six or more years, under the express condition that, if *they* have families, *they shall have a right*, after their term of service is expired, to receive a *grant of land* proportioned, in the same manner, to their numbers. Thus we promise, as we have here stated; and that it may come to the *knowledge of those families* which propose to transport themselves thither, we sign the present contract with the aforesaid Señor Marquis de Maison Rouge, to whom, that it may be made plain, a certified copy shall be furnished.

THE BARON DE CARONDELET.

FRANCIS RENDON.

JOSEPH DE ORNE.

THE MARQUIS DE MAISON ROUGE.

NEW ORLEANS, March 17, 1795.

On the 14th July, in the same year, this contract was approved by the King of Spain.

Having laid before the King what you have made known in your letter of the 25th of April last, No. 44, relative to the contract entered into with the Marquis of Maison Rouge for the establishment, on the Washita, of the thirty families of farmers destined to cultivate wheat for the supply of these provinces, his Majesty, considering the advantages which it promises compared with the preceding, has been pleased to approve it in all its parts. By his royal direction I communicate it to you for your information. God preserve you many years.

MADRID, July 14, 1795.

GARDOQUI.

To the *Intendant of Louisiana*:

On June 14, 1797, Carlos Trudeau, surveyor general, certifies to have measured thirty superficial leagues for the said Marquis de Maison Rouge, as ordered by the governor general.

No 1.

[Translation.]

Carlos Trudeau, surveyor general, &c., certifies to have measured, in favor of Marquis of Maison Rouge, the several tracts of land represented in those parts of the plat shaded with vermilion, which may contain thirty superficial leagues, to-wit: The tract No. 1, on the right bank of the Washita river, to be taken five arpents below the mouth of the Bayou de la Cheniere au Toudre, and thence descending to the Bayou Calumet, with a corresponding depth, to complete one hundred and forty thousand superficial arpents; the tract marked No. 2, on the left bank of the same river, commencing two leagues below Fort Miro and at the point called l'Aine, and extending one league below the Prairie de Lee, with a corresponding depth, to complete seventy thousand superficial arpents; the tract marked No. 3, to be taken in front of the Bayou Loutre, and thence on a line S. 75° E. to the Bayou de Liar, which line to the Bayou de Liar, the Bayou Bartholomy, and the river Washita, are to include the tract No. 3; tract No. 4, on the right bank of Washita river, to be taken in front of the entry of Bayou Bartholomy, thence descending the river to Bayou la Loutre, with such depth as that the tracts Nos. 3 and 4 shall include the quantity of eight thousand three hundred and forty-four superficial arpents, which, added to the first two tracts, makes a total superface of two hundred and eight thousand three hundred and forty-four superficial arpents, equal to the above said thirty leagues, at the rate of two thousand five hundred toises for the side of a league, the land measure in this province. Being well understood that the land which may be included in the above, either by title in form or first degrees of concession, are not to be counted in computing the preceding thirty leagues; on the contrary, the Marquis de Maison Rouge promises to be of no detriment to the settlers occupying previously any part of the land, but will maintain and support them in their rights, in consideration that, if the said thirty leagues shall suffer any diminution on account of previous occupants, the Marquis de Maison Rouge has the right, and there will be no objection to his supplying the deficiency in any other part where the land is vacant. And, that it may so appear, I give this by order of the governor general, Baron de Carondelet. All which I certify.

CARLOS TRUDEAU, &c.

NEW ORLEANS, June 14, 1797.

LAND OFFICE, Opelousas, August 15, 1812.

The foregoing is the substance of the proces verbal (certificate) of the surveyor general subjoined to the plat, (of which that on the other side is a copy,) filed in the claim of Louis Bouligny, holding under Maison Rouge.

L. CHACHIRE, *Translator to the Board of Commissioners.*

Attest: L. POSEY, *Clerk of the Board.*

I certify that the above and the preceding page is a true copy from the report of the land commissioners of the western district of Orleans, dated December 14, 1812; and that the plat attached hereto is a copy of the plat attached to the said report. The original papers, copied in pages 67, 68, and 69, of the book entitled Land Laws, are not in this office.

JOSIAH MEIGS.

GENERAL LAND OFFICE, December 12, 1820.

On June 20, 1797, six days after the survey is stated to have been made, the governor general made the following order:

NEW ORLEANS, June 12, 1797.

The Baron de Carondelet, knight of the order of St. John, marshal de camp of the royal armies, governor general, vice patron of the provinces of Louisiana and West Florida, inspector of troops, &c.:

Forasmuch as the Marquis de Maison Rouge is near completing the establishment of the Washita, which he was authorized to make for thirty families by the royal order of July 14, 1795, and desirous to remove, for the future, all doubts respecting other families or new colonists who may come to establish themselves, we destine and appropriate, conclusively, for the establishment of the aforesaid Marquis de Maison Rouge, by virtue of the powers granted to us by the King, the thirty superficial leagues marked in the plan annexed to the head of this instrument, with the limits and boundaries designated, with our approbation, by the surveyor general, Don Charles Laveau Trudeau, under the terms and conditions stipulated and contracted for by the said Marquis de Maison Rouge; and, that it may at all times stand good, we give the present, signed with our hand, sealed with our seal of arms, and countersigned by the underwritten honorary commissary of war and secretary of his Majesty for this commandancy general.

THE BARON DE CARONDELET.

ANDRES LOPES ARMISTO.

On August 5, 1803, Don Gilbert Leonard and Don Manuel Gonzales Armirez, Spanish officers, certified that the condition of the contract had been complied with.



## No. 2.

Don Gilbert Leonard, treasurer of the army, exercising the functions of the royal accountant, and Don Manuel Gonzales Armirez, exercising those of the treasurer, par interim, of the royal chests of this province of Louisiana:

We certify that the two foregoing copies are conformable to the originals which remain in the archives of the ministry of the royal domains under our charge, and that the contractor, the Marquis de Maison Rouge, complied punctually with the terms which he proposed in the said contract; and that this may be made manifest, conformably to the order above inserted of this intendancy general, we give the present, in New Orleans, August 5, 1803.

GILBERT LEONARD.  
MANUEL ARMIREZ.

Upon this evidence the land commissioners, acting under the act of Congress of March 3, 1807, by their report, placed this claim amongst a class of cases recommended for confirmation.

## No. 3.

*Claims to land in the county of Washita.*

Reported number.	Register's number.	By whom claimed.	Original proprietor or claimant.	Quantity claimed.	Nature and date of title or claim.	Class.
16	11	Louis Bouligny .....	Marquis de M. Rouge...	30 square leagues.....	Spanish grant, June 20, 1797.....	B.

## No. 16.

The undersigned commissioners have compared the documents, title filed in this claim, with the translation of them in pages 67, 68, and 69, of the appendix to the book entitled "Land Laws," &c., and find the said translation to be correct, so far as it goes. The certificate, or proces verbal, which the surveyor general has annexed to his plat, not appearing in said book, a translation of that document, together with a copy of the plat, is transmitted for the further elucidation of the claim. No oral or other testimony has been adduced before the board to establish the occupancy of any part of these lands, or that there has been a compliance upon the part of the grantee with the conditions stipulated in the contract, except the certificate under date of August 5, 1803, signed by Gilbert Leonard and Manuel Armirez, to the translation of which, in page 69 of the appendix of said book, the commissioners beg leave to refer.

The undersigned have observed a remark, in the 25th page of the introductory part of the book entitled "Land Laws," that no patent has issued on the claim under consideration. With great deference for that authority, the undersigned commissioners cannot but be of opinion that the instrument under date of June 20, 1797, is a patent (or what was usually in Louisiana denominated a title in form) transferring to the Marquis de Maison Rouge the title in as full and ample a manner as lands were usually granted by the Spanish government, subject, however, to the conditions stipulated in his contract with the government. The plat of survey above referred to will be found subjoined to this report.

All claims which did not exceed a league square were confirmed by act of Congress of April 29, 1816; and this, being for a greater number of acres than are contained in a league square, was excluded from confirmation by said act, and is now presented for confirmation or rejection by Congress.

The confirmation of this claim is resisted by the government of the United States upon several grounds, amongst which are the following:

*First.* That the documents relied upon to establish the claim of the representatives of the Marquis de Maison Rouge to the thirty superficial leagues claimed show that *no contract or grant* has ever been made to the Marquis de Maison Rouge in his *own individual right*, and that it was only a *contract* with him, as *agent of the persons* he was to bring with him, by which the Spanish government bound itself to *grant* to each person, according to the conditions of the contract, a *certain number of acres of land*; and that De Maison Rouge did not acquire, by said contract, a *right to dispose of said land* by sale, deed, or last will and testament, or in any other way.

*Secondly.* That the conditions of said contract were never fulfilled by the said Marquis de Maison Rouge.

*Thirdly.* That the said land never was surveyed, as certified, under the Spanish government; and if it were, that it was not done with a view to vest the Marquis de Maison Rouge with any *right individually*, but for the sole purpose of *designating* a certain number of acres of land upon which the *new settlers* might establish themselves as they came in, and out of which the *promised grants* of 400 arpents each was to be made to each family containing two white persons, according to the fourth condition in said contract; and that *said families not having settled the land as agreed, it remains as public land.*

*Fourthly.* That the said land never was intended, nor never was located, as pretended by the representatives of De Maison Rouge, but was at a different place.

In support of these objections, and of others, to the confirmation of this claim, a reference has been made to the documents aforesaid, and to the depositions of sundry old inhabitants of Louisiana, and of Spanish officers, which were taken by proper authority, after due notice given, and which testimony is marked W, and accompanies this report; also, to the certificate of Carlos Trudeau, translated by L. Derbigny on April 17, 1804.

## [Translation.]

I, Don Carlos Trudeau, surveyor royal and particular of the province of Louisiana, &c., do certify that the present draught contains 144 superficial leagues, each league forming a square, the sides of which are in length 2,500 toises, (a toise is six French feet long,) measure of the city of Paris, according to the custom and practice of this colony, the said land being situated in the post of Ouachita, about 80 leagues above the mouth of that river, falling into Red river, adjoining on the part of the S. W. to the

eastern shore of the river and Bayou Ouachita, Bartholemy, and Sicard, conformable to the red line which borders the said river and bayous; bounded on the south part by a line drawn from the south 75° east, about three leagues and one mile long; beginning from the shore C, of the Bayou Sicard, and continuing as far as the height of the junction A of the said Bayou Sicard with the Bayou Bartholemy, the said point A being as a basis on the line of measurement A B of 12 leagues in length, parallel with the plane of Bayou Bartholemy, from the point A to the end of the said 12 leagues which terminates at point B, where is the mouth of the rivulet named Bayou Turniro; the lines D E and F G are parallel lines directed north 52° east, without minding the variation of the compass which varies 8° to the northeast. In testimony, I deliver the present certificate, with the draught hereto affixed, for the use of the Baron de Bastrop, on the 14th day of June, 1797; I, the surveyor, having signed the same, and recorded in the book A, No. 1, folio 38, department No. 922 of the surveys. I do certify the present copies to be conformable to the original which are lodged in the office under my care, to which I refer, and, at the request of a party, I deliver the present, same date as above.

CARLOS TRUDEAU, *Surveyor*.

I certify the above to be a true and faithful translation of the original certificate of survey, written in the Spanish language, and to which is prefixed the plat of the land therein mentioned.

L. DERBIGNY, *Interpreter to the Government*.

NEW ORLEANS, *April 17, 1804.*

From a careful examination of the foregoing documents and testimony, the committee are of the opinion that the decision in the present claim depends entirely upon a question of law as to the title, and upon the examination of witnesses as to several important points to be ascertained; and that an investigation of the claim by Congress would not only be attended with great delay, but with so many difficulties that justice, as well to the parties interested as to the government of the United States, requires a reference of the decision of this claim to the United States court for the western district of Louisiana, with an appeal to the Supreme Court of the United States; and for that purpose report a bill.

18TH CONGRESS.]

No. 432.

[2D SESSION.]

# CLAIM OF THE BARON DE BASTROP TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 11, 1825.

Mr. BRENT, from the select committee to whom was referred, December 16, 1824, the petitions of the inhabitants of Ouachita, in the State of Louisiana, and the owners of the land called "Bastrop's grant," in said county of Ouachita, having had the same under consideration, together with the accompanying documents, reported:

That, from the documents furnished, and from the title papers as published in the land laws of the United States, (of the authenticity of which they are unable to form any opinion,) it appears a petition was addressed to the governor general of Louisiana by De Bastrop June 20, 1795, of which the following is a copy:

NEW ORLEANS, *June 20, 1795.*

The Baron de Bastrop, desirous of encouraging the population and cultivation of the Ouachita and its neighborhood, of passing into the United States to complete the plan of emigration which he has projected, and from thence to return with his family, makes known to your lordship that it is absolutely indispensable on the part of the government that a district be designated of about *twelve leagues square*, including the Bayou Liar and its vicinity, in which your petitioner may, without the least obstacle or delay, place the families he is about to bring in, on the express condition that concessions of land are to be made gratis; and under no title or pretext to exceed, at most, *four hundred arpents square*, with a view to prevent the introduction of negroes, and the making of indigo, which, in that district, will be entirely contrary and prejudicial to the cultivation of wheat, and will cause your petitioner irrecoverably to lose the expenses of his establishment. Your petitioner prays, also, that you will be pleased to grant him permission to export for the Havana the flour which may be manufactured at the mills on the Ouachita, without confining him to sell it absolutely in New Orleans and other posts in this province, unless it should be necessary for their subsistence, in which case they ought always to have the preference. It is also indispensable that the government should charge itself with the conducting and support of the families which the petitioner may introduce from the post of New Madrid to Ouachita, by furnishing them with some provisions for the subsistence of the first months, and assisting them to commence the sowing of their seeds, granting to those inhabitants who are not Catholics the same liberty of conscience as is enjoyed by those of Baton Rouge, Natchez, and other districts of the province, and without fixing on the part of the government, conclusively, the number of families which your petitioner is to introduce. The zeal which I feel for the prosperity and encouragement of the province, joined to a desire of securing tranquillity and quietude to that establishment by removing at once whatever obstacles might be opposed to those interesting objects, have induced me to represent to you what I have done, hoping that you will recognize in these dispositions the best service of the King and advancement of the province confided to your authority.

DE BASTROP.

The GOVERNOR GENERAL.

Upon June 21, 1795, an order was given upon said petition, of which the following is a copy:

NEW ORLEANS, June 21, 1795.

Seeing the advantages which will result from the establishment projected by Baron Bastrop, the commandant of Ouachita, Don John Filhiol, will designate twelve leagues square, half on the side of the Bayou of Liar, and half on the side opposite the Ouachita, for the purpose of placing there the families which the said baron may direct, it being understood that no greater concession of land is to be given to any one than four hundred square arpents at most, gratis and free from all dues. With regard to the object of this establishment, it is to be for the cultivation of wheat alone. The exportation of the product of this province being free, the petitioner need not doubt that it will be allowed to him, for the flour which he may manufacture at the mills of the Ouachita, to the Havana, and other places open to the free commerce of this province. The government will charge itself with the conducting of the families from New Madrid to Ouachita, and will give them such provisions as may appear sufficient for their support during six months, and proportionably for their seeds. They shall not be molested in matters of religion, but the apostolical Roman Catholic worship shall alone be publicly permitted. The petitioner shall be allowed to bring in as many as five hundred families: *Provided*, That, after the lapse of three years, if the major part of the establishment shall not have been made good, the twelve leagues square destined for those whom the petitioner may place there shall be occupied by the families which may first present themselves for that purpose.

THE BARON DE CARONDELET.

Registered: ANDRES LOPES ARMISTO.

Upon June 20, 1796, a decree was given by the same governor general, as follows:

The Baron de Carondelet, chevalier of the religion of St. John, marshal de camp of the royal armies, governor general, vice patron of the provinces of Louisiana, West Florida, and inspector of the troops, &c.:

Whereas Baron Bastrop, in pursuance of his petition dated the 20th of June of the year last past, and the decree of the 21st of the same month, has commenced the establishment of the Ouachita; that, for the fulfilment of the stipulation on the part of the government for avoiding, progressively, all obstacles, difficulties, and delays, and that the said baron might proceed with every facility in fixing the families which, to the number of five hundred, he was held to place, or cause to be placed there, we have proceeded to designate the twelve leagues intended for the said establishment, in the terms, with the limits, metres, and bounds, and in place marked, fixed, and defined, by the figured plan and description affixed to the head of this instrument, *verified by the surveyor general, Don Charles Laveau Trudeau*; it having now appeared to us to be also most expedient for avoiding all contest and dispute, and approving, as we do approve them, by virtue of the authority which the King has granted to us, we do destine and appropriate, in his royal name, the aforesaid twelve leagues, in order that the said Baron Bastrop may establish them in the manner and under the conditions expressed in said petition and decree. We give the present, signed with our hand, sealed with the seal of our arms, and countersigned by the underwritten honorary commissary of war and secretary of his Majesty for this commandancy general.

THE BARON DE CARONDELET.

ANDRES LOPES ARMISTO.

Upon June 12, 1797, De Bastrop presented another petition to the governor general in the following words:

NEW ORLEANS, June 12, 1797.

Baron de Bastrop has the honor to make known to you that, it being his intention to establish in the Ouachita, it is expedient that you should grant to him a corresponding permission to erect there one or more mills, as the population may require; as also to shut up the Bayou de Liar, where he proposes to establish the said mills, with a dike in the place most convenient for his work; and, as it appears necessary to prevent disputes in the progress of the affair, he begs, also, the grant, along the Bayou Bartholomy from its source to its mouth, of six toises on each bank, to construct upon them the mills and works which he may find necessary, and prohibiting every person from making upon said bayou any bridge, in order that its navigation may never be interrupted, as it ought, at all times, to remain free and unobstructed. This request, sir, will not appear exorbitant when you are pleased to observe that your petitioner, who will expend in these works twenty thousand dollars or more, will be exposed, without these grants, to lose all the fruits of his labor by the caprice or jealousy of any individual who, being established on this bayou, may cut off the water or obstruct the navigation; not to mention the loss which the province will sustain of the immense advantages to result from the useful project proposed for the encouragement of the agriculture and population of those parts.

DE BASTROP.

The GOVERNOR GENERAL.

And upon the same day the governor general gave the grant, a copy of which follows:

NEW ORLEANS, June 12, 1797

Considering the advantages to the population on the Ouachita, and the province in general, to result from the encouragement of the cultivation of wheat and the construction of flour mills, which the petitioner proposes to make at his own expense, I grant him, in the name of his Majesty, and by virtue of the authorities which he has conferred upon me, liberty to shut the Bayou de Liar, on which he is about to establish his mills, with a dike at the place most proper for the carrying on of his works. I also grant him the exclusive enjoyment of six toises of ground on each side of the Bayou Bartholomy, from its source to its mouth, to enable him to construct the works and dams necessary for his mills; it being understood that by this grant it is not intended to prohibit the free navigation of the said bayou to the rest of the inhabitants, who shall be free to use the same without, however, being permitted to throw across it any bridge, or to obstruct the navigation, which shall, at all times, remain free and open. Under the conditions here expressed, such mills as he may think proper to erect may be disposed of by the petitioner, together with the lands adjoining, as estates belonging entirely to him in virtue of this decree, in relation to which



the surveys are to be continued, and the commandant, Don John Filhiol, will verify and remit them to me, so that the person interested may obtain a corresponding title in form; it being a formal and express condition of this grant that at least one mill shall be constructed within two years; otherwise it is to remain null.

Registered: ANDRES LOPES ARMISTO.

THE BARON DE CARONDELET.

It also appears that a petition was made and decree granted the same as the last mentioned, except that the petition asks for six toises of ground on each side of the Bayou de Liar, from its source to its mouth.

It also appears that, upon June 16, 1797, De Bastrop made a contract with the Spanish government, as follows:

The Baron de Bastrop contracts with his Majesty to furnish, for the term of six months, rations to the families which he has latterly introduced at the post of the Ouachita, which are to be composed of twenty-four ounces of fresh bread, or an equivalent in flour; twelve ounces of fresh beef, or six of bacon; two ounces of fine *menestra*, or three of ordinary, and one thousandth part of a *celemin* (about a peck) of salt, for which there is to be paid to him, by the royal chests, at the rate of a real and a half for each ration; for which purpose there shall be made out monthly a particular account, the truth and regularity of which shall be attested at foot by the commandant of that post. Under which conditions I oblige myself with my person and estate to the fulfilment of the present contract, subjecting myself in all things to the jurisdiction of this general intendency.

In testimony of which, I sign it at New Orleans, June 16, 1797.

BARON DE BASTROP.

And upon the same day the last contract was approved, as follows:

NEW ORLEANS, (date as above.)

I approve this contract in the name of his Majesty, with the intervention of Signor Gilbert Leonard, principal contador of the army in these provinces, for its validity. Two certified copies are to be directed to the secretary, Juan Ventura Morales. With my intervention.

GILBERT LEONARD.

Copy of the original which remains in my keeping, and which I certify, and is taken out to be passed to the secretary of this general intendency.

GILBERT LEONARD.

NEW ORLEANS, *ut supra*.

Upon June 18, 1797, the governor general directed the following order and decree to "De Bastrop:"

NEW ORLEANS, June 18, 1797.

Whereas the intendant, from the want of funds, has solicited the suspension of the last remittance of families until the decision of his Majesty, there ought to be no prejudice occasioned to you by the last paragraph of my decree, which expresses that, if within three years the major part of the establishment shall not have been made good, such families as may first present themselves shall be located within the twelve leagues destined for the settlement which you have commenced; and this shall only have effect two years after the course of the contract shall have again commenced to be executed, and the determination of his Majesty shall have been made known to you. You will always remain persuaded that, on my part, I will observe religiously the engagements I have contracted—a principle which has constantly distinguished the Spanish nation. God preserve you many years.

THE BARON DE CARONDELET.

BARON DE BASTROP.

The above statement contains all the title papers which have been presented, and which were before the land commissioners for the western district of the late Territory of Orleans, who reported against the legal representative of De Bastrop, or the right of De Bastrop to any part of the intended grant of twelve leagues square, as will be seen by their several reports, as made and numbered in their report upon land claims in said western district, made to the Secretary of the Treasury of the United States December 14, 1812.

The land commissioners of the United States having refused the confirmation of this claim as aforesaid, the owners now present themselves and ask that Congress will confirm to them the aforesaid twelve leagues square, which they claim as deriving a legal title from De Bastrop.

From the evidence and documents which have been before the committee, it is proven that many persons were introduced under the contract of De Bastrop, but not to the number contracted for; and, without touching the question as to the individual right of De Bastrop to the land, or of any person claiming under him by purchase or otherwise, except those who came to Ouachita under the contract, the committee think that in equity the government of the United States ought to confirm to every person, or those claiming under them, who went to Ouachita under the contract with De Bastrop, the number of acres of land which the governor general of Louisiana agreed to give to each family or person, according to said contract.

The government of the United States resists the confirmation of this claim to De Bastrop, or those claiming under him by purchase or otherwise, for the following reasons, amongst others, viz:

1. That the contract and grant, if any there was, were for the 500 families De Bastrop was to settle upon the lands, and not to De Bastrop in his individual right, so that he could sell or dispose of the same.
2. That the conditions never were fulfilled.
3. That the contract was revoked by the Spanish government.
4. That the contract was never approved by the King of Spain.
5. That the governor general had not the power of making such contract without the authority of the Spanish government.
6. That if De Bastrop was entitled to any part of said land, it could only be for the surplus after the 500 families had taken, each family 400 arpents, according to said contract.

In support of these objections, and others, to the confirmation of this claim, or any part of it, to those who hold under De Bastrop in his *individual right*, a reference has been made to the documents aforesaid.

From a careful examination of the foregoing documents and evidence, the committee are of the opinion that the decision in the present claim (as to the *right of De Bastrop or those who claim under him in his individual right*) depends entirely upon a *question of law*, and upon the examination of many witnesses as to several important points, and that an examination of it by Congress would be attended with great delay and many difficulties, and that justice to the interested, as well as to the government, requires a reference of this particular point to the United States courts. The committee are also of the opinion that, in case it should ultimately be decided that the said land belongs to the United States, it would be but fair and just to extend to all those who were settled upon the said land at the time the United States took possession of that part of the country the same provisions and privileges and donations as were granted to the actual settlers under the act of Congress of March 2, 1805, and the amendments thereto, as well as all other privileges extended to the inhabitants of Louisiana, settled upon other public lands by any subsequent act of Congress, so as to place the settlers upon the said land upon an equality with the settlers upon other public lands.

To prevent further delay, and with a view of finally adjusting the claim upon what the committee consider to be fair and equitable principles, they report a bill.

18TH CONGRESS.]

No. 433.

[2D SESSION.]

### LAND FORFEITED FOR NON-COMPLIANCE WITH TERMS OF SALE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 11, 1825.

MR. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to whom were referred the petition and documents of Cornelius Vermilion, reported:

The petitioner states that in the year 1816 he entered two quarter sections of land in the Vincennes district, and paid therefor one hundred and sixty dollars in hand; that being illiterate and in indigent circumstances, he failed to make any other payments, in consequence of which a forfeiture ensued; and that not knowing that Congress had subsequently passed any act which would have embraced his case, he now prays that he may be permitted to enter land elsewhere, and that the money he has paid may be applied to the payment thereof.

It appears from the register's certificates that the purchase was made as set forth in the petition.

The committee will remark that a compliance with the prayer of the petitioner would be establishing a principle fraught with much public inconvenience. The precedent might be urged by hundreds whose lands, on account of delinquency, have been forfeited. They, too, could plead indigence and the want of information. If relief were extended to the petitioner at all, it ought to be by a bill general in its provisions; this, however, the committee feel no disposition to recommend. Wherefore, the following resolution is offered:

*Resolved*, That the prayer of the petitioner be not granted.

18TH CONGRESS.]

No. 434.

[2D SESSION.]

### INCOMPLETE TITLE TO LAND WEST OF PEARL RIVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 11, 1825.

MR. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to whom were referred the petition and documents of Jane Percy, widow of Robert Percy, deceased, who petitions for herself and others, reported:

The petitioner represents that in the year 1806 seven thousand acres of land, situated on the river Bog Chitto, (now in the Parish of Washington, Louisiana,) were granted to her late husband; that these lands were surveyed by Ira C. Kneeland, deputy surveyor, and plats thereof remitted to the office of the surveyor general at Pensacola; that, owing to sundry causes over which her said husband had no control, the intendant of Florida did not issue patents for the same, as had been anticipated; that the preparatory steps taken to secure the said lands gave origin to much expense; that the evidences of claim to these lands were submitted to the board of commissioners appointed to adjust land titles in the district of country west of Pearl river, and were adjudged insufficient to authorize confirmation; that the said lands have been surveyed and sold as public property; whereupon, permission to locate other lands is solicited.

To support this claim, the petitioner has exhibited five certificates of survey, dated November 20, 1806, signed by Ira C. Kneeland, defining sundry tracts of land, in all amounting to 7,000 arpents. She also appends to the petition her affidavit of the truth of the facts therein stated according to her belief.

The committee will observe it has not been the policy of this government to recognize such a title as is in this case asked to be confirmed—a title manifestly imperfect, having its origin some years after the cession of Louisiana, and unaccompanied by proof of habitation and cultivation. It is believed the powers with which the board of commissioners were clothed were as extensive as a just regard to the provisions of the treaty for that country could require. As there is no additional proof exhibited, the committee thinks there would be an impropriety in disturbing the decision rendered by the board of commissioners; therefore, the following resolution is recommended:

*Resolved*, That the prayer of the petitioner be not granted.

18TH CONGRESS.]

No. 435.

[2D SESSION.]

## COMPENSATION OF REGISTERS AND RECEIVERS OF LAND OFFICES.

COMMUNICATED TO THE SENATE JANUARY 11, 1825.

GENERAL LAND OFFICE, January 6, 1824.

SIR: In compliance with your request, I enclose a statement showing the amount which each register and receiver would receive as a compensation for extra services rendered under the act of March 2, 1821, estimating that compensation at one-half of one per cent. on the amount of the purchase money of the lands relinquished under the act of March 2, 1821. Although I do not consider that the registers and receivers have any rightful claim to a percentage on the amount of the purchase money of the lands relinquished, yet it may be assumed as a basis for equalizing the compensation to which these officers are justly entitled for the extra services rendered under the act referred to, provided the amount is limited to a sum not exceeding three thousand dollars to any officer, that sum being the maximum allowed by law for the annual salaries of the registers and receivers.

With great respect, your obedient servant,

GEORGE GRAHAM.

HON. JESSE B. THOMAS, of the Committee on Public Lands, Senate of the United States.

*Statement of a percentage on the amount of the purchase money of relinquished lands.*

State.	District.	Purchase money.	Amount of percentage, at one-half of one per cent.	Remarks.
Ohio.....	Marietta.....	\$25,383 21	\$126 92	
	Zanesville.....	71,453 43	357 97	
	Steubenville.....	66,870 63	334 35	
	Chillicothe.....	99,859 13½	496 30	
	Cincinnati.....	228,142 89	1,190 71	
	Wooster.....	182,619 23½	914 10	
	Delaware.....			No relinquishments.
Indiana.....	Piqua.....			Do.
	Vincennes.....	445,456 09	2,227 28	
	Jeffersonville.....	227,349 72	1,136 75	
	Terre Haute.....			Do.
Illinois.....	Brookville.....			Do.
	Shawneetown.....	238,741 02	1,193 70	
	Kaskaskia.....	330,483 94	1,652 42	
	Edwardsville.....	266,770 52	1,333 85	
	Vandalia.....			Do.
Mississippi.....	Palatine.....			Do.
	Washington.....	149,659 24	748 20	
	Jackson, Choctaw district.....			Do.
	Jackson Court-House.....			Do.
Alabama.....	Huntsville.....	3,146,886 68½	15,734 43	
	St. Stephen's.....	500,800 61½	2,504 00	
	Cahaba.....	1,367,546 79½	6,837 73	
	Tuscaloosa.....			Do.
	Sparta.....			Do.
Michigan.....	Detroit.....	63,309 58	316 55	
	Franklin.....	1,073,828 10	5,369 14	
Missouri.....	St. Louis.....	361,625 68	1,808 13	
	Cape Girardeau.....			Do.
Arkansas.....	Lawrence county.....			Do.
	Arkansas.....			Do.
Louisiana.....	Ouachita.....			Do.
	New Orleans.....			Do.
Total.....		8,844,366 52	44,221 63	



18TH CONGRESS.]

No. 436.

[2D SESSION.]

## REDUCTION OF THE NUMBER OF LAND OFFICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 12, 1825.

TREASURY DEPARTMENT, *January 10, 1825.*

Sir: In obedience to a resolution of the House of Representatives, dated March 13, 1824, requiring the Secretary of the Treasury, at the next session of Congress, to inform the House "whether the number of land offices in the United States may not be diminished by consolidating the land districts, or otherwise, without any injury to the public interest, or material inconvenience to individuals; and that he report such a plan for the location of the land offices and reorganization of the land districts as will better promote the public interest than the present location and organization of the same, with such information as to the receipts and expenditures of the offices, severally, as may enable Congress to decide on the propriety of discontinuing any office," I have the honor to enclose a report from the Commissioner of the General Land Office, together with two statements marked A, B, and a map of the United States, on which the boundaries of the several land districts are delineated; which report, statements, and map exhibit the views of the department and the information in their possession on the subjects embraced in the resolution.

I have the honor to be, with great respect, your obedient servant,

WM. H. CRAWFORD.

Hon. the SPEAKER of the House of Representatives.

GENERAL LAND OFFICE, *November 12, 1824.*

Sir: The resolution passed by the House of Representatives on the 13th of March last, relative to the consolidation of the land offices, and referred by you to this office, is returned, together with a map showing the situation and boundaries of the several land districts, amounting to forty, and the location of the land offices respectively, as denoted by the red stars. Of these offices the following are not located within their respective land districts, to wit: Delaware, Piqua, Brookville, and Little Rock. I also enclose two statements marked A and B. That marked A exhibits the periods at which the land districts were established by law; the number in each State; the quantity of land surveyed, and the quantity estimated to "remain unsold" in each land district June 30, 1823; and also the balances due from individuals September 30, 1822, for lands purchased at the respective land offices.

The paper marked B exhibits the amount of money received in 1823, and the first two quarters of 1824, together with the amount paid on account of incidental expenses during the same period.

On reference to the paper marked B it will appear that the expenses incident to the collection of that part of the revenue derived from the sale of lands for the year 1823 is equal to 7.19 1-6th per cent. on the gross amount of receipts, and for the first two quarters of the present year to 7.20 9-10ths per cent. on such receipts, exclusive of the expenses incident to this office and to the surveying of the lands.

Nearly two-thirds of the amount of the expenses incident to the collection of this branch of the revenue may be considered as permanent, and not affected by the increase or diminution of the revenue. These permanent expenses can only be reduced by a reduction of the number of land districts; and it is believed, with a view merely to economy, that eleven of these land districts may at present be abolished, and the residue so organized as to afford nearly equal facilities to the purchasers of the public lands generally as those now afforded by the present organization of the land districts. This reduction may be made by limiting the maximum number of land districts in any one State to four, and by consolidating some of the districts in those States where there is not at present more than that number.

To effect this, it is proposed to consolidate the districts of Steubenville, Wooster, Marietta, and Zanesville, and to form one district from those of Piqua and Delaware. The land offices may be so located in the districts thus formed as to give to the great mass of the population nearly equal facilities of communicating with them as those afforded under the present organization of the land districts. The eight land districts in Ohio would, by this arrangement, be reduced to four.

In the State of Indiana it is proposed to reduce the districts to four, by uniting those of Brookville and Fort Wayne, and removing the land office to a central position. On reference to the map it will appear that the land offices are now located at the extreme north and south points of the district which would be thus formed.

It is proposed in Illinois to add all that part of the districts of Vandalia and Palestine which may lie south of a line extending to the northern boundary of the Edwardsville district to the line of the State of Indiana to the Edwardsville district, and to add that part of the districts which may lie north of such a line, and within which but few tracts of land have as yet been sold, to the Springfield district. The land office for the southern district thus formed could be located at the seat of government, and that for the northern district removed to such position as the future progress of the population might make eligible.

In Missouri the districts might be reduced to four, by forming that part of the State north of the Missouri and Osage rivers into two districts, and that part of the State south of those rivers into two other districts.

In Alabama the number of districts may be reduced to four, by forming two districts from those of Cahaba, St. Stephen's, and Sparta, or Conecuh, by extending the northern boundary of the Conecuh district to the Mississippi line; and the land offices in the districts thus formed may be so located as to give equal if not greater accommodation to the whole population than is now afforded.

In Louisiana, where there are now four districts, it is proposed to reduce them to three by uniting the districts of St. Helena and New Orleans. Although the district thus formed will contain very large quantities of land, yet there is a very great portion of it which will not be sold for ages at the present minimum price of the public lands.

In Mississippi it is proposed to unite the district of Jackson Court-House and that west of Pearl river. In the latter of these districts all the lands have been offered at public sale, and those which remain unsold are generally either poor or otherwise unfit for cultivation, so that the annual sales will be very limited; and although there is a large extent of country embraced in the Jackson Court-House district, yet it is believed that, after the private claims are satisfied, the annual proceeds of the sales of the residue will not much exceed the expenses of surveying and the contingent expenses of the land office.

It may be proper to remark, that the consolidation of two or more land districts will not occasion much additional labor at this office, or at the offices so united. It is only where a land district, in which the sales have been extensive, is divided and attached to two other districts that the labor at the offices will be materially increased.

After the lands in any State shall have been all surveyed and offered at public sale, and when the debt due for lands heretofore purchased in such State shall have been liquidated, a further and more extensive reduction of the land districts may be made by limiting them in such State to a single district, and locating the land office at the seat of government of the State.

In any arrangement that may be made for the reduction of the number of land districts, the fact that a large debt is due on account of lands the payments for which are to be made, at the option of the debtors, either at the treasury of the United States or at the office where the lands were purchased, is entitled to much attention in respect both to the rights and accommodation of the purchasers; and when it is also taken into consideration that the disbursements of the public money are very limited in nearly all that section of country where the public lands lie, and that from the force of circumstances these disbursements will not probably be materially increased, it is submitted how far other considerations than those arising from the reduction of the expenses of collecting this branch of the revenue might make it inexpedient to reduce the land districts to the number proposed in this report, until those circumstances shall have occurred which would justify the reduction of them to a single district in each State. With these views of the subject, I would take the liberty of suggesting the expediency of passing an act declaring that, after March 31, 1829, the period at which the whole debt due on account of land ought to be paid, the land districts in each State be consolidated into one district, and the land offices be located at the seat of government of the States, respectively; and that until such a consolidation of the land districts shall have taken place, the President of the United States be authorized to attach any land district within which no lands have been sold on a credit to any one or more adjacent districts in the same State, in such manner and at such time as he may deem most conducive to the public interest.

I have the honor to be your obedient servant,

GEORGE GRAHAM.

Hon. WM. H. CRAWFORD, *Secretary of the Treasury.*

#### A.

*Statement exhibiting the periods at which the land districts were established by law; the number in each State; the quantity of land surveyed, and the quantity estimated to "remain unsold," in each land district, June 30, 1823; and also the balances due from individuals September 30, 1822, for lands purchased at the respective land offices.*

Date of the law creating the land district.	Land district.	Land office.	Quantity of land actually surveyed subject to sale originally, after deducting reservations for schools, private claims, &c., up to the latest returns.	Quantity of land estimated to remain unsold in each district on June 30, 1823.	Balances due from individuals on September 30, 1822, after the operation of the acts of March 2, 1821, and April 30, 1822.
OHIO.					
May 10, 1800.....	Marietta, including the reserved sections in the Ohio Company's purchase ....	Marietta.....	<i>Acres.</i> 652, 800	500, 113	\$43,641 50
May 3, 1803.....	Zanesville.....	Zanesville.....	1,629, 220	709, 492	192, 196 73
May 10, 1800.....	Steubenville.....	Steubenville.....	1,662, 964	418, 223	131, 350 39
May 10, 1800.....	Chillicothe.....	Chillicothe.....	2,023, 707	1,027, 015	152, 050 16
May 10, 1800.....	Cincinnati.....	Cincinnati.....	3, 413, 531	752, 632	526, 816 00
Mar. 3, 1807.....	Wooster.....	Wooster.....	1,234, 500	347, 097	214, 814 09
Mar. 3, 1819.....	Piqua.....	Piqua.....	2, 365, 929	2, 344, 736	.....
Mar. 3, 1819.....	Delaware.....	Delaware.....	2, 031, 791	1, 892, 106	.....
INDIANA.					
Mar. 3, 1807.....	Jeffersonville.....	Jeffersonville.....	2, 758, 453	1, 556, 770	542, 547 78
Mar. 26, 1804.....	Vincennes.....	Vincennes.....	4, 494, 984	3, 187, 147	670, 267 50
Mar. 3, 1819.....	Terre Haute, now Crawfordsville.....	Crawfordsville.....	2, 600, 384	2, 465, 210	.....
Mar. 3, 1819.....	Brookville.....	Brookville.....	2, 198, 622	1, 712, 136	.....
May 8, 1822.....	Fort Wayne.....	Fort Wayne.....	1, 228, 632	1, 228, 622	.....
ILLINOIS.					
Mar. 26, 1804.....	Kaskaskia.....	Kaskaskia.....	2, 035, 840	1, 737, 933	204, 485 04
Feb. 21, 1812.....	Shawneetown.....	Shawneetown.....	3, 183, 139	2, 696, 723	429, 690 14
Ap'l 29, 1816.....	Edwardsville.....	Edwardsville.....	3, 565, 956	3, 046, 272	207, 127 61
May 8, 1822.....	District north of Edwardsville.....	Springfield.....	1, 330, 311	1, 330, 311	.....
May 11, 1820.....	Vandalia.....	Vandalia.....	3, 530, 450	3, 518, 538	.....
May 11, 1820.....	Palestine.....	Palestine.....	3, 861, 661	3, 838, 765	.....

A.—Statement exhibiting the periods at which the land districts were established by law, &amp;c.—Continued.

Date of the law creating the land district.	Land district.	Land office.	Quantity of land actually surveyed subject to sale originally, after deducting reservations for schools, private claims, &c., up to the latest returns.	Quantity of land estimated to remain unsold in each district on June 30, 1863.	Balances due from individuals on September 30, 1862, after the operation of the acts of March 2, 1861, and April 20, 1862.
<b>MICHIGAN TERRITORY.</b>					
Mar. 26, 1804.....	Detroit.....	Detroit.....	<i>Acres.</i> 2,947,809	<i>Acres.</i> 3,763,431	\$50,584 82
Mar. 3, 1823.....	Southern district.....	Monroe.....	903,369	(*)	.....
<b>MISSOURI.</b>					
Feb. 17, 1818, and Mar. 3, 1811.	St. Louis.....	St. Louis.....	3,817,082	3,401,269	395,996 80
Feb. 17, 1818.....	Howard county †.....	Franklin.....	3,444,506	2,985,932	338,112 07
Feb. 17, 1818.....	Cape Girardeau.....	Jackson.....	6,886,651	6,845,487	.....
Mar. 3, 1823.....	West'n district.....	Lexington.....	1,934,071	1,934,071	.....
<b>LOUISIANA.</b>					
Mar. 3, 1811.....	Northern district.....	Ouachita.....	590,395	587,448	.....
Mar. 3, 1811, and Mar. 2, 1803.	Southwestern district.....	Opelousas.....	1,405,440	1,405,440	.....
Mar. 3, 1811, and Mar. 2, 1803.	Southeastern district.....	New Orleans.....	222,240	222,240	.....
Ap'l 25, 1812.....	St. Helena Court-House.....	St. Helena Court-House.....	None.	None.	.....
<b>ARKANSAS TERRITORY.</b>					
Feb. 17, 1818.....	Lawrence Co., after deducting mil. lands	Batesville.....	3,895,453	3,871,966	.....
Feb. 17, 1818.....	Arkansas Co. ....do.....	Little Rock.....	3,131,716	3,130,589	.....
<b>MISSISSIPPI.</b>					
Mar. 3, 1803.....	West of Pearl river.....	Washington.....	2,915,097	1,791,965	684,093 50
May 6, 1822.....	Choctaw district.....	Jackson.....	2,041,468	2,035,631	.....
Ap'l 25, 1812.....	Jackson Court-House.....	Jackson Court-House.....	3,096,697	.....	.....
<b>ALABAMA.</b>					
Mar. 3, 1803.....	St. Stephen's district.....	St. Stephen's.....	2,577,022	4,877,243	.....
Mar. 3, 1817.....	Cahaba.....	Cahaba.....	5,558,400	4,621,284	2,260,270 24
June 15, 1809, and Mar. 3, 1807.	Huntsville.....	Huntsville.....	5,901,600	4,671,849	2,760,710 96
May 11, 1820.....	Tuscaloosa.....	Tuscaloosa.....	3,930,000	3,662,990	.....
May 11, 1820.....	Conceh county.....	Sparta.....	2,800,000	2,739,518	.....
			104,800,500	86,838,194	10,544,454 16

\* No sales up to above date at the southern land office.

† Salt River district, created by an act of the last session, is formed by detaching certain lands from Howard county and St. Louis districts.

	<i>Acres.</i>
Estimated quantity surveyed.....	104,240,500
Estimated quantity unsold.....	86,838,194
Difference in quantity sold.....	17,412,306
To which add sales at New Orleans, not included.....	80,437
	17,492,743
Also fractions not taken into view.....	23
Makes the quantity, as exhibited in the statements of land sold.....	17,492,766

The quantity of land exhibited as surveyed and remaining unsold in the southeastern district of Louisiana is the amount of the lots surveyed (agreeably to the ancient Spanish and French custom) on the rivers, bayous, and water-courses between the Bayou Lafourche and the river Atchafalaya, which lands have been since proclaimed for sale. The quantity exhibited as sold in that district, in statement No. 2, (viz: 80,437.64 acres,) is the amount of the back concessions and pre-emption rights, of which no returns of survey have yet been made; their total quantity cannot even be estimated. Hence their amount is not included in the column of surveys.

For the two districts of Michigan it will be perceived that the quantity of land remaining unsold is stated in the aggregate. The reason of this is, that the southern district was partly formed out of the Detroit district, and the quantity sold at the land office at Detroit in those townships now attached to the southern district cannot readily be discriminated.

The quantity of land remaining unsold in the district of Jackson Court-House, in Mississippi, and the district of St. Stephen's, in Alabama, is also stated in the aggregate, for the reason that the former-named district was formed, in part, by attaching to it all the lands in the old district of St. Stephen's which lie in the State of Mississippi. The quantity of land exhibited as surveyed in the district of Jackson Court-House is only that portion of the former district of St. Stephen's attached thereto.

No surveys have been received south of the 31st degree of latitude in either of those districts.



## B.

*Statement of the receipts and expenditures at the following land offices during the year 1823, and the first two quarters of 1824.*

Offices.	Receipts.		Expenditures.	
	In the year 1823.	In first two quarters 1824.	In 1823.	First two quarters 1824.
Marietta.....	\$3,356 10	\$7,584 04	\$991 35	\$732 90
Zanesville.....	23,207 09	30,696 95	1,537 61	1,117 51
Steubenville.....	96,373 68	23,881 32	1,878 87	1,275 30
Chillicothe.....	13,207 10	16,551 94	1,428 86	1,117 57
Cincinnati.....	22,060 01	30,164 68	1,459 22	1,246 74
Wooster.....	33,311 46	25,058 85	1,470 85	1,155 88
Piqua.....	5,014 90	1,825 83	1,317 52	539 97
Delaware.....	75,203 65	17,130 06	2,489 34	956 00
Jeffersonville.....	17,322 04	10,120 54	1,904 16	702 40
Vincennes.....	96,477 87	10,541 98	1,888 18	1,097 85
Brookville.....	108,274 81	40,912 10	3,720 07	1,456 05
Crawfordsville.....	73,403 15	25,004 99	2,815 44	822 33
Fort Wayne.....	9,503 00	311 52	1,343 69	522 48
Kaskaskia.....	2,720 30	1,466 34	1,350 04	677 43
Shawneetown.....	3,303 22	1,000 00	1,481 37	522 68
Edwardsville.....	15,523 42	3,856 43	1,855 97	865 66
Vandalia.....	800 00	467 50	957 47	936 19
Palestine.....	9,880 58	2,588 06	1,737 69	531 92
Sangamon.....	48,405 14	5,353 31	1,123 52	778 57
Detroit.....	37,867 14	41,674 36	1,993 47	1,403 50
Monroe.....	4,895 48	10,879 88	583 22	613 94
St. Louis.....	45,003 27	11,300 62	3,564 19	1,211 89
Franklin.....	68,971 41	18,909 39	2,649 47	939 78
Cape Girardeau.....	4,471 45	12,721 27	1,713 62	1,343 09
Lexington.....		2,859 99		415 07
Batesville.....	1,848 89		1,067 42	500 00
Little Rock.....	1,003 85	400 00	1,297 78	508 00
Ouachita.....	900 18		1,013 60	520 19
Opelousas.....	592 16	118 18	1,011 84	502 36
New Orleans.....	432 25		1,783 93	500 00
St. Helena Court-House.....			1,000 00	500 00
Washington.....	7,683 52	10,764 75	4,821 79	2,455 48
Jackson Court-House.....			1,000 00	500 00
Choctaw district.....	35,366 03	54,959 32	2,032 80	1,005 52
St. Stephen's.....	119,712 42	20,231 06	4,482 99	1,530 44
Huntsville.....	18,530 99	8,028 89	1,956 68	1,416 44
Cahaba.....	71,755 29	52,840 78	3,308 88	1,912 25
Tuscaloosa.....	29,731 69	9,973 82	1,268 08	886 01
Sparta.....	33,447 11	5,334 53	2,516 89	728 15
	998,559 35	505,472 58	71,812 87	36,437 25

TREASURY DEPARTMENT, *General Land Office, December 14, 1824.*

GEORGE GRAHAM.

18TH CONGRESS.]

No. 437.

[2D SESSION.]

# CLAIMS TO LAND IN WEST FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 14, 1825.

COMMISSIONERS' OFFICE, *Pensacola, December 10, 1824.*

SIR: We have the honor to transmit an abstract of claims to land in West Florida, (marked I,) founded on habitation and cultivation, between February 22, 1819, and July 17, 1821, reported to Congress in obedience to an act entitled "An act granting donations to certain actual settlers in the Territory of Florida."

It has been deemed expedient to make this report at an early period, as the act may require amendments, and this class of claims is subject to future legislation.

We have the honor to be, with high considerations of respect, your most obedient servants,  
 SAMUEL R. OVERTON.  
 JOSEPH M. WHITE.

Hon. the SPEAKER of the House of Representatives United States.

## I.

*A report of claims to land in West Florida, founded on habitation and cultivation, between February 22, 1819, and July 17, 1821, reported in obedience to an act of Congress approved May 26, 1824.*

No.	Names of claimants.	Age.	Number of acres cultivated.	Where situated.	Habitation and cultivation.	
					From—	To—
1	Clark Jackson .....	21	12 or 15.....	Escambia county.....	1820	1824
2	James Pendleton.....	21	2.....do.....	.....do.....	1820	1821
3	William H. McCurdy .....	21	10.....do.....	.....do.....	1819	1821
4	William N. West.....	21	3.....do.....	.....do.....	.....	1821
5	John Mathews.....	21	5 or 6.....do.....	.....do.....	1820	1821
6	James Donnelly.....	21	6 or 7.....do.....	.....do.....	1820	1824
7	John Donnelly.....	21	12.....do.....	.....do.....	1820	1824
8	William Mims.....	21	1.....do.....	.....do.....	.....	1821
9	Alexander Smith.....	21	2 or 3.....do.....	.....do.....	1820	1824
10	Andrew Mitchell.....	21	30.....do.....	.....do.....	1820	1824
11	Jonas Mathews.....	21	4.....do.....	.....do.....	1820	1822
12	Richmond P. Hughes.....	21	5.....do.....	.....do.....	1819	1821
13	Radford L. Cotton.....	21	1.....do.....	.....do.....	.....	1821
14	Joab Gains.....	21	50.....do.....	.....do.....	1819	1824
15	William Gains.....	21	6 or 8.....do.....	.....do.....	1819	1824
16	Elijah McCurdy.....	21	4.....do.....	.....do.....	1820	1821
17	Charles Campbell.....	21	10 or 12.....do.....	.....do.....	1819	1824
18	John McCall.....	21	9.....do.....	.....do.....	1819	1821
19	Edward Campbell.....	21	16 or 18.....do.....	.....do.....	1819	1821
20	Daniel D. Campbell.....	21	3 or 4.....do.....	.....do.....	1820	1821
21	Peter Wilkinson.....	21	8 or 10.....do.....	.....do.....	1820	1824
22	William Goodson.....	21	1.....do.....	.....do.....	1820	1821
23	Benjamin Brown.....	21	10.....do.....	.....do.....	1820	1824
24	Thomas Baggot.....	21	15.....do.....	.....do.....	1820	1824
25	Thomas Moore.....	21	10.....do.....	.....do.....	.....	1821
26	Jones Cobb.....	21	7 or 8.....do.....	.....do.....	.....	1821
27	Charles Ivy.....	21	.....( *).....do.....	.....do.....	1819	1824
28	Ambrose Crane.....	21	10 or 15.....do.....	.....do.....	1821	1824
29	The heirs of Charles Cochran .....	21	3.....do.....	.....do.....	.....	1821
30	Elijah Ward.....	21	.....do.....	.....do.....	1821	1823
31	Levy Manning.....	21	10.....do.....	.....do.....	1820	1824
32	Robert Manning.....	21	1.....do.....	.....do.....	1820	1821
33	Lauchlin McLennan.....	21	16 or 17.....do.....	.....do.....	1819	1821
34	John Fokes.....	21	3 or 4.....do.....	.....do.....	1819	1821
35	James W. Shines.....	21	30.....do.....	.....do.....	1820	1824
36	John Barrow.....	21	14 or 15.....do.....	.....do.....	1820	1821
37	Reuben Hart.....	21	12.....do.....	.....do.....	1820	1824
38	John McComb.....	21	4 or 5.....do.....	.....do.....	1820	1824
39	The heirs of Ezekiel E. Cobb .....	21	5.....do.....	.....do.....	1819	1823
40	James Spears.....*	21	10.....do.....	.....do.....	1820	1823
41	Clemson Hall.....	21	.....do.....	.....do.....	1820	1824
42	Mary Lightfoot.....	21	7 or 8.....do.....	.....do.....	1820	1821
43	Joseph W. Hall.....	21	20.....do.....	.....do.....	1820	1824
44	Nathan Patrick.....	21	20 or 24.....do.....	.....do.....	1819	1824
45	Ezekiel Cobb.....	21	20 or 25.....do.....	.....do.....	1820	1821
46	John White.....	21	13 or 14.....do.....	.....do.....	1820	1822
47	Daniel McNeal.....	21	.....do.....	.....do.....	1819	1822
48	Robert Thomas.....	21	10 or 15.....do.....	Jackson county.....	1820	1824
49	Thomas Mims.....	21	10 or 12.....do.....	Escambia county.....	1820	1821
50	Benjamin Nettles.....	21	10 or 12.....do.....	.....do.....	1819	1824
51	John Bowman.....	21	7 or 8.....do.....	.....do.....	1819	1824
52	Isaac Hawkins.....	21	1.....do.....	.....do.....	1820	1824
53	John Parker.....	21	25 or 30.....do.....	.....do.....	1820	1824
54	Richard Eddes.....	21	.....do.....	.....do.....	1821	1824
55	James Wilson.....	21	1 or 2.....do.....	.....do.....	1821	1824
56	Daniel Malloy.....	21	2 or 3.....do.....	.....do.....	1819	1823
57	The heirs of William Long.....	21	3.....do.....	.....do.....	1820	1823
58	Macon Morrison.....	21	15 or 20.....do.....	.....do.....	1820	1824
59	Joseph Owens.....	21	6.....do.....	.....do.....	1819	1824
60	Allan McCaskill.....	21	3 or 4.....do.....	.....do.....	1820	1821
61	Findley McCaskill.....	21	12 or 15.....do.....	.....do.....	1820	1824
62	Robert McKennon.....	21	8 or 10.....do.....	.....do.....	1820	1824
63	Lewis Baggot.....	21	8 or 10.....do.....	.....do.....	1820	1824
64	Owen Williams.....	21	12 or 14.....do.....	Jackson county.....	1821	1824
65	William H. Pyke.....	21	7 or 8.....do.....	.....do.....	1821	1824
66	Stephen Daniel.....	21	10.....do.....	.....do.....	1820	1824
67	James C. Roach.....	21	8 or 10.....do.....	.....do.....	.....	1821
68	The heirs of Joel Porter.....	21	25 or 30.....do.....	.....do.....	1820	1821
69	Samuel Fowler.....	21	20.....do.....	.....do.....	1820	1821
70	John Ward.....	21	.....do.....	.....do.....	.....	1821
71	James Ward.....	21	4 or 5.....do.....	.....do.....	1821	1824

\* In this and other cases where blanks are found in the column of the number of acres cultivated, the witnesses could not state the quantity.

## I—Report of claims to land in West Florida—Continued.

No.	Names of claimants.	Age.	Number of acres cultivated.	Where situated.	Habitation and cultivation.	
					From—	To—
72	John Smith.....	21	30 or 40.....	Jackson county.....	1820	1824
73	Joseph Parrot.....	21	5 or 6.....	do.....	1821	1824
74	James Folck.....	21	6 or 7.....	do.....	1820	1821
75	The heirs of Reuben Littleton.....	21	7 or 8.....	do.....	1820	1821
76	William Blunt.....	21	$\frac{1}{2}$ .....	do.....	.....	1821
77	William Brown.....	21	20.....	do.....	1820	1822
78	James Denuard.....	21	10 or 15.....	do.....	1821	1823
79	Presley Scurlock.....	21	40.....	do.....	1820	1824
80	Hugh Robertson.....	21	5 or 10.....	do.....	1820	1824
81	John Hopson.....	21	.....	do.....	.....	1821
82	Robert Sullivant.....	21	14.....	do.....	1821	1822
83	James Irwin.....	21	5 or 8.....	do.....	1820	1824
84	Robert Thompson.....	21	6.....	do.....	1820	1824
85	John Hays.....	21	13.....	do.....	1820	1824
86	Henry Moses.....	21	8.....	do.....	1820	1824
87	Micajah Cadwell.....	21	10.....	do.....	1821	1824
88	The heirs of William T. Nelson.....	21	5 or 6.....	do.....	1820	1821
89	Joseph Brooks.....	21	10 or 12.....	do.....	1820	1821
90	Thomas C. Richard.....	21	10 or 15.....	do.....	1821	1824
91	Stephen Richard.....	21	30.....	do.....	1821	1824
92	William Chambliss.....	21	12 or 15.....	do.....	1820	1823
93	Charles Barnes.....	21	2.....	do.....	1821	1822
94	William McDonald.....	21	5.....	do.....	1820	1821
95	Levin McClinton.....	21	7.....	do.....	1820	1821
96	William Phillips.....	21	3.....	do.....	1820	1821
97	Benjamin Hamilton.....	21	.....	do.....	1820	1824
98	The heirs of Moses Brendly.....	21	14 or 15.....	do.....	1820	1824
99	Abraham Phillips.....	21	14 or 15.....	do.....	1820	1824
100	Andrew Farmer.....	21	5 or 6.....	do.....	1820	1821
101	Nathan Ward.....	21	5 or 6.....	do.....	1820	1824
102	Joshua Scurlock.....	21	4 or 5.....	do.....	.....	1821
103	Joseph Cobb.....	21	10.....	do.....	1820	1821
104	Daniel Lyran.....	21	4 or 5.....	do.....	1820	1824
105	John Bush.....	21	1 or 2.....	do.....	1820	1822
106	David Evans.....	21	3 or 4.....	Escambia county.....	.....	1821
107	Oliver Clark.....	21	10 or 15.....	do.....	1820	1823
108	Benjamin Hogg.....	21	.....	do.....	.....	1820
109	Horton M. Hogg.....	21	.....	do.....	1819	1821
110	John Hogg.....	21	.....	do.....	1819	1821
111	Aliss Wood.....	21	.....	Jackson county.....	.....	1821
112	William Piles.....	21	5.....	do.....	.....	1821
113	William McDonald.....	21	3 or 4.....	do.....	.....	1821
114	Nathaniel Hudson.....	21	20.....	do.....	1820	1821
115	Adam Kimbrough.....	21	.....	do.....	.....	1821
116	The heirs of John Gwin.....	21	6 or 7.....	do.....	1820	1821
117	John Jones.....	21	16.....	do.....	.....	1821
118	George Sharp.....	21	8 or 10.....	do.....	.....	1821
119	Peter J. Harvey.....	21	14 or 15.....	Escambia county.....	.....	1819
120	Deimpsey Jones.....	21	3 or 4.....	do.....	1819	1821
121	Roland Clapp & Co.....	21	4 or 5.*.....	do.....about $\frac{1}{2}$ mile from Fort Barnard.	1819	1820
122	John Guerra.....	21	2.....	Jackson county.....	.....	1821
123	David Durgan.....	21	1.....	do.....	1819	1822
124	The heirs of Samuel Story.....	21	2.....	do.....	.....	1821
125	Benjamin Wyman.....	21	Small quantity.....	Escambia county.....	1821	.....
126*	David Durgan.....	21	1.....	Jackson county.....	1821	.....
127	Eli Scurlock.....	21	10 or 12.....	do.....	1820	.....
128	Robert Kelly.....	21	1.....	Escambia river.....	1820	1821
129	William Donaldson.....	21	3.....	do.....	1819	.....
130	Henry Potts.....	21	10.....	do.....	1820	1821
131†	Domingo Torri.....	21	Lot No. 963.....	City of Pensacola....	1814	1825

\* This claim has already been reported in an abstract forwarded to Congress. Subsequent testimony shows that Mr. Durgan was not the head of a family in the year 1821.

† This lot was enclosed in 1814, but was not built upon and cultivated until 1822 or 1823.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.



18TH CONGRESS.]

No. 438.

[2D SESSION.]

CLAIM FOR MILITARY BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 18, 1825.

MR. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to whom were referred the petition and documents of Thomas Arms, reported:

The petitioner represents that, at the commencement of the late war, and for some time before, he resided in Canada; that soon after hostilities began he was draughted into the service of Great Britain; that, being unwilling to fight against the country of his birth, he deserted, and came to the United States; that in 1813, in the month of June, he volunteered as a substitute for his brother, John Arms, who was a private in a detachment commanded by Captain Godfrey, of Major Adams' regiment of New York militia; that soon after he, with a number of others, was taken prisoner by the enemy at Black Rock; that he was taken thence to Montreal, Quebec, and Halifax, where, in February, 1814, he was exchanged, and ordered to —, in Massachusetts, at which place he received three months' pay; that thence he was ordered to Pittsfield, where he received from Captain Charles Fuller four months' pay and six months' clothing; and that about the 1st of May, 1814, he was discharged from service; that he has made application at the War Department for the benefit of the acts allowing bounty land to the Canadian volunteers, and was answered that the provisions of those acts having been construed to extend only to those soldiers who performed duty in the regular service, his request could not be granted; wherefore, he prays for such bounty as was allowed to the "Canadian volunteers."

The committee think it unnecessary to recite the testimony exhibited by the petitioner. From the petition it is evident he was a substitute for a soldier, who, it is not doubted, was brought into the service by draught. His employer's military character was imparted to him. The substitution favored him with no privileges or bounties which could not have been claimed by the other privates of the same corps, or by his brother, had he continued in the army. His entrance into the service did not add one to the number of soldiers. It was to increase the military force of the country that bounties were promised. However, in the case of the Canadian volunteers, it may be said the extension of bounties was intended in some degree to indemnify for their losses.

With these views the committee recommend the adoption of the following resolution:  
*Resolved*, That the prayer of the petitioner be not granted.

18TH CONGRESS.]

No. 439.

[2D SESSION.]

QUANTITY OF LAND SURVEYED AND REMAINING UNSOLD.

COMMUNICATED TO THE SENATE JANUARY 20, 1825.

*Statement showing the quantity of land surveyed and remaining unsold June 30, 1823; the quantity of land surveyed since that period up to June 30, 1824, as far as surveys have been returned, and the quantity of land sold from June 30, 1823, to June 30, 1824; and the quantity of land surveyed which remained unsold June 30, 1824. Furnished by the Commissioner of the General Land Office upon the request of the honorable Mr. Benton of the Senate.*

Land districts.	Quantity of land surveyed and remaining unsold on June 30, 1823, as per last report.	Quantity of land surveyed, the returns of which have been received since the date of the last report up to June 30, 1824, excluding private claims and school lands.	Quantity of land sold since the date of the last report, from June 30, 1823, to June 30, 1824.	Quantity of land remaining unsold on June 30, 1824, of the lands surveyed, as far as returns of survey have been received.
	Acres.	Acres.	Acres.	Acres.
OHIO.				
Marietta.....	500,113	.....	5,778.84	494,334.16
Zanesville.....	709,492	.....	19,636.74	689,855.96
Steubenville.....	418,223	.....	25,187.53	393,035.48
Chillicothe.....	1,027,015	.....	14,883.38	1,012,131.62
Cincinnati.....	759,632	.....	17,664.23	734,967.77
Wooster.....	347,097	.....	31,927.71	315,169.29
Piqua.....	2,344,736	.....	2,888.07	2,341,847.93
Delaware.....	1,802,106	.....	38,786.46	1,763,319.54
INDIANA.				
Jeffersonville.....	1,546,770	.....	6,508.96	1,550,261.04
Vincennes.....	3,187,147	.....	12,036.92	3,175,110.08
Terre Haute.....	2,465,210	113,000	53,350.90	2,523,859.10
Brookville.....	1,719,136	.....	79,305.06	1,639,830.94
Fort Wayne.....	1,328,602	346,660	3,983.80	1,571,998.20

Statement showing the quantity of land surveyed and remaining unsold June 30, 1823—Continued.

Land districts.	Quantity of land surveyed and remaining unsold on June 30, 1823, as per last report.	Quantity of land surveyed, the return of which has been received since the date of the last report up to June 30, 1824, excluding private claims and school lands.	Quantity of land sold since the date of the last report, from June 30, 1823, to June 30, 1824.	Quantity of land remaining unsold on June 30, 1824, of the lands surveyed, as far as returns of survey have been received.
<b>ILLINOIS.</b>				
Kaskaskia .....	Acres. 1,737,933	Acres. ....	Acres. 1,022.24	Acres. 1,736,910.76
Shawneetown .....	2,696,723	.....	1,653.63	2,695,069.37
Edwardsville .....	3,046,272	.....	8,948.89	3,037,323.11
District north of Edwardsville .....	1,330,311	181,409	43,002.89	1,469,717.11
Vandalia .....	3,518,538	394,004	534.00	3,919,068.00
Palestine .....	3,638,765	.....	4,505.46	3,634,259.54
<b>MICHIGAN TERRITORY.</b>				
Detroit .....	3,763,431	424,107	45,936.22	.....
Southern district .....	.....	549,836	12,547.72	4,669,890.06
<b>MISSOURI.</b>				
St. Louis .....	3,401,969	2,492,740	34,292.97	5,859,716.73
Howard county .....	2,985,932	105,764	52,162.12	3,039,533.88
Cape Girardeau .....	6,845,487	22,400	12,802.53	6,855,084.47
Western district .....	1,934,071	271,040	2,287.00	2,202,824.00
<b>LOUISIANA.</b>				
Northern district .....	587,448	464,987	641.74	1,051,783.26
Southwestern district .....	1,405,440	.....	186.50	1,405,253.50
Southeastern district .....	222,240	.....	.....	222,240.00
St. Helena Court-House .....	None.	.....	.....	.....
<b>ARKANSAS TERRITORY.</b>				
Lawrence county .....	3,871,966	112,934	585.40	3,984,314.60
Arkansas county .....	3,130,589	115,734	1,122.44	3,245,200.56
<b>MISSISSIPPI.</b>				
West of Pearl river .....	1,791,965	.....	6,573.67	1,785,391.33
Choctaw district .....	2,035,631	1,256,570	63,409.05	3,228,791.95
Jackson Court-House .....	.....	.....	.....	.....
<b>ALABAMA.</b>				
St. Stephen's district .....	4,877,243	358,400	None.	5,225,440.69
Cahaba .....	.....	82,134	92,336.31	.....
Huntsville .....	4,621,264	.....	36,220.97	4,584,463.03
Tuscaloosa .....	4,671,849	.....	8,750.27	4,683,098.73
Conecuh county .....	3,662,990	.....	17,005.11	3,645,984.89
.....	2,799,518	.....	30,442.04	2,769,075.96
Total .....	86,628,194	7,281,719	789,307.06	93,320,515.94

NOTE.—The districts of St. Louis and Howard county are stated as they originally stood when the report of last year was rendered. Since that period a new district has been organized out of these two districts, called the "District of Salt River."

18TH CONGRESS.]

No. 440.

[2D SESSION.]

## COPPER MINE LANDS ON LAKE SUPERIOR.

COMMUNICATED TO THE SENATE JANUARY 21, 1825.

*Letter from Governor Cass, of Michigan, on the advantage of purchasing the country upon Lake Superior where copper has been found, addressed to the Hon. Thomas H. Benton, of the Senate.*

DETROIT, November 21, 1824.

DEAR SIR: In conformity with your request I shall proceed to state the advantages which would attend the purchase, by the United States, of the country upon Lake Superior where copper has been found.

Since I had last the honor to address you upon this subject further researches have been made, under the direction of Mr. Schoolcraft, which have resulted in a conviction that that district of country is richer in mineral productions than has been heretofore supposed. Mr. Schoolcraft has promised to communicate to you such information respecting this subject as is in his possession; and as he will probably visit Washington during the winter, he will be able to satisfy any inquiries you may be disposed to make.

The Indian population is very thinly scattered upon the southern shore of Lake Superior. Along the whole line of coast from the Sault St. Marie to the Fond du Lac, no article of food is raised by them; they depend for their support principally upon the fish, and partially upon the scanty supply of game which is furnished by that inhospitable country.

The metalliferous region is upon and about the lake shore, and the extinction of the Indian title to such a portion of it as may be deemed advantageous would not diminish their means of subsistence. But I still think, as I thought originally, that it would be most proper to negotiate with them for the right to explore the country, and to carry on mining operations wherever appearances may promise the most productive result. But little would be gained by an attempt to push permanent settlements into those regions. And this is all we could promise ourselves from an absolute extinction of title. All the advantages we could expect to derive from the mineral riches of the country would be gained by the right to procure and take away any portion of them. The injury to be anticipated from a cession to the United States is, that the laws regulating trade and intercourse with the Indians would cease to operate, and embarrassments might be produced by the establishment of traders not subject to the present wholesome restraints of the laws.

No calculation can be made of the extent and pecuniary value of these copper mines. No doubt is entertained but that the metal may be procured with as much ease as in any part of the world; in fact, it is well known that large masses of pure malleable copper have been discovered in different parts of the country, and there is every reason to believe that when those regions are fully explored these masses will be found to be still more abundant.

The return transportation from the Sault St. Marie to Buffalo is, and must continue to be, low. The freight is principally up the lakes, and there are few articles which that portion of the country produces for exportation; vessels, therefore, generally return wholly or partially empty.

The cost of making the purchase I have described may be kept within the sum of \$10,000 and full justice be done to the Indians interested. It might, I doubt not, be made for a much less sum were it consonant to the principles or policy of the government to procure cessions from the Indians at the lowest possible rate; but it is due to the character of our country, and to the feelings of our citizens, that, in our negotiations with these wretched people, we should remember our own strength and wealth, and their weakness and poverty; that we should look back upon what they have lost and we have gained, and never forget the great moral debt we owe them.

Apart from any views connected with the cession I have mentioned, there are other considerations which render it proper that a negotiation should be opened with the Lake Superior Indians. That you may understand fully the situation and feelings of these Indians I enclose the copy of a letter addressed by me to the War Department; as the transmission of it is not strictly in conformity with official etiquette, I must commit it to your discretion.

It is probable that the convocation of the Chippewa chiefs of the Lake Superior country to a council, at some proper point upon the lake shore, would supersede the employment of other and harsher measures. Such explanations and representations might be made as would satisfy them of the necessity of surrendering the perpetrators of the late outrages, and of restraining their people from the commission of similar acts in future. We must either persuade or compel them to do us justice, and much is gained for the great cause of humanity by the adoption of the former rather than the latter course.

Very respectfully, I am, sir, your obedient servant,

LEWIS CASS.

Hon. THOMAS H. BENTON, *Senator in Congress, Washington.*

18TH CONGRESS.]

No. 441.

[2D SESSION.]

### CLAIMS TO LAND BETWEEN THE LINES OF LUDLOW AND ROBERTS, OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 21, 1825.

Mr. RANKIN, from the Committee on Public Lands, to whom was referred the President's message, with certain documents relating to the *valuation* of certain lands in the State of Ohio, situated between Ludlow's and Roberts' lines, directed to be made by the act of May 26, 1824, entitled "An act to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts' lines, in the State of Ohio," with the remonstrances of sundry citizens of Ohio and Virginia in relation to said lines, reported:

That your committee deem a detailed report of the facts of the case at this time unnecessary, as a full report was made on the same subject to this House, by a select committee, May 4, 1824, and which your committee pray may be considered a part of this report.—(See No. 410, vol. 3, page 721.) The documents accompanying the President's message contain a very full and detailed statement of all the facts not embraced by the former report.

Your committee are unanimously of the opinion that purchasers from the United States, who purchased under the faith of the government, and who are understood to have made large improvements on the lands, ought not to be disturbed in their possessions and deprived of the fruits of their industry, provided the adverse claims can be quieted without a very unreasonable sacrifice on the part of the government. To a numerous class of valuable citizens, deprived of their homes after years of tedious and expensive litigation, the purchase money and interest would be a very inadequate and unsatisfactory remuneration, while the government, without having regard to the claim which would be made for the valuable improvements of which the citizens would be deprived, would be compelled to pay a much larger sum



than that proposed for a compromise with the claimants under Virginia military land warrants. Your committee, therefore, report a bill authorizing the President to purchase from the owners of the Virginia military land warrants located prior to June 26, 1812, between Ludlow's and Roberts' line, releases of all their claims.

*To the House of Representatives:*

In compliance with an act of Congress, which originated in the House of Representatives, passed May 26, 1824, "to authorize the President of the United States to enter into certain negotiations relative to lands located under Virginia military land warrants, lying between Ludlow's and Roberts' lines, in the State of Ohio," I herewith transmit a report, with accompanying documents, from the Commissioner of the General Land Office, showing the measures which have been taken under the provisions of the aforesaid act.

WASHINGTON, *December 13, 1824.*

JAMES MONROE.

GENERAL LAND OFFICE, *December 13, 1824.*

SIR: In pursuance of an act of Congress passed on the 26th of May last, Jonah Baldwin, David Huston, and William Ward, esquires, of Ohio, were appointed commissioners to ascertain the value of the lands, exclusive of improvements, lying between Ludlow's and Roberts' lines, in the State of Ohio, and which are claimed under Virginia military warrants. The papers marked A and B contain the instructions to and the report of the commissioners as to the value of these lands. The paper marked C (not now to be found) is a plat exhibiting the interferences of these lands with the public surveys; and that marked D shows the quantity of land claimed under Virginia military warrants which has been sold by the United States; the price at which it has been sold; the quantity thus claimed which remains unsold; and the valuation of these lands, as reported by the commissioners. The paper marked E is a copy of the decision of the Supreme Court of the United States in the case of Doddridge's Lessee against Thompson & Wright.—(See No. 410, page 620.) To decide how far the claims included in the report of the commissioners come within the principles of the decision of the Supreme Court, it will be necessary to take a view of the facts in relation to these claims as connected with the several acts of Congress and the decision of the court.

Previous to the year 1804 a line was run, under the authority of the surveyor general of the United States, by Mr. Ludlow, from the head of the Little Miami towards the head of the Scioto river as far as the Indian boundary line. The public surveys were made up to and in conformity to that line; and, by the act of June 26, 1812, this line was recognized as the boundary line of the military reservation. In the year 1812 a line was run under the authority of commissioners of the United States, appointed under the act of 1812, to establish, in conjunction with commissioners on the part of the State of Virginia, the boundary of lands between the Miami and Scioto rivers, as reserved by the State of Virginia to satisfy the warrants issued by that State to the officers and soldiers on her continental establishment. This line is called Roberts' line; it lies west of Ludlow's line, and has been declared by the decision of the Supreme Court to be the true boundary of the lands as originally reserved between the Scioto and Miami by the State of Virginia for the purpose above mentioned, and that part of it which lies north of the old Indian boundary line was established as the proper boundary of the reservation by the act of April 11, 1818. The lands lying between these two lines and the old Indian boundary amount to 51,916 acres, the whole of which has been surveyed, and nearly all of it sold by the United States at different periods from the year 1804 to the year 1819; the first public sale of this land took place in the year 1804.

In the year 1804 an act passed declaring that Ludlow's line should be considered as the boundary line of the lands reserved by the State of Virginia, provided that State within two years passed an act to recognize such line as the boundary of the reservation. The second section of this act limits the right of entering Virginia military warrants to a period not exceeding three years from the date of that act. The principle of limitation established by this act is recognized by the decision of the Supreme Court to be a correct one. An act passed March 2, 1807, extending the period for locating and surveying Virginia military warrants, with a provision "that no locations, as aforesaid, within the above-mentioned tract shall, after the passing of this act, be made on tracts of land for which patents have been previously issued, or which had been previously surveyed." Subsequent acts, containing the same proviso, have extended the period for making locations up to this time. Subsequent to the passage of this act of March 2, 1807, and previous to the passage of that of June 26, 1812, nearly all the lands lying between Ludlow's and Roberts' lines were covered by entries made under Virginia military warrants; all these entries were, however, afterwards withdrawn, with the exception of those covering the lands valued by the commissioners, and included in their report referred to.

It has been declared by the decision of the Supreme Court above referred to, that the proviso to the act of 1807 does not comprehend the lands surveyed by the surveyor general and patented by the United States. It was, however, believed, previous to that decision, that whatever might have been the intention of the author of that proviso the terms used could not be satisfied unless they did comprehend the lands surveyed and patented by the United States. The whole course of decisions under the Virginia land laws go to show that a location made on lands previously regularly patented, where the warrant under which the location is made and the patent emanate from the same authority, is void; if the patent has been fraudulently obtained it is of no effect. Without the proviso, therefore, is made to extend to the lands surveyed by the United States, that part of it which relates to patented lands would seem to be inoperative. When the act of 1804 was passed, it is manifest that it had not been accurately ascertained whether the line of the public surveys run by Ludlow was east or west of a true line run from the head of the Miami to the head of the Scioto. It was believed to approximate so near to such a line, however, that Congress was willing to establish it as the boundary line. It is reasonable, therefore, to suppose that, in 1807, when they had acquired the right, that they would have protected their own surveys. And when, in the proviso to the act of 1807, words were used which in their strict and technical meaning were not applicable to any other general description of lands but the public lands patented by the United States, the executive officers were justified in believing that they had protected these lands by that proviso, and particularly so when it was known that previous to the passage of that act no entry on Virginia military warrants had been made west of Ludlow's line. This inference, too, would seem to be sanctioned by

the act of April 11, 1818; this act is not referred to in the decision of the Supreme Court; it is retrospective in its provisions, and declares "that no patent shall be granted on any location and survey that has or may be made west of the aforesaid respective lines." Notwithstanding the repetition in this and subsequent acts of the proviso contained in the act of 1807, it is difficult to conceive how such an act could have been passed but from a knowledge of the fact that no locations of Virginia military warrants had been made west of Ludlow's line previous to the passage of the act of 1807, and from an impression that the proviso to that act comprehended the lands surveyed and patented under the authority of the United States. Under any other view of the subject the provisions of the act of 1818 are manifest violations of private rights. If, however, the decision of the Supreme Court, that the proviso to the act of 1807 does not comprehend the lands surveyed under the authority of the surveyor general, is correct, then are all the locations made on Virginia military warrants between Ludlow's and Roberts' lines previous to June 26, 1812, and which have not been withdrawn, valid, and the claimants have an equitable title to the lands covered by such locations, whether they have or have not been surveyed and patented.

The report of the commissioners includes all the lands thus claimed, and the documents communicated show that of these lands one tract was patented previous to the establishment of this office, and four others immediately after the establishment of it. There is, however, good reason to believe that they were patented without a knowledge of the fact that the lands lay west of Ludlow's line. The residue of the lands appear all to have been surveyed previous to June 26, 1812, with the exception of one location, in the name of Samuel Johnston and John Moore, for two hundred and fifty acres, made November 12, 1812.

The paper marked F contains the correspondence with the claimants, and shows the terms on which they propose to relinquish their claims to the lands valued by the commissioners.

All of which is respectfully submitted,

GEORGE GRAHAM.

The President of the United States.

A.

GENERAL LAND OFFICE, June 19, 1824.

GENTLEMEN: In pursuance of an act of Congress passed May 26, 1824, a copy of which is enclosed, the President of the United States has appointed you to appraise and ascertain the value of the lands, exclusive of any improvements thereon, lying between Ludlow's and Roberts' lines, in the State of Ohio, which have been sold by the United States, and which are claimed by persons under Virginia military land warrants. It is expected that you will go upon each tract claimed under the Virginia military warrants, carefully examine it, and ascertain its present cash value if it were not improved.

From the enclosed statement it appears that there are 14,075 acres of land between Roberts' and Ludlow's lines which are claimed under Virginia military warrants; that, of the land thus claimed, 11,346.37 acres have been sold by the United States at \$2 per acre; 2,122.76 at \$4; and that 605.87 remain unsold.

The accompanying plats exhibit the interferences of the military surveys with those made by the United States, and will enable you readily to ascertain the position of the land, as they are believed to be very accurately laid down, with the exception of the two surveys in the name of Bowman, and these are believed to be nearly if not entirely correct.

I have to request, however, that you will ascertain precisely the southwest corner of the survey No. 6928, in the name of A. Bowman; and if it should fall within section thirty-six, township five, range thirteen, you will then ascertain the quantity of land in Bowman's survey which may be within that section. You will also ascertain the distance from the southeast corner of section thirty-six, township five, range thirteen, to the intersection of the north boundary line of survey No. 6923, with the east line of sections thirty-five or thirty-six, in township five, range thirteen, as the point of intersection may be north or south of that corner. As General McArthur is interested in the military surveys, and made most of them himself, it is desirable that you should advise him of the time and place of your meeting, as he will be able to give you such information in relation to the corners and lines of the military surveys as will greatly facilitate the duties required of you.

Your compensation will be three dollars a day for every day each of you may be engaged in the performance of the duties required, exclusive of any expenses that may be necessarily incurred for surveyors, chain-carriers, or guides. Congress having, however, made no appropriation for this object, you will forward your account to this office, and the amount will be paid as soon as an appropriation can be obtained.

I have the honor to be your obedient servant,

GEORGE GRAHAM.

JONAH BALDWIN, DAVID HUSTON, and WILLIAM WARD, Commissioners.

Survey.	Quantity in each survey.	Quantity sold at \$4.	Quantity sold at \$2.	Quantity remaining unsold.	Amount.
	Acres.	Acres.	Acres.	Acres.	
No. 6928 .....	700	602.69			\$2,411 56
6929 .....	600		697.11		1,394 22
6923 and 6926 .....	2,943	920.79			3,683 16
6922 .....	6,220		7,758.21		15,516 42
				484.00	
6927 .....	1,300	599.08			2,396 32
6919 .....	1,940		1,940.92		3,744 00
6912 .....	225				
6913 .....	255				
6914 .....	213		950.13		1,900 96
6,913 .....	270			121.67	
	14,075	2,122.76	11,346.37	605.87	31,045 94
		11,346.37			
		605.87			
		14,075.00			

GENERAL LAND OFFICE, August 31, 1824.

GENTLEMEN: I enclose a copy of an entry, No. 7619, in the name of Samuel Johnson and John Moore, for two hundred and fifty acres of land, which lies between the lines of Ludlow and Roberts, and which has not been withdrawn. I have, therefore, to request that you will ascertain the value of the lands covered by this entry, in pursuance of the instructions which you have received for carrying into effect the act of May 26, 1824. You have laid down on the plats forwarded the survey No. 6920, which this entry adjoins, and I presume that General McArthur can furnish you with such a connected plat of survey No. 6501, and the other entries which it depends upon, as will enable you to ascertain its position and interference with the lands surveyed by the United States. As no survey has been made in this case, I wish you to make a separate report in relation to it.

With great respect, your obedient servant,

GEORGE GRAHAM.

JONAH BALDWIN, DAVID HUSTON, and WM. WARD, Esquires, Ohio.

B.

OCTOBER 20, 1824.

We, the undersigned, appointed by the President of the United States, pursuant to an act of Congress passed May 26, 1824, to appraise and ascertain the value of the lands, exclusive of the improvements thereon, lying between Ludlow's and Roberts' lines, in the State of Ohio, which have been sold by the United States, and which are claimed by persons under Virginia military warrants, have attended to the duties assigned us by said act and your instructions bearing date June 18, 1824, and they now submit for the consideration of the President the following report:

We, the undersigned, met on the business of our appointment in the town of Springfield, Clark county, Ohio, on the 24th of August last past, and thence proceeded to make an actual examination of the land above referred to—that is to say: The land contained in survey No. 6912, entered in the name of Duncan McArthur, we estimated at \$4 50 per acre. The land contained in survey No. 6913, entered in the name of John and Matthew Hobson, we estimated at \$2 25 per acre. In survey No. 6914, entered in the name of John and Matthew Hobson, we estimated at \$4 per acre. In survey No. 6915, entered in the name of John and Matthew Hobson, we estimated at \$2 50 per acre. In survey No. 6919, entered in the name of Duncan McArthur, we estimated at \$4 50 per acre. In survey No. 6927, entered in the name of Abraham Bowman, we estimated at \$5 per acre. In survey No. 6922, entered in the name of John and Matthew Hobson, we estimated at \$6 per acre. In survey Nos. 6923 and 6926, entered in the name of John and Matthew Hobson, we estimated at \$2 per acre. In survey No. 6928, entered in the name of Abraham Bowman, we estimated at \$2 25 per acre. In survey No. 6929, entered in the name of Abraham Bowman, we estimated at \$3 50 per acre.

And also, upon examination and actual survey, we find that survey No. 6928 does not interfere with section thirty-six, township five, and range thirteen; and we further ascertained that the southeast corner of section thirty-six, township five, range thirteen, lies thirty poles north of the north boundary of survey No. 6923.

We further state that Aaron L. Hunt, whose account is herewith enclosed, was by us employed to perform the necessary surveying required in examining the aforesaid lands; which is respectfully submitted.

JONAH BALDWIN,  
DAVID HUSTON,  
WILLIAM WARD,  
*Commissioners.*

Pursuant to instructions from the General Land Office, bearing date August 31, 1824, we beg leave to submit the following report:

That upon actual view and examination of the lands covered by entry No. 7619, mentioned in said instructions, we estimate the value of the same at \$3 per acre; which is respectfully submitted.

JONAH BALDWIN,  
DAVID HUSTON,  
WILLIAM WARD,  
*Commissioners.*

GEORGE GRAHAM, *Commissioner of the General Land Office of the United States.*



## D.

No. of surveys.	Acres in survey.	In whose name entered.	To whom patented.	Date of patent.	Price per acre at the valuation.	Amount of the valuation.	Quantity sold at \$4.	Quantity sold at \$2.	Quantity remaining unsold.	Amount of money paid on land interfered with.	Am't of purchase money of quantity sold.	Valuation of quantity unsold.
				1812.			<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>			
6912	235	Duncan McArthur..	D. McArthur.....	Apr. 20	\$4 50	\$1,057 50	238.71	6.29		\$457	\$457 42	\$28 30½
6913	255	J. & Ma'w Hobson .....			2 25	573 75	228.00	27 00	424	456 00	60 75	
6914	312	do. ....			4 00	1,248 00	312.00		649	634 00		
6915	270	do. ....			2 50	675 00	174.00	96.00	354	348 00	240 00	
6919	1,240	Duncan McArthur..	D. McArthur.....	Oct. 12	4 50	5,580 00	57.75	1,182.25	2,181	2,595 50		
6927	1,300	Abraham Bowman..	D. McArthur.....	Oct. 16	5 00	6,500 00	546.72	753.28	3,857	3,693 44		
6922	6,220	J. & Ma'w Hobson .....			6 00	37,320 00	330.91	5,788.98	100.11	12,661	12,901 60	600 66
6923 and 6926	2,943	do. ....			2 00	5,886 00	316.00	2,258.40	368.60	4,600	5,780 80	737 20
6928	700	Abraham Bowman..	D. McArthur.....	Dec. 4	2 25	1,575 00	262.91	437.09		1,530	1,925 62	
6929	600	do. ....	D. McArthur.....	Dec. 4	3 50	2,100 00	348.39	251.61		1,903	1,896 78	
7619	14,075	do. ....				62,515 25	1,862.68	11,614.32	598.00	28,676	30,679 36	1,666 91½
	250	S. Johnson & John Moore.			3 00	750 00						
	14,325	do. ....				63,265 25						

## E.

[This paper consists of the opinion of the Supreme Court of the United States in the case of *Doddridge's Lessee vs. Thompson & Wright*, which is inserted in Doc. No. 410, vol. 3, page 722.]

## F.

GENERAL LAND OFFICE, *December 3, 1824.*

SIR: I enclose you a copy of the report made by the commissioners appointed in pursuance of an act of the last session of Congress to value those lands lying between Ludlow's and Roberts' lines, which were claimed under titles derived from Virginia military warrants, and which had been sold by the United States.

I also enclosed a statement showing the valuation of the lands contained in each military survey, as reported by the commissioners, and the prices at which these lands, respectively, have been sold, so far as the quantities could be calculated from the plats in this office. From this statement it will appear that, of the 14,075 acres of land, valued by the commissioners to be worth \$62,515 35 at present, 1,864.68 acres sold at \$4 per acre, 11,614.32 sold at \$2 per acre, and 598 acres remain unsold. The unsold lands have been valued by the commissioners to be worth \$1,666 91, and the purchase money of the lands sold amounts to \$30,679 36, of which sum it is estimated that \$28,676 have been paid. These lands were sold in small quantities at different periods from the year 1804 to 1817, and no satisfactory calculation can be made of the interest which would accrue on the different payments without an accurate resurvey showing the precise interference of the public surveys with each of the military surveys.

From a general view of the subject, I should presume that the gross amount of interest which would be demandable by the individual purchasers in the event of the loss of their lands might be estimated to be equal to twelve years' interest on the amount of the purchase money. Assuming this data, the following results will be exhibited:

Amount of purchase money .....	\$30,679 36
Twelve years' interest on that amount .....	22,089 14
598 acres unsold, valued at .....	1,666 91
Total .....	54,435 41
14,075 acres, valued by the commissioners at .....	62,515 25
Difference .....	8,079 84

To enable the President to make to Congress the report required by the act of the last session, I have to request that you will, as soon as practicable, inform me what portion of the lands valued by the commissioners you claim, and upon what terms you will relinquish to the United States such claim.

I am, &c.,

GEORGE GRAHAM.

HEN. DUNCAN McARTHUR, *House of Representatives.*

P. S.—Mr. Doddridge has proposed to relinquish his claim for the original purchase money, with interest.

WELLSBURG, *Brooke Court-House, Virginia, November 15, 1824.*

DEAR SIR: Although the persons appointed by the President to report the value of the lands recovered by me in the suit of Doddridge's Lessee vs. Thompson & Wright, and other lands similarly situated, have, as I suppose, long since discharged that duty, I am ignorant how they have reported. The President is also directed to report on what terms we will release our claims. I am only interested in the 700 acres I recovered, which I am led to believe contains a considerable surplus quantity of acres. The officers of the United States entered on these lands many years since, and surveyed and sold them as public lands. I believe mine was all sold, part at four dollars and part at two dollars per acre. I know not the respective quantities sold at the above prices. I am not desirous to take benefit by the labor of others, and propose to relinquish my claim upon receiving from the government what the purchasers paid to it, with interest from the payment to the government until I am paid. This will place the purchasers in security, and will leave the government where it would have been in relation to this business if its officers had not fallen into the error they did fall into. The act of the government's officers in surveying these lands and selling them as public property, together with the refusal of the former commissioner to grant the other patents on a regular application made by General McArthur, threw such doubts on the title as to place these lands completely out of the market at a time when the *minimum* price of public lands, good and bad, was two dollars. The subsequent reduction ought not to affect us, because it was not our fault but the act of government which prevented a sale when the price of good land in that country was at least threefold what it now is.

If it be not improper, or too much trouble, would you inform me what my land has been valued at? Be good enough to lay this before the President.

P. DODDRIDGE.

The Commissioner of the General Land Office.

WASHINGTON CITY, *December 6, 1824.*

SIR: I have the honor to acknowledge the receipt of your favor of the 3d instant, with the copy of the report of the commissioners appointed in pursuance of an act of the last session of Congress to value the lands lying between the lines of Ludlow and Roberts, claimed by virtue of locations made upon Virginia military land warrants, and sold by the United States, and your statement showing the valuation of each military survey as reported by the said commissioners.

In answer to that part of your letter which asks information as to the portion of these lands which I claim, and upon what terms I will relinquish them to the United States, I can state that I claim the whole of the lands embraced in the first report of the commissioners aforesaid, with the exception of survey No. 6927, of 700 acres, sold and conveyed by me to Philip Doddridge, which is 13,375 acres, valued at \$60,940 25. My title papers will be exhibited at the General Land Office whenever required.

I am willing to transfer or relinquish these lands to the United States for the amount at which they were valued by the commissioners.

DUNCAN McARTHUR.

GEORGE GRAHAM, Esq.

WASHINGTON CITY, *December 8, 1824.*

SIR: With regard to my military land claim between the lines of Ludlow and Roberts, I am, upon reflection, induced to add other propositions to that contained in my letter to you of the 16th instant, to wit: for all those claims, except survey No. 6922, of 6,220 acres, I am willing to take land warrants for an equal quantity of land, to be located upon any lands of the United States. And for the said survey, No. 6922, I propose either to accept the amount of money at which it was valued by the commissioners, or to keep it and prosecute my claim for the recovery thereof against the tenants in possession.

Thus my propositions now stand: 1st, to accept from the government for the whole of my land claims between the said lines the amount at which they were valued by the commissioners; 2d, to receive from the government 7,155 acres of land warrants in exchange for surveys numbered 6912, 6913, 6914, 6915, 6919, 6927, 6923, 6926, and 6929, which together contain the quantity of 7,155 acres; and for survey No. 6922, of 6,220 acres, the value in money assessed by the commissioners; or 3d, to retain the last mentioned survey, No. 6922, of 6,220 acres, and to receive 7,155 acres of land warrants in exchange for the other surveys, which in all contain the like quantity of acres.

I have been induced to make the first proposition with a view to the final settlement of my land claims between the lines of Ludlow and Roberts without further litigation, although I would prefer holding these lands, were they clear of incumbrance, to receiving the amount at which they have been valued.

In the second place, I have proposed to receive land warrants in exchange for a part of these lands, preferring lands to money, so far as I have not immediate demand for money.

Although it would to me be most painful to be compelled to prosecute my claims at law against those who hold these lands under purchases from the United States, from the advice of the most able counsel I feel confident that it may be done with success, as much so where patents have been refused by the Commissioner of the General Land Office as if they had been granted.

Should those who have the management of the business on the part of the United States prefer it, I am ready to go into a legal investigation of the unpatented claims and to abide the final decision of the court.

I am, &c.,

HON. G. GRAHAM, Commissioner of the General Land Office.

DUNCAN McARTHUR.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists respectfully represent that they are holders of Virginia military continental land warrants; that the good land between the Little Miami and Scioto rivers, in the State of Ohio, is completely exhausted; that the agents of the United States did survey and mark the western boundary line of the said tract of country from one of the sources of the Little Miami north 20° west towards that of the

Scioto river in such a manner as to cut off from the Virginia military district very nearly 40,000 acres of land on the south side of the Greenville treaty line, the greater part of which may be termed arable, and of tolerable fertility; that the land so cut off was surveyed by the United States, and sold by them to many individuals who settled and improved the same; that your memorialists did respect the said line as the western boundary of the said Virginia military district, and made no entries to interfere with the lands surveyed or sold by the government west of it. And they respectfully request the Congress of the United States to permit them, as well as all other holders of such warrants, to locate them on any of the unsold lands of the United States in the State of Ohio to an amount equal in quantity as well as quality to the land so cut off from the Virginia military district as aforesaid.

But, as General Duncan McArthur claims about 13,000 acres of land west of Ludlow's line, the value of which he asks from the government, which, if paid, may be deemed a sufficient compensation for the whole, or at least as full payment for the quantity claimed by him, your memorialists beg leave to make the following observations in relation to this claim, and to endeavor to show how little of the true merits of the whole matter was decided in the suit in ejectment of "*Doddridge's Lessee vs. Thompson & Wright*" at the last term of the Supreme Court, upon which so much has been asked and so much expected:

That suit was determined at common law upon certain agreed facts made and submitted to the court by the plaintiff, Doddridge, and Mr. Wright, the district attorney of the United States at the time. *An agreed case*, in which the following points, among others, were agreed to: 1st, that, "*in particular*," the line run by Roberts is the true line between the sources of the aforesaid two rivers; and 2d, that before the entry was made, under which the lessor of the plaintiff claims, "*the premises in question were, among other lands, surveyed and offered for sale by the public officers of the United States, acting under the authority of the laws of the United States, but were not sold.*" Upon these two points, and the legal meaning of the different acts of Congress regulating the manner of making military entries and surveys, the judgment of the court was principally founded. But, although the judgment of the court be conclusive as to these agreed facts, admitting them, for the present, to be actually true, *which the first is not*, as a rule of law by which all the other claims of General McArthur are to be determined, is entirely groundless.

General McArthur made all his entries on November 19, 1810. Before that day 4,756 acres of the land covered by his entries stood on the register's books as land sold, no part of which was afterwards forfeited by the purchasers. Besides this, a pretty large quantity stood then on the said books as land sold, which was afterwards forfeited, but how much it amounted to cannot be very easily ascertained; for at the time of forfeiture the names of the forfeit purchasers were erased from the plats in the office, and the very great number of purchasers' names on the register's books renders it extremely difficult for private individuals to obtain this information. In addition, we might mention a tract of 168 acres of this land which was given by the United States to the State of Ohio for the support of schools. Of the land thus sold, some of it was patented before and some of it after the date of General McArthur's entries. And your memorialists beg leave to state here that the best, *not the worst*, land is uniformly the first that is sold where there is but one price and a free choice. So far, then, as these facts go, a very different case is presented to your consideration from the one determined by the Supreme Court in the *agreed* case of *Doddridge vs. Thompson & Wright*.

The right to make locations by virtue of Virginia military continental land warrants on the lands between the Little Miami and Scioto rivers is clearly dependent on the will of the national legislature, as settled by the opinion of the Supreme Court in the aforesaid cause. But the government acted in the exercise of this right with great moderation and fairness; for, before Ludlow's line was run and marked, the then surveyor general, by virtue of instructions from the Secretary of the Treasury, requested information from General McArthur and Mr. Lucas Sullivan, the two military surveyors who had the best knowledge of the northerly part of the Virginia military district, to enable him to have a true line run and marked between the sources of these two rivers, that of the Scioto being in the country of the Indian tribes. Upon their information the line was run by Israel Ludlow from the source of the easternmost fork of the Little Miami river north 20° west to the Greenville treaty line and there ended, as it was not thought to be good policy to excite the jealousy of the Indian tribes by extending it through their country to the Scioto river. It must, however, be confessed that Mr. Ludlow, in obeying his instructions, manifested a disposition to curtail the military lands by selecting the right hand fork of the Little Miami river as the main stream instead of the left hand fork, which is both the largest and the longest of the two, by which means about 30,000 acres of land were cut off from the Virginia district lying between these two forks.

From these premises it may be naturally and fairly inferred that, so far as sales were made by the agents of the government before November 19, 1810, the day of the date of General McArthur's entries, whether forfeited afterwards or not, were as completely prohibitory of the right to make military entries as an act of Congress prescribing general boundaries for the location of Virginia military warrants; the first being a special act, which restrains the right as to any particular spot, the other such a general rule as limits it to a more extensive tract of country. Now, as 4,756 acres, which were never afterwards forfeited, besides a pretty large quantity which was afterwards forfeited, stood on the register's books on, before, and after the said November 19, 1810, as land sold, as well as 168 acres appropriated for schools, the entries made by General McArthur, if this doctrine be sound in law, so far at least as they cover such lands, were illegal and void at the time they were made; and, being illegal and void then, they could not become good and valid afterwards by any accidental circumstances, for it is a maxim of law that whatever is not legal at its origin can never, of itself, become so afterwards.

For the land sold by the United States before the date of General McArthur's entries, patents were granted by the President to the respective purchasers, some of them dated before and some of them after the date of his entries; and it is believed that all the grants so issued are older than those to General McArthur on his military claims. He cannot therefore recover, in one of these cases, in a court of law; and that the title to land which was patented before the date of his entries cannot be disturbed by his claims is incontrovertible, as was determined by the Supreme Court of the United States in the case of *Anderson vs. Huffleagle* and others. Now, if the grant of the President be conclusive in these cases, does it not follow that the act of the President, by the register, as the agent of the government, in selling any part of this land to an individual before the date of General McArthur's entries, is equally conclusive? It appears to follow as a matter of course. These points were not, however, touched in the case of *Doddridge vs. Thompson & Wright*, and for an obvious reason—they did not belong to it.

It appears, also, that the different acts of Congress giving further time to purchasers of the public lands to make payment, so far as these lands are embraced, are such recognitions and confirmations of



the acts of the register of the Cincinnati land office in selling them as would be equal to an actual prohibition to locate military warrants there.

Besides all this, the government ought not to be disturbed in the sale of the public lands by the intrusion of individuals; nor can it be presumed that, by the acts of Congress of 1807 and 1810, granting further time for making entries and returning surveys on Virginia military warrants, the government really intended that the holders of such warrants should have the right to appropriate land which was surveyed, sold, or offered for sale by its agents, and thereby overturn the validity of its own acts. The presumption must be the very opposite of this; for it is impossible to believe that Congress would willingly arm an enemy for its own injury. The intention of government is, therefore, decidedly against the claim set up by General McArthur. But why, it may be asked, were these points not made at the trial of the cause of *Doddridge vs. Thompson & Wright*? This action was determined at common law; and as these are equitable considerations, it is believed that they could only be urged in a court of equity. And, even admitting that the whole of the agreed facts are true, your memorialists firmly believe that the whole claim set up by General McArthur, including even the land which stood at the dates of his entries on the register's books as unsold, fairly and fully examined by a court of equity, would be adjudged to be invalid, as contrary to the obvious intention of Congress.

Your memorialists beg further to draw the attention of the national legislature to the consequences arising from the payment of a very large sum of money to an individual not only on claims that are entirely groundless, but even on doubtful ones. How greatly, as a precedent, the heedless grant of money tends to degrade the government, increase its expense, and sink the national character! It is certainly, too, very doubtful, even in a case certain, whether the United States, being more able, ought to pay more than an individual under similar circumstances, *even on agreed cases*. After the fullest investigation, the unsuccessful litigant in such a case could only be required to refund the purchase money with interest; and the tenant in possession would recover from the successful litigant the value of his improvements. And it does appear to us, and we respectfully state it, that if the United States are inclined to be chivalrously generous, the payment of money had much better be made to the purchasers from the government than to the intruder; for the valuation of these lands, as estimated by the United States commissioners, and the value of their improvements from the successful litigant, would be a most acceptable consideration to nine-tenths of the occupants of the land—the best sale they could make in these hard times; therefore think of them we pray you. Another consideration for thinking of them is, that all the money paid to them would be reinvested in the purchase and improvement of new and uncultivated portions of the public lands. A contrary mode of payment will operate as a bounty to intrusion—encourage and justify every attempt to extract money from the public coffers.

But that part of the *agreed case* which is entitled to your first as well as your last consideration is that part of it where it is agreed that, "in particular," the line run by Charles Roberts is the true line between the sources of the Little Miami and Scioto rivers. There is such a thing as giving away causes by agreement, however innocently it may be done; an instance of which your memorialists could easily refer to in Wheaton's reports. The aforesaid *agreed case* is another; for that Roberts' line is a true line between the sources of these two rivers is utterly without foundation. This assertion is founded on the following facts, to wit:

The line run by Israel Ludlow at 3½ miles from the source of the right hand fork of the Little Miami is intersected by the left hand fork of this river about 430 poles west from its source, the latter fork being the largest as well as the longest of the two. And neither of them having obtained the name of the Little Miami, to the exclusion of the other, at any time anterior to the period when Ludlow's line was run, it must follow, agreeably to the rule laid down by the Supreme Court in the said *agreed case*, that the largest as well as the longest fork must be considered the true river. This fork, therefore, has its source among the military surveys about 430 poles east from its intersection with Ludlow's line. The highest point to which the Scioto can be traced is a large wet prairie or swamp, which is during the wet season an extensive sheet of water, discharging itself into both the Scioto and the great Miami rivers. At the heads of streams in flat countries this is not uncommon. Where the Scioto leaves the prairie it has a very small, flat channel, and is, excepting in the spring months, entirely dry. The place upon which Charles Roberts fixed as the source of this river is 667 poles south 75° west from this point, at a small pond on the edge of the prairie; between which two points there is neither channel nor the least appearance of current at any season of the year. The time when Mr. Roberts, with the commissioners of the United States and Virginia, examined this flat country was a very unfavorable one to make the proper examinations. It was in the fall of 1812, when no water could be seen there, excepting in a number of small ponds in the prairie, and when danger was apprehended from roaming parties of hostile Indians. At this time, however, the Virginia commissioners insisted upon it that the left hand fork of the Little Miami river was the main branch.

By running, therefore, a true line from the source of the largest fork of the Little Miami to the point of the wet prairie or swamp where the branch of the Scioto river leaves it, it would pass through the military surveys till it reached about the twentieth mile tree on Ludlow's line into the lands sold by the United States, dividing them in such a way as to leave about two-fifths on the military and three-fifths on the United States sides of Ludlow's line. But your memorialists respectfully suggest the propriety of having competent men, not residents of the State of Ohio, appointed to make the proper examination of the country, that their report may settle the controversy; and as we enjoy profound peace with the Indian tribes, the proper time and season for its complete examination may be devoted to it.

And, as in duty bound, your petitioners will ever pray, &c.

JOHN WATTS, *Bedford, Virginia*.  
WALTER DUN, *Chillicothe, Ohio*.  
CADWALLADER WALLACE.  
JOHN A. FULTON, *Chillicothe, Ohio*.  
JOSEPH KERR, *Chillicothe, Ohio*.  
N. BEASLEY, *Decatur, Ohio*.  
JAMES GALLOWAY, *of Xenia, Ohio*.  
LYNE STARLING, *for himself and the*  
*heirs of Lucas Sullivan, Columbus.*  
WM. KENDALL, *of Scioto county, Ohio*.  
ALLEN LATHAM, *of Chillicothe, Ohio*.

LOWER BLUE LICKS, *Kentucky*, August 2, 1824.

DEAR SIR: By a letter just received from home I understand it to be your wish to know how General McArthur has succeeded west of Ludlow's line. In the action of ejectment against Wright and Thompson, carried to the Supreme Court of the United States, he has recovered, or rather obtained a judgment for the seven hundred acres of land in contest. This is believed to be all the land patented to the general, and it is doubted whether he could recover any other part of his claim. But from some proceedings that the general and his friends have got up in Congress it seems that the case decided is taken for granted as a decision in his favor for the whole, and the attempt is making to compromise the matter by a sale to the United States of all his claims. Persons have been appointed to examine and value the lands and report to the next session of Congress, when it is presumed the whole subject will be brought up.

The land-jobbing fraternity at Chillicothe have very much oppressed the general by petitioning Congress for an appropriation of land equal in area to that taken off the Virginia military district by Ludlow's line, and for presuming to doubt the validity of his claims in question; and it is more than probable that a further attempt will be made to prevent the realizing of all his views.

The decision in question was upon a case agreed. It is believed that there was a wrong statement of facts, and that a rehearing of the case might be had on a writ of error if any person interested in the decision thought proper to make the application.

Your friend, &c., very respectfully,

CADWALLADER WALLACE.

BEN. W. LADD, Esq., *Jefferson county, Ohio.*

RICHMOND, *July 4, 1810.*

By orders from the Secretary of the Treasury of the United States the surveyor general had a line run from the source of the Little Miami north 20° west till it intersected the Indian boundary line; which line, it was intended, was to be the western boundary of the surveys of the Virginia military reserve when the same was continued till it touched the Scioto river. Congress (on March 23, 1804, in pages 87 and 88 of vol. 7) passed a law declaring that that line should be, when continued to the Scioto river, the western boundary of the surveys of the Virginia military reserve, provided that the State of Virginia, within two years from the passing of the law, should approve of it as the western boundary line of the said survey. The State of Virginia has done nothing in the business since that time, as far as I am acquainted.

From the actual survey another surveyor and myself have found that the source of the Scioto river lies further west than it was thought to lie when the above line was run; and, consequently, that a considerable body of land lies west of that line that ought to be included within the Virginia reserve agreeably to the act of cession. Now, sir, I request your opinion on the following question? Will entries and surveys now made by virtue of Virginia military continental land warrants on the land lying between the line now run, as aforesaid, and a true line run from the source of the Little Miami so as to strike the source of Scioto river, hold the land which such entries and surveys may call for against the claim of the United States? Will it not be considered by the courts of the United States, from the above-mentioned facts, that the United States had no right to any land included within the Scioto and Little Miami rivers, and a straight line from the source of the one to the source of the other; and, consequently, that entries and surveys made within those boundaries by virtue of Virginia military continental land warrants must hold the land?

For want of a more intimate acquaintance than I possess of the course of location in Ohio, and the transactions between the State of Virginia and the general government relative to the subject of those lands, I am not prepared to give a decided opinion upon the questions propounded by the foregoing case. Considered abstractedly, however, I doubt whether the location would be good; for although the State has never formally accepted the line established by the act of Congress in 1804, yet that line having been generally conformed to ever since, and the legislature of Virginia having in January, 1807, instructed their senators to obtain longer time for locations without dissenting to the line, I am much inclined to think that these circumstances, taken in connexion with the general complexion of the act of Congress in March, 1807, will be considered as fixing the boundary line, and therefore that locations made beyond it will be void.

DAN. CALL.

WASHINGTON, *December 29, 1824.*

GENTLEMEN: My object in addressing this hasty note to you is to correct, as far as in my power, the misrepresentations of those who are remonstrating against the settlement of my land claims between the lines of Ludlow and Roberts.

In the first place, it is not a fact that the "memorialists did respect the line run by Ludlow as the western boundary of the Virginia military district, and made no entries to interfere with the lands surveyed or sold by the government west of it." On the contrary, they did make many entries west of Ludlow's line, as will appear by reference to the copies of those entries in the General Land Office. A reference to upwards of 9,000 acres of those entries I some days since put into the hand of a member of the committee. As to the correct western boundary of the Virginia military lands, I trust that more reliance will be placed, both by the committee and by Congress, upon the report of the commissioners upon the part of the United States who caused Roberts' line to be run and marked than there will be upon the irresponsible and vague statements of the memorialists. To prove to you the incorrectness of their statements relative to the forks of the Little Miami, permit me to refer you to the maps and surveys of the United States lands at the source of said river on file in the General Land Office, and to General Vance who represents that district, and is well acquainted with the different upper branches of that river.

It may be unfortunate for the memorialists that the Supreme Court of the United States do not view

the operation of the acts of Congress as they do. It is said, however, that "circumstances alter cases," and this difference of opinion may, I presume, be traced to that cause. The memorialists tell you that they are apprehensive that, if government should pay me the value of my lands west of Ludlow's line, "it may be deemed a sufficient compensation for the whole," and, in that event, deprive them of being permitted to locate their land warrants (which may now be purchased at from fifteen to twenty dollars per hundred acres) upon any unsold lands of the United States. But I apprehend that they have other motives which they have not stated for opposing my claims between the lines of Ludlow and Roberts. I think that it will be found that they have withdrawn many entries or locations *made there* by themselves and me, which they were authorized to withdraw without making themselves liable for any damages which the owners of such entries might sustain by such withdrawals; and that they are now actually bound to remunerate some of those persons whose entries they have withdrawn, in case my claim should prove valid.

In the case of B. W. Ladd, who has had Mr. Wallace's letter to him referred to your committee, I can state that I hold his obligation for one-fifth part of about 15,000 acres of land which I located for him and company between the lines of Ludlow and Roberts, and for which I must be paid in case my other claims *there* prove valid. These claims the said Ladd and Company were to prosecute to final judgment, but instead of doing so they sold them to Messrs. Dun, Wallace and Galloway, who withdrew them without my approbation, in violation of Ladd's agreement with me. I have never been able to see the agreement between Ladd and Company and Messrs. Dun, Wallace and Galloway, under which the entries which I had made for Ladd and Company were withdrawn; but I have good reason to believe that Mr. Ladd sold these entries subject to my claim, and that the purchasers are bound to indemnify him against my claim; which, at the rate that the other lands have been valued, would amount to something like twelve or fourteen thousand dollars, which must be paid unless my claims shall be defeated.

Whether the memorial of my brother locators is based upon their liability for entries withdrawn from between the lines of Ludlow and Roberts, together with a little envy and jealousy, or a patriotic zeal to guard the public treasury, I shall not attempt to determine, but leave the subject with the committee.

Yours, respectfully,

DUNCAN McARTHUR.

The COMMITTEE ON PUBLIC LANDS.

P. S.—Patents issued to me for five of the surveys west of Ludlow's line. Should the committee desire it, I will exhibit to them my title papers at any time they may think proper.

D. McARTHUR.

*Memorandum of some of the entries made in the autumn of 1812 by Walter Dun and Company, who are remonstrating against my claims between the lines of Ludlow and Roberts, taken this morning from the books of the General Land Office, viz:*

No. 7639, in the name of Gross Scruggs, for.....	1,000 acres.
7644 .....do.....John Graham, for.....	1,000 "
7645 .....do.....John Graham, for.....	1,000 "
7646 .....do.....Graham and Johnston, for.....	1,000 "
7647 .....do.....James Johnston, for.....	800 "
7648 .....do.....Johnston and Graham, for.....	1,002½ "
7649 .....do.....Gross Scruggs, for.....	500 "
7699 .....do.....John Graham, for.....	490 "
7700 .....do.....Same.....for.....	200 "
7701 .....do.....Same.....for.....	960 "
7702 .....do.....Same.....for.....	200 "
7703 .....do.....Same.....for.....	200 "
7704 .....do.....Graham and Johnston, for.....	850 "

9,202½ acres.

Those who made the above entries well knew the acts of Congress before they made them. They are referred to merely to show how much the statements of the memorialists are entitled to credit.

DUNCAN McARTHUR.

DECEMBER 27, 1824.

[The following papers were communicated to the Senate, by the Committee on Public Lands, February 22, 1825:]

*To the Committee of the Senate of the United States on Public Lands:*

GENTLEMEN: I have just read the report of the land committee of the House of Representatives of the United States in the case of the Hon. General McArthur, and I beg leave to make a few observations on some parts of some of the documents accompanying it. The first is the letter of Mr. Graham, the Commissioner of the General Land Office, to the President, and I will take the liberty of correcting an error into which he has fallen, of very material consequence. In that letter he says that the Supreme Court of the United States has decided that Roberts' line is the true boundary of the Virginia military district north of the source of the Little Miami river. The only cause there determined, in which this line is even mentioned, is the agreed one of *Doddridge vs. Thompson*; and Mr. Graham, by a closer examination of that case, would have seen that no such point was submitted. It was agreed by the counsel, and the determination of the court was founded on the supposition of its truth; but the court did not decide that which was not controverted. So far as this fact is not true, the judgment of the court is groundless.



There is nothing said in any of the documents accompanying the report about any of the lands sold by the government having been patented before the date of the honorable gentleman's entries. It had been suggested by the memorialists to Congress, in relation to this matter, as a matter worthy of examination; for, so far as patents had issued before that period, the decision of the Supreme Court in the case of Anderson and Huffnagle would void his entries.

Accompanying the report there is a letter from the Hon. General McArthur, dated 29th December last, abounding with insinuations, assertions, and slang more becoming the impudence of a court-yard than the dignity of the Senate. He offers his friend, General Vance, to prove that the memorialists have misrepresented the facts in relation to the true source of the Little Miami river. He is careful, however, not to commit himself on paper by saying that the facts as stated by them are not true. He knew that they were true, not from mere conjecture, *but from having been actually present when the two forks of this river were measured by Charles Roberts in the fall of 1812, under the directions of the commissioners of the United States and Virginia*; and I will add that he was the first person who told me that the left hand fork was actually the longest by about two miles, a great distance in a small stream; was fully as large as the other at the forks, and maintained its size much longer; and that, in reality, it was the main branch. The Virginia commissioners afterwards mentioned to me the same facts; and it was upon this point that the two sets of commissioners disagreed—those of Virginia insisting that as, from actual measurement, the left hand fork was the longest, and, from inspection, the largest, it was the main river. How far the Hon. General Vance will vouch for the Hon. General McArthur I know not; but I will most freely risk my character as to the truth of the statements in the memorial in relation to it; and whether Congress grant the prayer of the memorialists or not, that matter shall be established by the most undoubted testimony by the next session of Congress, and published to the world.

In the same letter the honorable gentleman has insinuated that the memorialists may have latent motives for opposing his claim, and says "that it will be found that they have withdrawn many entries made there by themselves and me which they were not authorized to withdraw without making themselves liable for any damages that the owners of such entries might sustain by such withdrawals, and that they are now actually bound to remunerate some of these persons whose entries they have withdrawn in case my claim should prove valid." He has also subjoined a list of entries made by "Walter Dun & Co.," who are remonstrating against his claim. Now, gentlemen, every one of these entries were made by myself by virtue of my own warrants, and were afterwards withdrawn by myself; and all this the honorable gentleman well knew. That the warrants were my own, and were afterwards appropriated on lands which were patented to myself, I beg the favor of you to examine the copies of these entries in the General Land Office for the numbers of the warrants by which they were made; and Mr. Graham, the Commissioner, will show to you the evidences of my claim to them. I will add that I never withdrew a single entry lying west of Ludlow's line that was not my own property, free and unencumbered from the claims of all persons known to me; and that, excepting myself, none of the memorialists made a single entry in that quarter; and only two of them (Messrs. Galloway and Wallace) ever withdrew warrants in entries there, and they were, as I have understood, their own property; the evidences of which are all in the land office. Now, gentlemen, I declare these statements of the honorable gentleman to be utterly false and malicious, and I defy him for the proof so far as I am concerned.

The honorable gentleman has spoken of latent motives of the memorialists. And may not I presume to say something of his? In the suit of *Doddridge vs. Thompson & Wright*, was it his intention to have a full, open, and manly trial, or was it only with a view of getting a legal apology for getting into the treasury? Who was Thompson, the defendant? He was a person who, about that time, was working about a small country mill at the extreme southwesterly point of the survey, barely within its lines, who did not own a foot of the soil, had no lease for any part of it, who had not an acre in possession, and who never appeared in court as a defendant. He was, in reality, what it was intended he should be, if I am not mistaken, a true John Doe; while, at the very same time, there were in possession of parts of the said survey at least two bona fide purchasers from the government. The latter were the only true defenders of their rights, not Mr. Thompson, the particular friend of the honorable gentleman, without any natural interest whatever to defend an inch of the land. The Hon. General Vance is acquainted with Mr. Thompson.

I disclaim any share of envy or jealousy towards the honorable gentleman; on the contrary, I wish him, in every honorable course, as much success and as great a share of peace of mind as the wisest and the best of men can reasonably expect, and that the land he has won in law, including that from agreed cases in the Supreme Court and in other places, may never be the cause, however remotely, of any rankling in his mind for a single moment.

But, in my own behalf and in that of Mr. James Galloway, whom I represent, I want no land from the United States, unless it is found, after a fair and impartial survey of the country, that we are fairly entitled to it. We all want property; but we want God's blessing with it. We have therefore asked you, in our memorial, to direct the necessary examinations to ascertain the real state of the case, and act accordingly. A true line, however, will blast the honorable gentleman's prospects.

With the greatest respect, I am, gentlemen, your most obedient servant,

WALTER DUN.

CHILICOTHE, February 9, 1825.

CHILICOTHE, January 9, 1825.

Cadwallader Wallace, a citizen of the State of Ohio, resident in the town of Chilicothe, one of the signers of a memorial addressed to the Senate and House of Representatives of the United States on December 13, 1824, in relation to the western boundary line of the Virginia military reservation, replying to the documents accompanying the report of the Committee on the Public Lands, to whom was referred the President's message of the 14th ultimo, (December,) upon the subject of certain lands in the State of Ohio, situated between Roberts' and Ludlow's lines, saith, that the line called "Roberts'," run in the year 1812, was not concurred in by the commissioners on the part of Virginia; that they claimed the north fork to be the main fork of the Little Miami river, and that so far as this want of concurrence and their dissent to this line goes it is in direct opposition to its correctness. Consonant with and fully supporting the reasoning of the commissioners on the part of Virginia for ascertaining the head of the Little Miami river, or of any other river, is the reasoning of the Supreme Court of the United States, ("if no fork of either

of them has acquired the name in exclusion of another, the main branch to its source must be considered as the true river,") in the case of *Doddridge vs. Thompson & Wright*; and, taking this reasoning, and not the case *agreed*, as the rule by which the Little Miami and its source is to be ascertained, he avers that if the prayer of the memorialists is granted, the north fork will be found to be the main branch, the surveys of the United States lands on file in the General Land Office or any other negative or ex parte testimony to the contrary notwithstanding.

That the letter written by him on August 2, 1824, addressed to Benjamin W. Ladd, esq., was a private one, and of course not intended for publication; but being published, he here takes occasion to say that the printed copy of it is wrong, inasmuch as it makes him say that the land-jobbing fraternity at Chillicothe have very much "opposed the general," instead of "offended the general." Opposition to General McArthur is not the object, but a consequence; and it is presumed that none of the memorialists are or would willingly be thought to be mere opponents of the general—mere "receptacles of envy and jealousy;" nor has a mistaken or affected zeal induced them to volunteer in the hazardous, nay the all-impossible office of guarding the public treasury; aware that had they it to guard, if perchance they might not lay violent hands on it themselves, they would not of themselves be able to guard it against the violence of others.

But yet, as good citizens, they would but discharge their duty in sounding the alarm if they saw the treasury of the nation in danger of being entered by violence or by a trick of legerdemain, leaving the treasury to the defence of those to whom its defence is committed.

And that the moral of the fable of the farmer and lawyer, referred to by General McArthur, does not apply—that it is pointless. He (the said Wallace) has had no ox gored, nor (after the fashion of the fable) has the general's bull been killed; if he insists that he has, let him show the carcass. The general has, indeed, well said that he has "never been able to see the agreement between Ladd & Co. and Messrs. Dun, Wallace, and Galloway;" and he might have gone on and said, with equal truth, that no other person ever saw it. And who but the general ever said or intimated that such an agreement ever existed?

He (the said Wallace) admits that he purchased of Benjamin W. Ladd, in his own right, as executor of Joseph Ladd, and as the attorney of the executrix and executor of Thomas Norvell, several thousand acres of warrants (not land) that had been located west of Ludlow's line, and several thousand acres located elsewhere; but that the purchase was made without any liability, written or verbal, to Ladd, to Ladd's estate, to Norvell's estate, to McArthur, or to any other person. Had it been necessary to enter into any agreement, would it not have been most reasonable to suppose that if McArthur's claim was the subject of it, the *vendees*, not the *vendors*, would have been the persons to be protected against his claim—this "\$12,000 or \$14,000" of which he vaunts? In any case where the general was not interested this would have been the natural course. For his cases precedents are wanting.

In conclusion, the said Wallace, conscious of the rectitude of his conduct in the premises, claims for himself to be held responsible to the nation and to General McArthur for the allegations contained in the memorial referred to, "irresponsible and vague" as the general would gladly have them considered; and, casting back the foul and defamatory insinuations of the general, invites him—dares him—to the proof. Desperate, indeed, in the cause that, to stand, has to be propped by detraction and calumny!

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*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

Your memorialists respectfully represent that they are holders of Virginia military continental land warrants; that the good land between the Little Miami and Scioto rivers, in the State of Ohio, is completely exhausted; that the agents of the United States did survey and mark the western boundary line of the said tract of country, from one of the sources of the Little Miami, north 20° west towards that of the Scioto river, in such a manner as to cut off from the Virginia military district very nearly 40,000 acres of land on the south side of the Greenville treaty line, the greater part of which may be termed arable and of tolerable fertility; that the land so cut off was surveyed by the United States, and sold by them to many individuals, who settled and improved the same; that your memorialists did respect the said line as the western boundary of the said Virginia military district, and made no entries to interfere with the lands surveyed or sold by the government west of it; and they respectfully request the Congress of the United States to permit them, as well as all holders of such warrants, to locate them on any of the unsold lands of the United States in the State of Ohio, to an amount equal in quantity, as well as quality, to the land so cut off from the Virginia military district as aforesaid.

But, as General Duncan McArthur claims about 13,000 acres of land west of Ludlow's line, the value of which he asks from the government, which, if paid, may be deemed a sufficient compensation for the whole, or, at the least, as full payment for the quantity claimed by him, your memorialists beg leave to make the following observations in relation to this claim, and to endeavor to show how little of the true merits of the whole matter was decided in the suit in ejectment of "*Doddridge's Lessee vs. Thompson & Wright*," at the last term of the Supreme Court, upon which so much has been asked and so much expected.

That suit was determined at common law upon certain agreed facts made and submitted to the court by the plaintiff, Doddridge, and Mr. Wright, the district attorney of the United States, at the time. *An agreed case*, in which the following points, amongst others, were agreed to: 1st, that, "*in particular*," the line run by Roberts is the true line between the sources of the aforesaid two rivers; and 2d, that, before the entry was made under which the lessor of the plaintiff claims, "the premises in question were, among other lands, surveyed and offered for sale by the public officers of the United States acting under the authority of the laws of the United States, *but were not sold*." Upon these two points, and the legal meaning of the different acts of Congress regulating the manner of making military entries and surveys, the judgment of the court was principally founded; but, although the judgment of the court be conclusive as to these agreed facts, admitting them, for the present, to be actually true, *which the first is not*, as a rule of law by which all the other claims of General McArthur are to be determined, is entirely groundless.

General McArthur made all his entries on November 19, 1810. Before that day 4,753 acres of the land covered by his entries stood on the register's books as land sold, no part of which was afterwards forfeited by the purchasers; besides this, a pretty large quantity stood then on the said books as land sold, which was afterwards forfeited, but how much it amounted to cannot be very easily ascertained; for, at the time of forfeiture, the names of the forfeit purchasers were erased from the plats in the office, and the very great number of purchasers' names on the register's books renders it extremely difficult for private



individuals to obtain this information. In addition we might mention a tract of 168 acres of this land which was given by the United States to the State of Ohio for the support of schools. Of the land thus sold, some of it was patented before and some of it after the date of General McArthur's entries; and your memorialists beg leave to state here that the best, *not the worst*, land is uniformly the first that is sold, where there is but one price and a free choice. So far, then, as these facts go, a very different case is presented to your consideration from the one determined by the Supreme Court in the *agreed* case of *Doddridge vs. Thompson & Wright*.

The right to make locations, by virtue of Virginia military continental land warrants, on the lands between the Little Miami and Scioto rivers is clearly dependent on the will of the national legislature, as settled by the opinion of the Supreme Court in the aforesaid cause. But the government acted, in the exercise of this right, with great moderation and fairness; for, before Ludlow's line was run and marked, the then surveyor general, by virtue of instructions from the Secretary of the Treasury, requested information from General McArthur and Mr. Lucas Sullivan, the two military surveyors, who had the best knowledge of the northerly part of the Virginia military district, to enable him to have a true line run and marked between the sources of these two rivers, that of the Scioto being in the country of the Indian tribes. Upon their information the line was run by Israel Ludlow from the source of the easternmost fork of the Little Miami river, north 20° west, to the Greenville treaty line, and there ended, as it was not thought to be good policy to excite the jealousy of the Indian tribes by extending it through their country to the Scioto river. It must, however, be confessed that Mr. Ludlow, in obeying his instructions, manifested a disposition to curtail the military lands by selecting the right hand fork of the Little Miami river as the main stream instead of the left hand fork, which is both the largest and the longest of the two, by which means about 30,000 acres of land were cut off from the Virginia district lying between these two forks.

From these premises it may be naturally and fairly inferred that so far as sales were made by the agents of the government before November 19, 1810, the day of the date of General McArthur's entries, whether forfeited afterwards or not, were as completely prohibitory of the right to make military entries as an act of Congress prescribing general boundaries for the location of Virginia military warrants; the first being a special act which restrains the right as to any particular spot; the other such a general rule as limits it to a more extensive tract of country. Now, as 4,756 acres, which were never afterwards forfeited, besides a pretty large quantity which was afterwards forfeited, stood on the register's books on, before, and after the said November 19, 1810, as land sold, as well as 168 acres appropriated for schools, the entries made by General McArthur, if this doctrine be sound in law, so far at least as they cover such lands, were illegal and void at the time they were made; and, being illegal and void then, they could not become good and valid afterwards by any accidental circumstances; for it is a maxim of law that whatever is not legal at its origin can never, of itself, become so afterwards.

For the land sold by the United States before the date of General McArthur's entries patents were granted by the President to the respective purchasers, some of them dated before and some of them after the date of his entries; and it is believed that all the grants so issued are older than those to General McArthur on his military claims. He cannot, therefore, recover, in one of these cases, in a court of law; and that the title to the land which was patented before the date of his entries cannot be disturbed by his claims is incontrovertible, as was determined by the Supreme Court of the United States in the case of *Anderson vs. Huffnagle* and others. Now, if the grant of the President be conclusive in these cases, does it not follow that the act of the President by the register, as the agent of the government, in selling any part of this land to an individual before the date of General McArthur's entries, is equally conclusive? It appears to follow as a matter of course. These points were not, however, touched in the case of *Doddridge vs. Thompson & Wright*, and for an obvious reason—they did not belong to it.

It appears, also, that the different acts of Congress giving further time to purchasers of the public lands to make payment, so far as these lands are embraced, are such recognitions and confirmations of the acts of the register of the Cincinnati land office in selling them as would be equal to an actual prohibition to locate military warrants there.

Besides all this, the government ought not to be disturbed in the sale of the public lands by the intrusion of individuals; nor can it be presumed that, by the acts of Congress of 1807 and 1810, granting further time for making entries and returning surveys on Virginia military warrants, the government really intended that the holders of such warrants should have the right to appropriate land which was surveyed, sold, or offered for sale by its agents, and thereby overturn the validity of its own acts. The presumption must be the very opposite of this; for it is impossible to believe that Congress would willingly arm an enemy for its own injury. The intention of the government is, therefore, decidedly against the claim set up by General McArthur. But why, it may be asked, were these points not made at the trial of the cause of *Doddridge vs. Thompson & Wright*? This action was determined at common law; and, as these are equitable considerations, it is believed that they could only be urged in a court of equity. And, even admitting that the whole of the agreed facts are true, your memorialists firmly believe that the whole claim set up by General McArthur, including even the land which stood at the date of his entries on the register's books as unsold, fairly and fully examined by a court of equity, would be adjudged to be invalid, as contrary to the obvious intention of Congress.

Your memorialists beg further to draw the attention of the national legislature to the consequences arising from the payment of a very large sum of money to an individual, not only on claims that are entirely groundless, but even on doubtful ones. How greatly, as a precedent, the heedless grant of money tends to degrade the government, increase its expense, and sink the national character! It is certainly, too, very doubtful, even in a case certain, whether the United States, being more able, ought to pay more than an individual under similar circumstances, *even on agreed cases*. After the fullest investigation, the unsuccessful litigant in such a case could only be required to refund the purchase money, with interest; and the tenant in possession would recover from the successful litigant the value of his improvements. And it does appear to us, and we respectfully state it, that if the United States are inclined to be chivalrously generous, the payment of money had much better be made to the purchaser from the government than to the intruder; for the valuation of these lands, as estimated by the United States commissioners, and the value of their improvements, from the successful litigant, would be a most acceptable consideration to nine-tenths of the occupants of the land—the best sale they could make in these hard times; therefore think of them we pray you. Another consideration for thinking of them is, that all the money paid to them would be reinvested in the purchase and improvement of new and unculti-



vated portions of the public lands. A contrary mode of payment would operate as a bounty to intrusion—encourage and justify every attempt to extract money from the public coffers.

But that part of the *agreed case* which is entitled to your first as well as your last consideration is that part of it where it is agreed that, "in particular," the line run by Charles Roberts is a true line between the sources of the Little Miami and Scioto rivers. There is such a thing as giving away causes by agreement, however innocently it may be done, an instance of which your memorialists could easily refer to in Wheaton's reports. The aforesaid *agreed case* is another; for that Roberts' line is a true line between the sources of these two rivers is utterly without foundation. This assertion is founded on the following facts, to wit:

The line run by Israel Ludlow, at  $3\frac{1}{2}$  miles from the source of the right hand fork of the Little Miami is intersected by the left hand fork of this river about 430 poles west from its source, the latter fork being the largest as well as the longest of the two. And neither of them having obtained the name of the Little Miami river, to the exclusion of the other, at any time anterior to the period when Ludlow's line was run, it must follow, agreeably to the rule laid down by the Supreme Court in the said *agreed case*, that the largest as well as the longest fork must be considered as the true river. This fork, therefore, has its source among the military surveys, about 430 poles east from its intersection with Ludlow's line. The highest point to which the Scioto can be traced is a large wet prairie or swamp, which is, during the wet season, an extensive sheet of water, discharging itself into both the Scioto and Great Miami rivers. At the heads of streams in flat countries this is not uncommon. Where the Scioto leaves the prairie it has a very small, flat channel, and is, excepting in the spring months, entirely dry. This place, upon which Charles Roberts fixed as the source of this river, is 667 poles S.  $75^{\circ}$  W. from this point, at a small pond on the edge of the prairie, between which two points there is neither channel nor the least appearance of current at any season of the year. The time when Mr. Roberts, with the commissioners of the United States and Virginia, examined this flat country was a very unfavorable one to make the proper examinations. It was in the fall of 1812, when no water could be seen there, excepting in a number of small ponds in the prairie, and when danger was apprehended from roaming parties of hostile Indians. At this time, however, the Virginia commissioners insisted upon it that the left hand fork of the Little Miami river was the main branch.

By running, therefore, a true line from the source of the largest and longest fork of the Little Miami to the point of the wet prairie or swamp where the branch of the Scioto river leaves it, it would pass through the military surveys till it reached about the twentieth mile tree on Ludlow's line, into the lands sold by the United States, dividing them in such a way as to leave about two-fifths on the military and three-fifths on the United States sides of Ludlow's line. But your memorialists respectfully suggest the propriety of having competent men, not residents of the State of Ohio, appointed to make the proper examination of the country, that their report may settle the controversy; and as we enjoy profound peace with the Indian tribes, the proper time and season for its complete examination may be devoted to it; and, as in duty bound, your petitioners will ever pray, &c.

As one of the commissioners on the part of Virginia to ascertain the western boundary of the Virginia military lands in the State of Ohio, I am requested by some of the signers to the above memorial to certify as to the truth of the statements made by the memorialists, (on a comparison of the east and west forks of the Little Miami,) that "the left hand or west fork is the largest as well as the longest of the two;" I therefore do certify that in the month of October, 1812, three commissioners on the part of the United States, and two on the part of Virginia, (the third not attending,) met at the town of Xenia, and proceeded to the headwaters of the Little Miami river for the purpose of fixing on the point of departure of a line to be run to the head or source of the Scioto. On examining the east and west forks of the Little Miami at their junction, the commissioners found some difficulty in ascertaining which afforded the most water. On making experiments, however, with such means as we had, I was of the opinion that the west fork contained the most water, and I believed my colleague and at least one of the United States commissioners were of the same opinion. The commissioners then explored the two forks, as they are called, to their source, when a question arose, which was the longest? This was determined by actual measurement, which decided the question in favor of the west or north fork; to illustrate which, and the different lines, &c., I have laid down the annexed sketch of a draught made from actual measurement.

From the source of the west fork there was found a regular channel to its mouth. At what is called the source of the east fork there are two or three small ponds near each other, no water running from either, one of which was selected as the beginning of Roberts' line. Passing on from the said ponds to where the forks in question unite, according to my recollection, there intervenes a dry glade or prairie, of at least three-quarters of a mile, without the likeness of a channel or water-course; and although the term *river* appears to be equivocal, I cannot consent to call a plain glade *river*; therefore, could I have been induced to consider the source of either fork a proper point of departure, according to a true interpretation of the Virginia military reservation, I must have selected the west fork.

Where these forks unite they are far below being *rivers*; they are small brooks which, together, would not, at the time alluded to, have been sufficient to turn a water grist-mill; and, from the information of every person in the neighborhood, the *forks* were considered, where they united, as forming the Little Miami river. The commissioners next proceeded to explore the source of the Scioto, and, having so done, it became necessary to decide the points on which the boundary line should run. The prairie at the head of the Scioto is truly described in the *memorial*, at the lower end of which three small rivulets dripping from the prairie unite, and from thence form a regular channel. This I selected as the head of the Scioto, and the point where the east and west forks unite as the head of the Little Miami, as per line laid down in the draught.

One of the commissioners of the United States agreed, under solemn declarations, that these were the two points he felt bound to establish. The other two commissioners on the part of the United States fixed on the points by which Roberts' line is bounded; and at that time, to my astonishment, my colleague joined them, and the line was directed to be run accordingly. On further reflection, however, my colleague changed his opinion—would not unite in reporting Roberts' as the line which ought to be established, but took broad ground, drawing a line from the mouth of the Little Miami, on the west side, to the head of the Scioto, which he undertook to demonstrate, mathematically, lay between the rivers Scioto and the Little Miami, "according to the true intent and meaning of the compact between the United States and Virginia," &c.

The line which I advocated, and which I contend is in accordance with a fair construction of the military reservation in question, would have made an addition to the military lands of perhaps at least

120,000 acres. I have been thus particular in stating the facts with a view to giving the most accurate information within my recollection on the subject.

RO. PORTERFIELD.

FEBRUARY 8, 1825.

*The Committee of the Senate on the Public Lands:*

GENTLEMEN: Having been favored with the perusal of two communications lately made to you, the one from Mr. Dun, and the other commencing with the name of Cadwallader Wallace, upon the subject of a bill pending before you in which I am interested, permit me to submit to you a few remarks upon the subject.

The principal object of these communications is to induce a belief that the line run by Roberts from the source of the Little Miami to the source of the Scioto, under the directions of commissioners appointed on the part of the United States to establish the western boundary of the Virginia military district, is not the correct boundary of the district, and to induce Congress to reject the present bill, and to direct the appointment of other commissioners with a view to establish said line more correctly, as they allege.

In a former communication to the committee of the House I took occasion to refer them to the surveys of the public lands at the sources of the said rivers, to correct the misrepresentations made by those who were remonstrating against my claims and the correctness of Roberts' line. You are now, however, furnished with unquestionable evidence by the memorialists themselves as to the correctness of Roberts' line, and the incorrectness of their statements, to wit, a diagram and observations made out and forwarded by General Robert Porterfield at the instance of the memorialists, but which, had they seen, I am confident they would have suppressed. General Porterfield, who was one of the commissioners on the part of Virginia, says: "I have laid down the annexed sketch of a draught made from actual measurement." By this draught you will see that the west or north fork of the Little Miami does not head east of Ludlow's line, as represented by the memorialists, and that a line from the head of said fork to the head of the Scioto would not *exclude an acre* of the lands claimed by me, as will be seen by reference to the map of these lands furnished by the Commissioner of the General Land Office.

The line run by Roberts has ever since been acknowledged to be the true western boundary of the Virginia military district. It is in fact notoriously so—has often been referred to and recognized by acts of Congress, and the correctness thereof never questioned by any, not even the memorialists themselves, until after they saw the opinion of the court in the case of *Doddridge's Lessee vs. Thompson & Wright*. They well knew the agreement in that case at the time it was made, and for many years before the decision thereof in the United States court. But until then I presume they never saw any advantage which they might derive from another interference on the part of Congress for the purpose of establishing the western boundary of the Virginia military district. The court say, in their opinion, (report of committee of the House, page 15,) "the appointment of commissioners to meet others to be appointed by Virginia, who were to agree upon and mark the true line, &c., proves incontestably that Congress did not suppose the line to be established." I presume that the committee will at once discover that if Congress should at any time interfere, and direct the appointment of commissioners to again examine and establish the western boundary of the Virginia military district, that the same reasons given by the court in the above recited case would, with equal force, apply to all entries which might be made east of the proper boundary prior to such interference on the part of Congress. This will, I trust, sufficiently explain the principal cause why Congress has been pressed by the *patriotic* memorials of the "land-jobbing fraternity at Chillicothe."

Here permit me to direct your attention to the letter of Mr. Wallace to Benjamin W. Ladd, esq., pages 25, 26, of the report of the House. It exhibits something of the feelings of that "land-jobbing fraternity."

It appears that Mr. Dun has sent on certain letters and papers to prove that he purchased the land warrants some years afterwards; that he had located in 1812 west of Ludlow's line. I never felt disposed to question the fact that he had purchased many of the land warrants which he had located west of Ludlow's line; I only mention the fact, which he himself now proves, that he had located land warrants west of Ludlow's line, whilst, in his memorial, he alleges that *he had not*, but did respect that line as the western boundary of the Virginia military district.

It is proper that I should observe, that whilst Mr. Dun is thus contending with the shadows of his own imagination, he wholly omits to deny or notice the suggestion contained in my before-mentioned letter, that in all probability he was moved to act in this business to avoid a contingent responsibility which he might be under to B. W. Ladd. I have now reason to be still more confirmed in that opinion.

It is alleged by Mr. Dun that I do not deny the statement of the memorialists as to the sources of these rivers before mentioned. I wish it to be expressly understood that I do *deny* that the memorial is *true* in that, or, indeed, in any material allegation; and I am *sustained in my denial* by the evidence furnished by the memorialists themselves, to wit, that of General Porterfield, as to the source of the Little Miami, and his own letter and statement as to his having made locations west of Ludlow's line, thereby *not* respecting the line of Ludlow as the western boundary of the said Virginia military district, as stated in the memorial.

With reference to the statement which commences with the name of Mr. Wallace, I have to remark that it is not signed by any person, and, from my knowledge of Mr. Wallace's handwriting, he did not write it. The remarks which I have made on Mr. Dun's statement may serve as to this also, so far as there is any tangible point in it. It is mostly made up of defamation, of which Mr. Dun's letter also greatly participates. The writer admits that Mr. Wallace purchased a part of the land warrants which were located in the name of Ladd west of Ludlow's line, and for a part of which I held a previous obligation or equitable title from Mr. Ladd, but denies that he is at all liable to me or any other person for my interest in said warrants.

I will now return to the forks of the Little Miami, and, as Mr. Dun appears to wish it, I will add my testimony to that of General Porterfield. He states that, "on examining the east and west forks of the Little Miami at their junction, the commissioners found some difficulty in ascertaining which afforded the most water." This was true: it was in the month of October, when the waters were low and the channels of many of the creeks were entirely dry, whilst some small springs afforded streams of water. This was the case at the forks of the Miami; the channel of the east fork was much the largest, whilst the north fork, though at common water much the least, was supplied by springs, and afforded as much water *at that time* as did the east fork. The length of these two branches was measured, and the north branch found to

be a *little* the longest upon a straight line; not "much the longest, or anything like two miles," or even one mile, but the east fork was found to be the longest as it meandered. It was also found to have much the largest channel and the most numerous branches, and that in fact it was truly the main branch, and was so adjudged to be after due examination by four out of the five commissioners who attended and were sworn to do impartial justice. This is also well known to be the fact to all who are acquainted with these branches of the Little Miami. To Messrs. Dun and Galloway it is *well known*, but I do not believe that any of the others who signed the memorial know anything about it.

I fear that I have already intruded too much on the time and patience of the committee, by so long a communication at so late a period of the session; I trust, however, that they will find some apology for it in the documents to which it refers.

I have the honor to be, very respectfully, your obedient servant,

DUNCAN McARTHUR.

FEBRUARY 22, 1825.

18TH CONGRESS.]

No. 442.

[2D SESSION.]

# CLAIM TO LAND UNDER A SPANISH GRANT IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 21, 1825.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to whom were referred the petition and documents of Celeste Soileau, and the other heirs of Noel Soileau, deceased, reported:

The petitioners state that some time prior to May 24, 1814, they, as the heirs of Noel Soileau, deceased, filed with the register of the land office at Opelousas their claim for a tract of land of twenty arpents front, by forty in depth, near the Bayou Crocodile, in the county of Opelousas, Louisiana; that they produced evidence clearly showing that the Spanish government had granted said land to their ancestor, and that the title papers had been lost; and, also, that the same had been settled and cultivated more than seventeen years prior to the exhibition of their proofs; that the register and receiver of said land office, on December 30, 1815, reported the claim of the petitioners as one that ought not to be recommended for confirmation; that a part or the whole of said tract has been sold, which is likely to involve them in difficulties; wherefore they pray that the report of the commissioners may be reversed, and that they may be quieted in their claim.

It appears from an exhibit authenticated by V. King, esq., register of the land office at Opelousas, that the commissioners divided the cases submitted to them for decision into eight classes, the last of which embraces the claim of the petitioners. This class, they say, comprises claims which were accompanied by no document of title of date anterior to December 20, 1803, nor proof of occupancy and cultivation prior to April 12, 1814, and ought not, in their opinion, to be confirmed.

Several witnesses were examined by the board, all proving that the tract of land claimed by the petitioners had been "inhabited and cultivated" before December 20, 1803, the date of the surrender of Louisiana under the treaty with France. Pierre Vedrine is reported to have sworn, on May 26, 1814, that his brother, E. Vedrine, having bought the said land about seventeen years before from Mr. Soileau, immediately after settled on it, and inhabited and cultivated it six years, when he sold it back to the said Soileau, who sold it to Hilliare Bordelou, the occupant at the date of the deposition, and that the said Bordelou had occupied the same land for eleven years; also, that Mr. Soileau had obtained from the Spanish government the necessary title papers, which he had heard were lost.

The petitioners allege that either class 5 or 6 ought to have embraced their claim. Class 6, the register and receiver say, will comprise claims for lands on which settlements have been made prior to October 1, 1800, and inhabited and cultivated for three consecutive years from that date by persons over the age of twenty-one years, or the heads of families, and not claiming or holding in their own right any grants or concessions for other lands from the French or Spanish government, ought to be confirmed pursuant to the first section of the act of April 21, 1806, for the quantity claimed, or within the acknowledged or ascertained limits of the same, not exceeding six hundred and forty acres.

The testimony of Pierre Vedrine supports the fact that his brother, Etienne, purchased this land of Noel Soileau in the year 1797; that he resided on it until 1802, when he sold it back to him; that Soileau immediately sold it to H. Bordelou, who occupied it up till 1814, at the time the claim was exhibited for adjustment.

Under the impression that the claim of the petitioners ought to have been reported in class No. 6, a bill confirming them in their title to six hundred and forty acres is herewith reported.



18TH CONGRESS.]

No. 443.

[2D SESSION.]

## PRE-EMPTION RIGHTS IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 25, 1828.

Mr. WHIPPLE, from the Committee on Public Lands, to whom was referred the petition of the general assembly of the Territory of Arkansas, reported:

That the petitioners, on account and in consideration of the said Territory being a frontier, and settled (as they say) under circumstances of peculiar hardship, and for the purpose of inducing emigration into said Territory, pray that those persons within the Territory who have settled on the lands of the United States may have granted to them the right to retain those lands by paying for them the minimum or pre-emption price. The committee are unable to perceive, in the reasoning of the legislature of Arkansas, sufficient ground upon which their claim can be properly founded. Nothing has rendered it probable to the committee that the history of the settlement of the Arkansas Territory will furnish a greater number of cases of hardship and suffering than may be found in the history of every frontier settlement bordered by savages which has been made in other portions of the public domain.

That Arkansas is a frontier Territory does not appear a sufficient reason to the committee for granting the prayer of the petition. By the policy heretofore pursued by the government towards the Indian tribes bordering upon and contained within the United States, it is to be presumed that the intention is not ultimately to exterminate that unfortunate race, nor to deprive them of their last hold upon the lands now occupied by them. It is apparent, however, that if the contiguous white population is encouraged by the government to expect that the mere act of settling upon public lands without right or permission will entitle the settlers to the favorable consideration of the government, neither the rights of the United States nor those of the Indians will be respected. The government has already been compelled, by the unauthorized extension of settlements in this Territory, not only to extend the western boundary line of it, but also to treat with the Indians residing within its limits, at a very considerable expense, for the extinguishment of their title to lands therein. It is presumed that, if the frontier settlers respect the rights, and abstain from encroaching on the property of their Indian neighbors, that they will seldom be molested by them. The situation of the United States would seem to negative the proposition of the legislature of Arkansas relative to emigrations. The committee are of opinion that it is not the duty of the general government to adopt special measures calculated to induce the population of the older settlements to emigrate to Arkansas or any other of its Territories. All that the government can be expected to do in this respect is to adopt wise and just regulations respecting its lands, which will be of general application, and afford reasonable facilities to those who may wish to emigrate for the purpose of bettering their condition and the condition of their families. The rest must be left to individual discretion and enterprise. But in addition to the above, it will be found by recurrence to the acts already passed on the subject of pre-emption rights that Arkansas has, in common with other new States and Territories, been liberally provided for. By the act of April 12, 1814, persons who had actually inhabited and cultivated lands in Arkansas, and who had not removed from the Territory, had pre-emption rights secured to them up to that date; and by the act of the last session, May 26, 1824, those persons who had lands within the tract of country ceded by the United States to the Cherokee nation of Indians, to which the right of pre-emption would have attached had the ceded Territory remained in the possession of the government of the United States, are authorized to avail themselves of rights of pre-emption within the district of Lawrence, in said Territory. Thus it will be seen that those persons in the Territory in question, who, for a period of ten or eleven years, have been locating themselves upon the lands of the United States without any right or authority, have been quieted by the government, notwithstanding they have doubtless seized upon many of the best tracts of land in said Territory. The committee are of opinion that the indulgence has been sufficiently extended. They therefore submit the following resolution:

*Resolved*, That the prayer of the petitioner ought not to be granted.

18TH CONGRESS.]

No. 444.

[2D SESSION.]

## INDIAN GRANT TO CAPTAIN CARVER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 28, 1825.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to whom were referred the petition and documents of Dr. Samuel Peters, reported:

That the petitioner represents that he has acquired the title to a large tract of country, usually called "Carver's grant," situated on the east side of the Mississippi river, beginning at the Falls of St. Anthony, and running down the margin nearly southeast to the mouth of the Chippewa river; thence eastwardly one hundred miles; thence north one hundred and twenty miles; and thence on a straight line to the beginning. That this grant was made to Captain Jonathan Carver on May 1, 1767, by two chiefs of the tribe of Naudowissies, in consideration of distinguished services rendered by him while in their country; that Captain Carver went to England in the year 1770, and solicited the King to ratify his said grant; that his Majesty and the lords of his council, in the year 1775, granted his petition, and ordered him to

return to America and take possession of his land thus conveyed to him; that before the necessary preparations for his departure could be made, the information of the battle of Bunker Hill was received, which entirely frustrated his intended enterprise; that Carver lived overwhelmed with sorrow until January 31, 1780, when he died, leaving a widow and seven children; that in the month of November, in the year 1806, he purchased of the heirs of Carver all their right to the said tract of country, and obtained a deed therefor; that after being baffled in various attempts to obtain from the Indians a recognition of his title, as he had been advised to do by a committee of Congress, he set out from New York in June, 1817, to visit Red Wing and Lefoy, two chiefs residing near the Falls of St. Anthony; that in the autumn of the same year he met with Lefoy, the son of one of the grantors at Prairie du Chien, who declared in the presence of several persons that his father and uncle signed with their marks the conveyance to Carver at the Great Cave, on May 1, 1767; and also that when he could see Red Wing they would make their marks on paper, and thus satisfy Congress; that after Lefoy was gone, Red Wing came to Prairie du Chien, and made a similar declaration; that he afterwards saw three squaws, each about eighty years of age, who asserted they knew Captain Carver, and were at the Great Cave when the sachems made him the grant, and that it is called "Carver's land," wherefore, the petitioner prays that his title may be confirmed.

The petitioner exhibits in support of his claim a copy of the alleged deed to Captain Carver, unaccompanied, however, by the ordinary proofs of verity. It is substantially as follows: that two chiefs of the Naudowissies, one by the sign of the Snake, and the other by that of the Tortoise, on May 1, 1767, conveyed to Captain Jonathan Carver the tract of country as described in the petition, in return for presents and services, reserving to themselves and their heirs the liberty of hunting and fishing on the lands not improved by the grantee and his heirs. The petitioner also adduces the copy of an instrument purporting to have been executed at Lac Travers, on February 17, 1821, by four Indians, who called themselves chiefs and warriors of the Naudowissie tribe. By this writing they declare a grant was made by their fathers to Captain Carver for a tract of land situated at the Falls of St. Anthony, and that they have a traditional record thereof. These chiefs acknowledged their willingness that the claimants under Carver should be confirmed in their title.

Dr. Peters himself has made oath that he was in London in the year 1774, and was present when Carver solicited of the King a ratification of his title; that after much inquiry and deliberation, the King gave him as a gratuity £1,373 6s. 8d., and ordered him to prepare to proceed to New Orleans in the ensuing June, with 150 men, to take possession of his grant; that when things were in a state of preparation, the news of the battle of Bunker Hill was received, which entirely prohibited the projected voyage. These facts, with many others not supposed by the committee necessary to be detailed, were sworn to by Dr. Peters in the year 1806, at which time the heirs of Carver petitioned Congress, and also again on September 25, 1824.

It is stated to the committee that the original deed which had been left with Dr. Lettsom, of London, was supposed to have been stolen, and is lost, and that the copy which appeared in the first editions of Carver's Journal is correct.

Dr. Peters submits sundry letters which he has at different times received from gentlemen in the Upper Mississippi country. One appears to have been written from the Falls of Black river, on November 10, 1819, by Constant A. Andrews, who states that a few days before he had put in operation a saw-mill 30 or 40 miles from Lake Pepin, in an easterly direction; that seven chiefs of the Sioux nation gave him permission to settle and remain there for five years, which term the chief Lefoy extended forever. He informs Dr. Peters that it is certain the chiefs Lefoy, Petit Corbeau, and Red Wing, admit the validity of the grant to Carver. Another correspondent, of the name of Keyes, writes to Dr. Peters from Prairie du Chien, on June 7, 1818, that he had seen Red Wing, who had a distinct recollection of Carver; that this chief informed him the Snake and Tortoise who signed Carver's deed were his uncles, and that he was willing to sanction their acts, although he could not do so without consulting Lefoy and the Little Raven (Petit Corbeau) who outranked him.

Dr. Peters himself makes oath that he had seen Lefoy and Red Wing, the heirs and successors of the two chiefs who gave Carver the deed; that they declared, through an interpreter, that it was good and valid, and the land covered by it the property of Carver, his heirs, and assigns, who were at liberty to take possession thereof in peace and quietness. The foregoing statements are the strongest proof with which the committee has been favored by Dr. Peters; he had not exhibited the deed of conveyance to himself, though it is believed he has one.

This case presents two questions for consideration: 1st. Did the Indians, represented to be chiefs of the Naudowissie tribe, execute the deed under which the petitioner claims? 2d. Assuming the fact that they did, is the government of the United States bound to ratify the claim?

It appears to the committee the proof submitted is of too weak and dubious a character to justify an affirmative answer to the first question. To the conveyance there were no subscribing witness, nor is it known that Carver himself ever made oath to its genuineness. Although he may have petitioned the King for relief in the recognition of his title, there is no evidence that his application was successful; had it been, it is presumable the exhibition of testimony to that effect would not be difficult—the records of England would not be silent.

Dr. Peters states that the committee appointed on the part of the Senate, in 1806, to investigate this case, informed him that if the successors of the Snake and Tortoise chiefs would recognize the claim of Carver, there would be nothing further needed to sustain the petition, and that, in consequence of this information, he spared no pains to obviate the difficulty. As that committee consisted of gentlemen highly respectable for talents, it is difficult to comprehend the reason why such advice was given. Surely, at that period of our government, a mode of acquiring Indian lands different from that now pursued could not have been conceived; it is much more probable Dr. Peters labored under a misapprehension; it seems, however, he visited the Upper Mississippi country for the purpose of obtaining the Indian recognition, and also had agents in his employ. Here, it may be remarked, the testimony he obtained is not accompanied by those solemnities which are deemed indispensable. The statements, with the exception of his own, are not made on oath, and his ought to be excluded from consideration on the ground of interest. The facility with which interested persons or interpreters might practice frauds on the Indians demands the strictest scrutiny; no testimony should be received which does not come in an unquestionable shape. If the four Indians did sign the instrument at Lac Travers, as has been represented, they may possibly have been deceived as to the contents, or been influenced by some improper motive. It is scarcely supposable that they felt themselves bound by a contract made half a century ago. In that region of country the aborigines know too well the value of their territories to dispose of them without a suitable compensation.

Captain Carver's Journal, which was published first in the year 1773, is, as the committee believe, entirely silent in relation to the grant. He records with some degree of minuteness many events which took place about the time the instrument bears date. He describes the country between the Lake Pepin and the Falls of St. Anthony as possessing many natural advantages. Indeed, on the very day it appears to have been given, a council was held at the Big Cave by several tribes of Indians; many chiefs attended, and he delivered a speech which he has communicated to the world. Is it not a little extraordinary that he should have forbore to journalize a fact so interesting to himself, the Indians, and his country? Not knowing precisely when the grant first made its appearance, the committee are in nowise disposed to say they are suspicious of an antedate.

To counteract the facts stated by Dr. Peters and his friends, the committee will refer to a letter addressed by Colonel Leavenworth, July 28, 1821, to the late Commissioner of the General Land Office. The writer informs him that "the Indians do not recognize or acknowledge the grant (Carver's) to be valid. They say they have no knowledge of any such chiefs as those who have signed the grant; that if he did obtain a deed or grant, it was signed by some foolish young men, who were not chiefs, and who were not authorized to make the grant."

Major Long and his party ascended the Mississippi river in the summer of 1823, and had frequent interviews with the Indians and their chiefs. They were at the village of Red Wing, (Aile Rouge,) and whom they generally call Shaka; he lives on the west bank of the river, a short distance above Lake Pepin. The Petit Corbeau (Little Raven) resides ten miles below the mouth of the St. Peter's, and both are distinguished chiefs of the Dakotas. Renville, Major Long's interpreter, whose mother was a squaw, was well acquainted with the Indians on the Mississippi and the rivers tributary, near the Falls of St. Anthony and Lake Pepin. His statements and those of the Indians induced Major Long and the gentlemen associated with him to give the following information: "It is, we believe, clearly proved at present that the land which he (Carver) claimed by virtue of a grant from the Indians was never conveyed to him by them. Attempts were made, in 1817, by two of his grandsons to have the claim recognized by some of the Indians now living; they ascended the river when Major Long did, but were not successful. An instrument purporting to be the original treaty was afterwards sent to Canada, and placed in Renville's hands by those who had an interest in the claim. He was requested to show it and explain its nature to the Indians, and to endeavor to obtain a confirmation of it from them; but, as he informed us, he could find no individual among them who had the least recollection or tradition of this conveyance, or of the names which are purported to have been affixed to the deed. The Indians say there were no chiefs among them of the name." Major Long even doubts whether Carver resided among the Naudowissies five months, and assigns his reasons for the opinion.—(See p. 325, of his journal of 1823.)

Although a negative answer to the first question may seem to render a further discussion unnecessary, the committee have thought proper to offer a few considerations on the second branch of the inquiry. In the case of Johnson against McIntosh, reported in 8 Wheaton, the question is settled beyond controversy. This was an action of ejectment brought for the recovery of lands in the State of Illinois, claimed by the plaintiff under a purchase and conveyance from the Piankeshaw Indians, and held by the defendant under a grant from the United States. Chief Justice Marshall, who delivered the opinion of the court, says, "while the different nations of Europe respected the rights of natives as occupants, they asserted the ultimate dominion to be in themselves, and exercised the power to grant the soil while in the possession of the natives. These grants have been understood by all to convey the title subject to the Indian right of occupancy. This government has always acted on the same principle. While it recognized the Indian right of occupancy, it claimed the fee; and the treaties by which we have acquired the possession of such extensive regions of country involve this principle. The consideration paid appears to be intended merely as an equivalent for the peaceable surrender of the possession."

By the treaty of 1783, which terminated in the revolutionary war, Great Britain ceded to the United States a vast extent of territory in the northwest, to which the Indian title had not been extinguished. The legality of the cession has never been doubted, nor, indeed, can it be. As the "Carver grant" is situated within our limits, as defined by the treaty, we are in the same situation in relation to it in which was the British government. The petitioner shows that Carver solicited a ratification of his claim: this is conclusive evidence that he himself believed it defective. Whether success would have attended his application to the extent of his wishes had hostilities not taken place is mere matter of conjecture. Certainly it is a claim, the acknowledgment of which by this government is not founded in right. The policy which dictated the proclamation of 1763 is unexceptionable. By that measure all private persons were interdicted the liberty of purchasing lands from the Indians. The indulgence of such a privilege, it had been ascertained, conducted to serious difficulties. The most reprehensible frauds had been practiced on the natives. Their avarice and propensity for ardent spirits had been but too successfully addressed. At the time Captain Carver explored the country about the Falls of St. Anthony, this proclamation was recent, and in all probability known to him. With this knowledge of the prudence and caution of his country, he was among the first to offend.

Fully impressed that it would be highly improper to confirm the claim of the petitioner, or that of any other person who may attempt to profit by the grant to Carver, the committee recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner be not granted.

*A copy of a certificate of Dr. J. C. Lettsom, dated*

LONDON, January 31, 1840.

I certify that the printed copy of a grant of land in America, by two Indian chiefs, to Captain Jonathan Carver, deceased, prefixed to his travels published in London in the year 1782, was literally and accurately copied from a manuscript paper in the possession of his widow, Mary Carver, who declared to me that it was an original grant, conveyed to her husband by the said Indians named in the printed copy, with the fac simile or mark of each Indian.

JOHN COAKLEY LETTSON.

Attest: SAMUEL PETERS.

LONDON, January 31, 1840.

A true copy of a paper sent to me from London by Mrs. Martha Pope.

SAMUEL HARRISON.



*A copy of an affidavit of the Reverend S. Peters, LL. D., sent to me from London in 1805.*

The Reverend Samuel Peters, LL. D., testifies and says that he was intimately acquainted with Captain Jonathan Carver, in London, from January, 1775, until January 31, 1780, when said Carver died, and was buried in the parish of Shoreditch. That said Carver often showed to the deponent his papers; among them was a deed of a large tract of land lying on the east side of the Mississippi, and adjoining to the Falls of St. Anthony, granted to said Carver by two Indian chiefs, and signed with their signets, one marked in shape of a mud turtle and the other a snake, with Indian ink.

Said Carver told this deponent that said deed was genuine, and was verily signed by the two sachems whose names were annexed to their signets; and that said deed had been laid before his Majesty, Lord Sandwich, and Lord North, &c., &c., who doubted not the authenticity, though without witnesses, because the signets were marked with such ink as was not known to them, and could not be imitated, as they believed, by any person in Christendom. That government promised him the royal ratification of said deed, and had omitted doing so only because of the troubles then existing in America. And this deponent further says, that Dr. Lettsom and this deponent attended said Carver in his last sickness; and this deponent heard said Carver express his hopes that his Majesty would ratify the deed for the good of his children and for the good of the nation; as a settlement in that quarter by the English would secure the friendship and commerce of the Indian tribes to the Western ocean, and tend greatly to civilize an innumerable multitude of innocent and ignorant people. And further the deponent saith not.

SAMUEL PETERS.

Sworn before me, at Union Hall, April 19, 1805.

PETER BROADLEY.

A true copy. Attest:

SAMUEL HARRISON.

*Questions proposed to the Reverend Dr. Samuel Peters before the honorable committee from the Senate, to whom was referred the petition of Samuel Harrison, praying the legislature to recognize an Indian deed granting to Captain Jonathan Carver a tract of land near St. Anthony's Falls, in the Mississippi.*

*Question.* How long is it since you knew Captain Jonathan Carver?

*Answer.* I knew Captain Jonathan Carver in 1755, in the colony of Connecticut.

*Question.* How long did you know him in England?

*Answer.* Ever since my second arrival in London, 1774, until January 31, 1780, when he died.

*Question.* Did you ever see an Indian deed of some land near St. Anthony's Falls given by two sachems to Captain Carver?

*Answer.* Captain Carver showed to me at London a deed of a tract of land lying eastwardly of St. Anthony's Falls, in A. D. 1775, signed with the signets of two chiefs of the Naudowissie nation, dated at the Great Cave, May 1, A. D. 1767. The signets were a tortoise and a snake.

*Question.* By whom was it written?

*Answer.* The names of the two Indian chiefs and the deed were in the handwriting of Captain Carver, without any witnesses to the deed.

*Question.* Did you ever hear Captain Carver tell the reason why no witnesses were annexed to the deed?

*Answer.* Yes; I asked him why he had no witnesses to his deed? He replied: I had with me only one Canadian Frenchman and one Indian guide, neither of whom could read or write; and if they had made their marks I must have written their names; therefore I thought the signets of the Indian chiefs would be better proof to the Naudowissie tribe than all other proofs.

*Question.* Do you not think there is reason to believe the deed was a forgery by Captain Carver; if not, what are your reasons?

*Answer.* No; because Captain Carver always supported a moral and religious character both in New and Old England; and he told me the signets were verily made by the two sachems. Besides, Captain Carver was a man of great abilities and good sense, which would teach him that he could have no interest or advantage by a forged deed had it been ratified by the British government on his petition in 1770; for the Indians would not have suffered him to take possession of a territory of theirs under a false deed, which Carver well knew; and yet he petitioned the British government to ratify the said Indian deed to him, that he might go and take possession of said land in a legal manner to recompense him for all his dangers, travels, and expense. Further, had Carver known the deed to be a forgery he would have asked for a pecuniary reward for his discoveries instead of asking for a ratification of a false deed, which he knew could never be of any use or benefit to himself or heirs. Carver petitioned for a ratification of his deed that he might go and settle under the crown on the territory, according to his agreement with the Indians in 1767, and did not petition for a pecuniary reward, which he might have received.

*Question.* Did you ever see any other writing of Captain Carver besides that deed from the Indians to Carver?

*Answer.* Yes; many.

*Question.* Does this writing look like Captain Carver's writing?\*

*Answer.* Yes; and I know it to be his handwriting as well as I know my own writing.

*Question.* Did you know that Captain Carver petitioned the British government for a ratification of an Indian deed to Carver of some land near St. Anthony's Falls?

*Answer.* In the year 1775 Captain Carver showed me a copy of a petition of his to the British government, praying for a confirmation of a deed from two sachems of the tribes of the Naudowissies of a large tract of land on the east side of the Mississippi river, near St. Anthony's Falls, which was founded on the Indian deed dated May 1, 1767. He begged my influence with Lord North, Lord Dartmouth, and Lord Sandwich, to have it ratified as soon as possible.

*Question.* Did you advocate Carver's petition with those lords?

\* Here was presented a part of a letter to his wife, dated London, September 19, 1770.

*Answer.* Yes; and but for the Declaration of Independence of the thirteen States of America in 1776 his petition would have been granted; and Captain Carver, with myself and others, should have sailed to New Orleans to explore the Mississippi and Missouri rivers to their sources, according to our appointment under the British government.

*Question.* Did you ever hear that any doubt was entertained by the above-named lords, or any other person in England, respecting the authenticity of the Indian deed to Captain Carver?

*Answer.* I never did.

*Question.* Who attended Captain Carver when he died; and what did Carver then say?

*Answer.* Dr. Lettson and myself, and Carver committed his papers to Dr. Lettson, and wished that Lettson and I might pursue the petition, and secure the ratification of the Indian deed for the benefit of his children and country.

*Question.* What took place after Captain Carver's death touching the territory?

*Answer.* Dr. Lettson hired an engraver to take off the signets of the two Indian chiefs, and had them printed, with the Indian deed to Carver, in the third edition of Carver's Travels; and, in 1783, the merchants of London petitioned Lord Shelbourne not to form a peace without saving to the British merchants the right of navigating the Mississippi and its waters for the sake of the peltry and fur trade; and the merchants' petition was granted.

*Question.* After the peace of 1783 what followed respecting the Mississippi and Carver's claim?

*Answer.* The merchants of England met and agreed to send a number of persons up the Missouri and the Mississippi to St. Anthony's Falls, (among whom I was one;) and failed only because of the armament against Spain and then against Russia.

*Question.* Dr. Lettson says, in his third edition of Carver's Travels, that the original deed was in his possession in 1782; do you know why that original deed has been missing?

*Answer.* In consequence of a letter from S. Harrison, esq., I applied to Dr. Lettson, in 1804, for the original deed, in order to send it to Rufus Carver, of Vermont State; and Dr. Lettson said it had been taken out of his possession by some person not in his power to discover; yet he had reason to believe one of his servants had been hired to steal it, because all other papers belonging to Carver were still with him.

*Question.* What use could any one make of said Indian deed after stealing it?

*Answer.* Mr. C. & Co., as I was told by Dr. Lettson and others, believed the land in question belonged to Martha Carver, who was deemed the only child surviving Captain Carver. On that ground Mr. C. & Co. induced Martha to leave the house of lady Pearson, her benefactrix and foster-mother, who had adopted Martha as her own child, and clandestinely to marry a young sailor, and then prevailed on her and her husband to take letters of administration at Doctor's Commons on Captain Carver's estate. The next day C. & Co. prevailed on Martha and her husband, as administrators, to constitute Mr. C. their agent, and by the same instrument sold and conveyed all the territory mentioned in the Indian deed to Captain Carver, reserving only one-tenth to Martha and her husband.

*Question.* After the sale of the land to C. & Co. what was done?

*Answer.* Mr. C. & Co. sent Mr. Clark with goods and money, nearly the value of £2,000 sterling, to New York; and from thence he was ordered to visit the Naudowissies and procure a new deed of the land to Mr. C. & Co. Clark, on his route towards Niagara, was murdered and robbed, and the murderer was discovered and hanged at Albany.

*Question.* What effect had the death of Mr. Clark with the claim and deed given to Carver by the two Indian chiefs?

*Answer.* That sad catastrophe of Mr. Clark proved fatal to Mr. C. & Co., as was believed by Sir Richard Pearson, Dr. Lettson, Dr. Pearson, and others; for it was their opinion that Mr. Clark had the original deed with him when he was murdered and robbed, and therefore C. & Co. ceased to pursue Carver's claim any further.

*Question.* Do you know Mr. C. & Co.?

*Answer.* I know Mr. C. only.

*Question.* Did you ask Mr. C. for the original deed?

*Answer.* I asked him for the original deed, and he declined giving me an answer, but said he had laid out above £3,000 sterling for his share in that business of Captain Carver.

SAMUEL PETERS.

CITY OF WASHINGTON, *District of Columbia.*

Personally appeared the Reverend Dr. Peters, who signed the above answers in my presence, and made oath, on the Holy Evangelists of Almighty God, that the answers given to the preceding questions contain, to the best of his knowledge and belief, the truth, the whole truth, and nothing but the truth.

Sworn March 29, 1806, before

WILLIAM THORNTON, *Justice of the Peace.*

The affidavit contained on these sheets, and signed Samuel Peters, was, in substance, testified by him before the committee of the Senate appointed on the petition of Samuel Harrison, agent for the heirs of Captain Jona. Carver, and it was sworn to before Mr. Justice Thornton, because the committee conceived they had not authority to administer an oath.

ISRAEL SMITH, *Chairman.*

WASHINGTON, *April 25, 1806.*

PRAIRIE DU CHIEN, *February 1, 1819.*

DEAR SIR: Mr. Mann arrived here last summer and is still waiting. He found the Indians were willing to give up the lands. He immediately sent to his brother-in-law to get permission to hold a council with them; has not got any return as yet. You have probably got the certificates of D. Campbell, of Lefoy, and Red Wing. I can say but little more. Red Wing, when here, always called on me every day. Says to every one that the land belongs to us, and we must have it. I have made him and his family what little presents I could. Red Wing, when here, soon after you left here, insisted to go to Mr. Balvoins

and tell him the situation of it. He went. Mr. Balvain asked him, in presence of Captains Ilickman and Armstrong, if he knew anything respecting the sale to Carver, or deed being given. He said, he being young, did not recollect anything of any papers, but knew that his two uncles gave Carver the lands. Mr. Balvain then stopped. Red Wing wished to explain the whole transaction. Mr. Balvain said he had nothing to do in the business—did not like to have any more said; but observed, you go to give away all your lands—the Americans will be so thick there you cannot live. Red Wing was not well satisfied. It is now as public and as well understood as your newspapers. It is no harm to talk to them now. Times have changed very much since you left here. Mr. Keyes has gone up to ——— after timber, in company with G. McNeir; asked Mr. Balvain's permission. Mr. Balvain said there was no need of any, as any one could go. When you were here no one could speak; but now we can say as much as we please. Mr. Johnson and I have differed very much since you left here; but we have all given it up, and I now say what I please respecting it.

Mr. Batelle has returned. First day of January was ordered off again; has built him a house on a small island about a mile from Manor, and I am now building a saw-mill in company with him on Yellow river, under a permission I obtained from the commanding officer, which I hope will be a running as soon as you get here, which we are anxiously waiting. For my own part I apprehend no difficulty, if you obtain permission from the Secretary of War, and can make them some presents. The young Indians have asked Lefoy and the other chiefs to try to get two boat loads of goods if possible. I have wrote to Mr. Tuthill.

I am, as ever, yours,

CONSTANT A. ANDREWS.

Rev. S. PETERS.

N. B.—Mr. Johnson, in one of our spats, said, if you obtained permission from the Secretary there would be no difficulty.

FALLS, *Black River*, November 10, 1819.

DEAR SIR: On the second day of November I set a saw-mill a running, not much inferior to any in the United States. This river takes its rise near the northeast corner of your tract. The mill is about thirty or forty miles east from Lake Pepin.

The Sioux very willingly gave us permission to come here. There were seven chiefs in council; Lefoy was not there. The seven gave us five years. Lefoy came soon after, and gave it forever. I am very much pleased with my situation. I was obliged, on account of iron, to go to the prairie once, but was overjoyed on my arrival back, and now regret to leave sight of the mill. There is a fort built at the mouth of St. Peter's river. Perseverance is all that is necessary to get possession now. The commanding officer lets any one go that wishes. Mr. Faribault has gone with his family up a little above Lake Pepin. All mountains have become plains, and all our paths are peace. Your return would be more pleasant than before. We have been expecting you this last summer very much.

You will have no better time than the present to settle your lands. The Indians are now willing. They give up the idea of living here, except the old ones.

If you see Julius, or can send to him, I wish you would urge him to come here, as I cannot do all the business myself.

If the company intend me to take part of the tract, I shall be ready to meet their wishes. If I could get Julius here, I would take time to explore the whole tract.

One thing is certain, that if Lefoy, Curbo, and Red Wing acknowledge the grant to Carver, for my own part I don't see who can get it from us. I am willing to risk a suit on my part for the title, if the United States wish.

I am, as ever, yours,

CONSTANT A. ANDREWS.

Rev. S. PETERS.

N. B.—I shall expect you in the spring. Do bring Julius P. Andrews with you. Here I am happy to live; here I am willing to die.

PRAIRIE DU CHIEN, June 7, 1818.

REVEREND AND DEAR SIR: Agreeably to your request, I improve the first opportunity of conveying a letter to you by the way of Mackinaw, and with greater pleasure, as I can speak with confidence on the prospect of a speedy acknowledgment of "Carver's purchase" by the chiefs of the Sioux nation. About the first of June, Red Wing (the chief who resides at Lake Pepin) arrived here, and encamped on the island opposite the town. We have had several private interviews with him, and the substance of our intelligence, as interpreted by Mr. Campbell, is as follows:

That the land from St. Anthony's Falls to Lake Pepin (saving Carver's claim) is the property of him and the Little Crow. The chiefs who signed Carver's deed (the Tortoise and Snake) were his uncles. He well remembers Carver and the sale of the land; says he is willing to confirm the deed of his ancestors, but says he must first consult Lefoy and Curbo, who rank before him. He has proceeded up the river, and promised to return with Lefoy the latter end of this month.

He appears to be between 60 and 70 years of age; is reputed by those who know him to be an honest man, and that his word may be depended on.

I regret your absence at this time, as your age corresponding with theirs, and being the immediate representative and acquaintance of Carver, I think would inspire them with greater confidence. However, we will manage as well as we can; and I think you will only have to wait the permission of our government to take possession of your right.

Since you left this place there have been seven arrivals at different times from St. Louis, among whom were Mr. Balvain, (who is now Indian agent and a civil magistrate,) Colonel McNeir, Major Fowler, Mr.



Shaw, and Lieutenant (now Captain) Hickman and lady. In two hours after his arrival, Colonel Chambers started for St. Louis; whether he will return I do not know. Hickman now commands this post.

On the 25th ultimo I commenced a school in this village; have about thirty scholars, mostly bright and active, at two dollars per month. I board with your old landlord, Mr. Faribault, but have to regret the loss of your company.

I have engaged for three months, and before the expiration of that time I trust your business will be amicably settled with the Indians.

Dear sir, accept my best wishes for your welfare; hope you had a pleasanter passage returning than you had coming out; that you met with a welcome reception among your friends I have no doubt. May God preserve your life for the benefit of mankind; and when the measure of your useful days is filled, the possession of a self-approving conscience will blunt the sting of death, and waft your welcome spirit to realms of endless happiness and peace.

My respects to your son and his amiable family, with whom I had the pleasure of a short acquaintance; likewise to all your friends who feel solicitous of your welfare.

I conclude, by respectfully subscribing myself ever yours to serve,

WILLARD KEYES.

REV. DR. S. PETERS.

P. S.—I would just mention to you that Mr. Tuthill's character has been roughly handled, especially since Major Fowler's arrival; they say he has nearly ruined him. I have made no inquiries on the subject, but expect he will have to bear all the blame, whether guilty or not. I hope you will not mention this to his discredit, but, if you please, tear it off.

June 10. Mr. Crooks arrived yesterday, ten days from Mackinaw; said he met you in good health. He proceeds from here to St. Louis. I have nothing new to write, but shall close my letter this morning and forward it by Mr. Palen. Hope you will be kind enough to write when convenient. May the blessings of God attend you.

Yours,

W. KEYES.

JANUARY 3, 1820.

REVEREND AND DEAR SIR: I took your letter from St. Louis post office but a few days since, dated January 22, 1819. The negligence of postmasters in detaining or delaying letters thus almost a year cannot be too severely reprobated. However, at this late period I would congratulate you on your safe arrival among your friends and family. I am highly gratified to discover in your style of writing that persevering principle which has ever marked your conduct, and will, in the end, I hope and trust, ultimately succeed.

During the summer of 1818 I wrote two letters to you, in which I stated what I then had reason to believe, from the information of Mr. Campbell, that your business might be brought to a favorable issue, provided you had the sanction of the general government in writing; otherwise, we could go no further. I remained at Prairie du Chien till May, 1819, when, despairing of hearing from you, and believing it to be of no use to remain longer in this expensive place, I came down the river, and am now in Madison county, State of Illinois. I have been sick several months, but am now gaining health and strength.

Mr. Andrews still perseveres in the Indian country. He has been employed the summer past in building a saw-mill on Black river, the mouth of which is 100 miles above Prairie du Chien. I shall forward the letter I received from you to him by the first opportunity.

I must now conclude by wishing you health and happiness for years to come. Yours, respectfully,

WILLARD KEYES.

REV. SAMUEL PETERS, LL. D.

The deponent, Samuel Peters, clerk in holy orders, under solemn oath testifies and says: He was in London, A. D. 1774, and saw Captain Jonathan Carver, a native of Canterbury, in the colony of Connecticut, in New England, and know he had laid a petition before his Majesty George III, praying his Majesty to approve of and ratify a certain deed of a tract of land to himself, heirs, and assigns forever, given by two Indian chiefs of the Naudowissie tribes, dated at the Great Cave on May 1, 1767, lying on the east side of Mississippi river, near the Falls of St. Anthony and Lake Pepin, which could not be approved of or ratified by any governor in any of his Majesty's colonies in North America, because the land laid not within any British colony; and all governors were forbid by a proclamation of King Charles II, dated October 7, 1663.

The deponent saith further, that the King and lords of his council held a court in the month of February, A. D. 1775, on the petition of said Carver, and ordered said Carver, Mr. Iron, Carver's counsellor, learned in the law, and this deponent, to attend, and they obeyed. The court asked said Carver: Is this your petition? Carver answered, yes. The court asked Carver: Is this deed from the two sachems to you genuine, bona fide, upon your honor? Carver answered, yes; genuine, bona fide, upon my honor. After many other questions to Carver, the court asked Mr. Iron: As you have drawn Carver's petition and seen all his papers, have you discovered any reason why the prayer of Carver's petition ought not to be granted? Mr. Iron answered, I have not.

The court then asked this deponent: How long have you known the petitioner and his character? The deponent answered, from A. D. 1754; he was born in Canterbury, in the colony of Connecticut, near where I was born; he is great grandson of John Carver, the first English governor that settled Plymouth, in New England, A. D. 1620. He served as captain under General Lyman, in Connecticut troops against Canada in the war of 1755, and supported a brave character during that war, and ever after a moral character. He served also under General Wolfe in taking Quebec, and under General Amherst in taking Montreal and all Canada. He also greatly suffered at Fort William Henry. After the peace made in 1763, he travelled in the northwestern part of North America with two servants, one a Frenchman, the other a Mohawk, to visit the distant Indians, and discovered a country where no white man had ever been seen before.

*Question by the court.* Do you believe the Indians would give so much land to Carver for his services and presents? The deponent answered, yes; for the Indians are generous and grateful to their friends and benefactors, and Captain Carver was their friend and benefactor, and made peace between them and other powerful tribes, which was worth to them more than the territory given in their deed; and, besides, the Indians had lands and wilderness enough, and they loved Carver and wanted him to settle and abide with them as a *sachem* and *protector*, which he promised to do.

*Question by the court.* Of what religion is Captain Carver? The deponent answered: He is by profession an Anabaptist, and deemed to be a good and honest man, and worthy of full credit in his native country.

Then was read Lord Amherst's certificate, viz: "I knew Captain Jonathan Carver in America, of the troops from Connecticut, under my command, to be a brave and faithful officer and soldier."

Then Carver, Iron, and this deponent were ordered to retire into another room; after some time, were again called before the court, and the minister said to Captain Carver: His Majesty has graciously granted your petition, and has ordered a gratuity of £1,373 6s. 8d. to be paid to you, and that you prepare to sail for New Orleans next June, and take possession of your territory, with *one hundred and fifty* men, of whom you will be commander; and his Majesty will provide ships, men, and necessaries to convey you there. Captain Carver received the money; and all things were making ready when news arrived of the battle of Bunker Hill, which put a stop to Carver's return.

After leaving the court, Mr. Iron said to Captain Carver, "I give you joy; this is ratification sufficient of your deed from the two Indian chiefs."

*This affidavit is a copy of the affidavit* this deponent made before Israel Smith, Abraham Baldwin, and John Smith, all senators in Congress, appointed by the honorable Senate in January, A. D. 1806, a committee to examine and report on the claim and petition of the heirs of Captain Jonathan Carver, in right of their father, who died in London on January 31, 1780, and the committee left it with Samuel Otis, esq., Secretary of the Senate, which was missing (or lost) in February, A. D. 1824, as this deponent has been informed; and so caused the unfavorable report on his petition of November 29, 1823.

SAMUEL PETERS.

Personally appeared before me, John Willing, justice of the peace in and for the county of Bergen, in the State of New Jersey, the Reverend Samuel Peters, LL.D., and made solemn oath that the foregoing deposition is true. Sworn before me, at Jersey City, this 25th day of September, 1824.

JOHN WILLING, *Justice of the Peace.*

18TH CONGRESS.]

No. 445.

[2D SESSION.]

## CLAIMS TO LAND BETWEEN THE RIO HONDO AND SABINE RIVERS, IN LOUISIANA.

COMMUNICATED TO THE SENATE JANUARY 31, 1825.

TREASURY DEPARTMENT, *January 28, 1825.*

SIR: I have the honor to transmit a copy of the report of the register and receiver of the land district south of Red river, prepared in obedience to an act of March 3, 1823, and an act of May 28, 1824, supplementary thereto.

I have the honor to be your most obedient servant,

WM. H. CRAWFORD.

Hon. the PRESIDENT of the Senate.

SOUTHWESTERN LAND DISTRICT, *State of Louisiana, Opelousas, November 1, 1824.*

The register and receiver of the southwestern land district, in obedience to the act of Congress entitled "An act providing for the execution of the titles to land in that part of the State of Louisiana, situated between the Rio Hondo and the Sabine river," approved March 3, 1823, and to the act supplementary thereto, approved May 26, 1824, respectfully report:

That pursuant to the above recited acts, and for the purpose of carrying the same into effect, they did, after having given suitable notice to claimants of the time and place of their meeting, and the object thereof, repair to the town of Natchitoches, and held their session therein so long as was thought necessary for the performance of the duties in said acts prescribed.

The first object of the board was to ascertain, from the best sources within their reach, the laws and customs of the Spanish province of Texas as regards the granting of lands, &c., the extent of the late neutral territory, together with other information necessary to a satisfactory discharge of the duties imposed upon us; for which purpose, in default of every kind of authentic or public data, we were compelled to have recourse to the knowledge of individuals of respectability, who, from their situation or pursuits, were deemed best capable of throwing lights upon those points of inquiry. Samuel Davenport, José María Mora, José Flores, Gregorio Mora, José Bernardo Guitriez, and Juan Cortes, all of the parish of Natchitoches, to the following interrogatories, under oath, before the board declared as follows. To the first, viz:

"Were you acquainted with the organization of the government of the province of Texas, the powers and jurisdiction of its officers, and its laws, regulations, and customs, previous to December 20, 1803, relative to grants of land, or the alienation of the public domain?"

*Answer of Samuel Davenport.* "I resided at Nacogdoches, in the province of Texas, early in 1798, where I lived until 1813; enjoyed all the rights and privileges of citizenship; became early acquainted

with the internal organization of that government, and the powers of its officers, regulations, and laws, relative to the granting of lands belonging to the royal domain."

*Answer of José M. Mora.* "I was born and have resided within the jurisdiction of Nacogdoches, province of Texas."

*Answer of José Flores.* "I was, at divers times, procurador of the comun of Nacogdoches, &c., and have put several claimants in possession under the decrees of the lieutenant governors and commandants."

*Answer of Gregorio Mora.* "That he was employed as procurador in Nacogdoches, and knows the powers of the commandants and lieutenant governors for the granting of lands within that jurisdiction; is an inhabitant of the Adais, and was born in Nacogdoches."

*Answer of José Bernardo Guibriez.* "I am a Creole of the province of New St. Andre, one of the internal provinces of Mexico, and resided in the city of Revilla until the year 1811; that I am well acquainted with the laws and regulations that are in force in that province for the granting and disposing of vacant lands; and that they are the same as recognized in the province of Texas, from the titles and grants I have seen."

*Answer of John Cortes.* "I have no knowledge of the proceedings of the government of Texas relative to grants of land previous to December 20, 1803."

To the second interrogatory, viz:

"Did the lieutenant governors and commandants of Nacogdoches each possess the power of granting lands within their jurisdiction; if so, was there no limitation in the exercise of that right?"

*Answer of S. Davenport.* "The lieutenant governors and commandants possess the power to grant lands in their jurisdiction; were not limited by superior authority to specific quantities in the exercise of that right; and were only instructed to proportion their grants to the property, force, stock, and merit of the individual asking grants. The *procurador del comun* was the officer appointed to make inquiry; put the petitioner in possession of the land prayed for, and executed the lieutenant governor's and commandant's orders relative to the premises. It was not uncommon to grant large and extensive tracts of land for vacharies and stock ranges, not only in the province of Texas, but in all the "Las Provincias Internas;" the raising of stock of every description being almost the only pursuit of the inhabitants of that country."

*Answer of José M. Mora.* "It is to my knowledge that the commandants and lieutenant governors, commanding within the jurisdiction of Nacogdoches, had the power to grant lands as far back as the year 1792, at which time a commissioner, having special orders, came with instructions and rules for the granting of lands, which rules and instructions were deposited among the public records, and governed the commandants and lieutenant governors in their grants since that time. Before the year 1792 the commandant of Nacogdoches gave only permits to settle for the purpose of cultivation, or for raising stock, without any other title to the property, which he was not authorized to give. The commandants and lieutenant governors of Nacogdoches were not, to my knowledge, limited, in the granting of lands, to any specific quantity, but it was their duty to proportion the extent of the grants to the circumstances of the individual claiming them, and to that effect the procurador of the comun, named to put the party in possession, inquired into the merits and circumstances of the applicant; and if the grant was for stock farmers, it was customary to extend the concession to two, three, and four leagues square, according to the wants and merits of the claimant."

*Answer of José Flores.* "That having seen the answer of José Maria Mora, swears to the same facts; that he has been procurador of the comun of Nacogdoches at divers times, and has put several claimants in possession under the decrees of the lieutenant governors and commandants of Nacogdoches, according to the regulations of the country, and that they are the same which appear in the titles of Pedro Dolet, Jacinta Mora, and others that he has seen."

*Answer of Gregorio Mora.* "That having seen the answers of José Maria Mora, swears to the same facts; that he has been employed as procurador in Nacogdoches, and that he knows the powers of the commandants and lieutenant governors for the granting of lands within that jurisdiction."

*Answer of Don Juan Cortes.* "In the year 1805, and since, I was informed, and knew by experience, that the lieutenant governors and commandants of Nacogdoches were in no respect limited as to the extent of lands they might concede; the quantity was always in proportion to the means of the applicant, and to the nature of the establishment he wished to make. If it was for cultivation and raising animals of all kinds, and the means of the petitioner were known, they would grant to him a concession of from one to four leagues square, on which the claimant was put in possession by the syndic named for that purpose by the commandant, who afterwards approving in writing, 'la prise de posesion,' was considered as amounting to a concession in form."

To the third interrogatory, viz:

"Were grants signed by the commandant or lieutenant governor considered as vesting a perfect title in the claimant, or were they deemed merely inchoate rights to be perfected by a grant or patent under the signature of the governor of the province?"

*Answer of Samuel Davenport.* "All grants signed and confirmed by the lieutenant governor or commandant, executed in due form, were considered as vesting a complete title in the claimant, without any further process, and were recognized as such by the governor of the province, particularly by Governor Salcedo, in eighteen hundred and ten, when at Nacogdoches, making his provincial visit."

*Answer of José M. Mora,* confirmed by the testimony of José Flores and Gregorio Mora. "The grants given and signed by the commandants and lieutenant governors of Nacogdoches, made according to the instructions which existed since 1792, were always considered as perfect titles, without any other formality."

*Answer of Juan Cortes.* "Concessions signed by the lieutenant governor or commandant were always considered as perfect titles."

To the fourth interrogatory, viz:

"What were the limits of the late neutral territory as considered by the ancient authorities of Texas and Louisiana?"

*Answer of Samuel Davenport.* "The neutral territory comprehended all the tract of country lying east of the Sabine and west of the river Culeashue, Bayou Kisachey, the branch of Red river, called Old river, from the Kisachey up to the mouth of Bayou Don Manuel, southwest of Bayou Don Manuel, Lake Terre Noir, and Arroyo Hondo, and south of Red river, to the northwestern boundary of the State of Louisiana."

*Answer of José M. Mora.* "I have no other knowledge of the neutral ground, as to its boundaries, but from the Rio Hondo to the Sabine river."

*Answer of Gregorio Mora.* "In the years of 1794 and 1795 I collected the titles of all the inhabitants who lived or who had stocks west of the river Culeashue, of the Bayou Kisachey, of the Bayou Don Manuel



and Rio Hondo, and south of Red river, which were at that time within the jurisdiction of Nacogdoches and on the line of the province of Louisiana."

Did the Spanish authorities at Nacogdoches exercise jurisdiction over said scope of country?

*Answer of Samuel Davenport.* "The inhabitants of the neutral territory were recognized as belonging to the jurisdiction of Nacogdoches, and the Spanish authorities considered their right of civil jurisdiction not taken away by the arrangement entered into between General Wilkinson and Governor Herrera in the year eighteen hundred and six; yet it was seldom exercised or enforced."

It appears to be a historical fact that the strip of country called the neutral territory was early disputed by the ancient governments of Texas and Louisiana, both alternately assuming and repelling jurisdiction over it; and even after both provinces were united under the dominion of Spain the dispute did not subside, but was kept alive and perpetuated by the jealousies of the local commandants. In this situation the United States acquired Louisiana, and the subject of controversy was not agitated until the convention between General Wilkinson and the Spanish commander, in 1806. A copy of this instrument could not be procured, but we were informed by Mr. John Cortes, a respectable merchant in Natchitoches, who acted as interpreter on that occasion, that nothing was therein decided as to limits; that both parties should withdraw their forces from the neutral ground; and that the question of sovereignty should remain subject to the amicable adjustment of the two superior governments.

To the fifth interrogatory, viz:

"What is the nature of the soil within the late neutral territory; rich and productive, or poor and barren?"

*Answer of S. Davenport.* "The whole tract of country or land within the neutral territory is pine woods; of course a poor arid soil, with a few exceptions of small quantities to be found adjoining to and on creeks and bayous, and fit for nothing but raising of stock."

*Answer of José María Mora.* "The soil of the neutral ground is mostly pine hills, and consequently very poor, and fit for nothing but the raising of stock, except some spots on the margin of water-courses, which can be cultivated."

*Answer of José Flores and Gregorio Mora.* Their answer is the same as that of José María Mora.

*Answer of John Cortes.* "The quality of the lands in the neutral territory is generally 'però fertil.'"

To the sixth interrogatory, viz:

"Are the public archives or records of the jurisdiction of Nacogdoches yet in that place? If not, what became of them, or how were they disposed of?"

*Answer of S. Davenport.* "The public archives and records of the jurisdiction of Nacogdoches are not at that place at present. They were removed and carried off by Don José Montero in 1812, then commanding at Nacogdoches, when he abandoned that place with his troops at the approach of Guthrie and McGee, who were attempting to revolutionize the country; since which time I had never known where those records were deposited, and believe, from circumstances and facts in my knowledge, that the most part of them were destroyed at San Antonio, where said Montero carried them to."

*Answer of José M. Mora.* "The public records of the jurisdiction of Nacogdoches do not exist in that place, and it is to my knowledge that in 1812, when the commandant, Don José Montero, left Nacogdoches with his troops, he took away with him all the records and documents belonging to or concerning the inhabitants of the jurisdiction, and I have never known since what had been done with them."

*Answer of John Cortes.* "The archives of Nacogdoches were carried off by the royalist authorities at the time of the invasion of 1812. I know that they were never brought back to Nacogdoches, but I am ignorant as to where they now are."

1. Henry Quirk, of the parish of Natchitoches, filed his notice claiming a tract of land lying within the late neutral territory, on the Bayou of the Three Prairies, being the upper settlement on said bayou, bounded below by the land of Thomas Wilson, and containing 640 acres, by virtue of occupation, habitation, and cultivation on and previous to February 22, 1819. In support thereof the following testimony was taken before the board: "Louis Latham and José María Mora, being sworn separately, say they know the land claimed in the notice; that it is situated as therein described; that said tract was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, cotton, and tobacco thereon, on and previous to the year 1814; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the tract claimed may include between twenty-five and thirty acres." On this proof the claim, in our opinion, ought to be confirmed. Accordingly, in the abstract, it will be found under the third class.

2. Louis Latham, of the parish of Natchitoches, filed a notice claiming a tract of land lying within the late neutral territory, situated on the Bayou of the Three Prairies, bounded above by Thomas Wilson and below by William Davidson, and containing 640 acres, by virtue of occupation, habitation, and cultivation on and previous to February 22, 1819. In support thereof the following testimony was taken before the board: "Henry Quirk and José María Mora, being sworn, say they know the land claimed; that the same is situated as therein described; that said tract was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, cotton, tobacco, and wheat thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on said tract may embrace forty acres." Being of opinion this claim ought to be confirmed, it will, in the abstract, be found under the head of "third class."

3. Antonio Le Rue, of the parish of Natchitoches, filed a notice claiming a lot of land lying within the late neutral territory, situated on the Bayou Sec, bounded on the west by John Galmond, and on the east by Francisco Galmond, and containing about one acre, by virtue of occupation, habitation, and cultivation on and previous to February 22, 1819. In support of this claim the following testimony was taken before the board: "José María Prosel and José Strother, being sworn, severally say that they know the lot of land claimed in the foregoing notice; that the same is lying and situated as is therein described; that said lot was occupied, inhabited, and cultivated by the claimant, and those under whom he claims, by living and cultivating vegetables thereon, on and previous to February 22, 1819; and that said occupation, habitation, and cultivation has been continued by the claimant, and those under whom he holds, since that period to this time." We are of opinion this claim ought to be confirmed, and accordingly, in the abstract, have classed it with the third class of claims.

4. Francisco Grammon, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, on and previous to February 22, 1819, a tract of land lying within the late neutral territory, and situated on the Bayou Sec, bounded on the west by the claim of Antonio Le

Rue, on the north and east by vacant land, and containing 640 acres. In support of which the following testimony was taken before the board: "José Maria Prosel and José Strother, being sworn, say they know the land claimed in the foregoing notice; that the same is lying and situate as is therein described; that said tract was occupied, inhabited, and cultivated by the claimant, by his living and growing corn thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the improvements on the land may embrace about six acres." On this proof we are of opinion the claim ought to be confirmed, and accordingly, in the abstract, have classed it under the head of "third class of claims."

5. Henry Stoker, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, on and previous to February 22, 1819, a tract of land lying within the late neutral territory, situate on the waters of the Pedro, bounded on all sides by vacant land, and containing 640 acres. In support of which the following testimony was taken before the board: "Louis Latham and John Lum, being each sworn, say that they know the land claimed by Henry Stoker in his foregoing notice; that the same is situated and lying as is therein described; that said tract of land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn and cotton thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on said tract embrace between 20 and 25 acres." On this proof we are of opinion the claim ought to be confirmed, and accordingly, in the abstract, it will be found under the head of "third class of claims."

6. Latney Parrot, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, on and previous to February 22, 1819, a tract of land lying within the late neutral territory, situated on the waters of the Bayou Buena Vista, bounded on all sides by vacant lands, and containing 640 acres. In support of the claim the following testimony was taken before the board: "Louis Latham and John Lum, being each sworn, say that they know the land claimed by Latney Parrot in his above notice; that the same is situated as is therein described; that said tract was occupied, inhabited, and cultivated by the claimant, by his living and growing cotton and corn thereon, on and previous to February 22, 1819; that said inhabiting, occupation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements thereon embrace between 10 and 15 acres." We are of opinion this claim ought to be confirmed, and accordingly, in the abstract, it will be found under the head of "third class of claims."

7. John Lum, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of the Pedro and Bayou Buena Vista, bounded on the north by Bodia Flores, west by Laplace, south by vacant land, on the eastern boundary partly by Andrew Chamard, and containing 640 acres. In support thereof the following testimony was taken before the board: "Latney Parrot and Louis Latham, being each sworn, say that they know the land claimed by John Lum in his above notice; that the same is situated as is therein described; that the said tract was inhabited, occupied, and cultivated by the claimant, by his living and growing cotton and corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the tract claimed includes between 8 and 10 acres." We are of opinion this claim ought to be confirmed, and have accordingly, in the abstract, classed it with the third class of claims.

8. John Waddill, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the east side of the river Sabine, bounded by vacant land, and containing 640 acres. In support thereof the following testimony was taken before the board, and filed: "Absalon I. Winfree and Jacob Winfree, being sworn, say that they know the land claimed by John Waddill in his above notice; that the same is situated as is therein described; that the said tract was occupied, inhabited, and cultivated by the claimant, by his living and growing corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant and Henry Stoker, to whom said land was conveyed, since that period to the present time; and that the improvements on the tract embrace about 20 acres.

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with the "third class of claims."

9. Joel Leakey, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of the Négreite, bounded on all sides by vacant land, and containing 640 acres. In support of which the following testimony was taken before the board: "Jacob Winfree and Jesse Yocum, being sworn, say that they know the land claimed by Joel Leakey in his above notice; that the same is situated and lying as is therein described; that the said tract of land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty acres."

We are of opinion this claim ought to be confirmed, and have accordingly, in the abstract, classed it with the third class of claims.

10. Samuel Norriss, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the southwest bank of Red river, bounded on the west by François Porrio, south by a lake, east by Leonard Dyson, and containing 489 acres. In support of this claim the following testimony was taken before the board: "Leonard Dyson and Peter Murphy, being sworn, say that they know the land claimed by Samuel Norriss in his above notice; that the same is situated and lying as is therein described; that said tract was occupied, inhabited, and cultivated by the claimant, by his living and growing corn and tobacco thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the tract claimed include about fifteen acres."

We are of opinion this claim ought to be confirmed, and have accordingly, in the abstract, classed it under the head of third class of claims.

11. Hugh McNeley, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on both sides of a branch of the Bayou Toro, bounded on all sides by vacant lands, and containing 640 acres. He

also offered the following testimony, taken before the board, in support thereof: "Joel Leakey and Jacob Winfree, being sworn, severally say that they know the land claimed by Hugh McNeley in his above notice; that the same is situated and lying as is therein described; that said tract was occupied, inhabited, and cultivated by the claimant, by his living and growing corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the improvements on the tract claimed may embrace about ten acres."

On this proof we are of opinion this claim ought to be confirmed, and accordingly, in the abstract, it will be found classed with the third class of claims.

12. Christopher Anthony, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the Négrette, below the Lewis fork of said bayou, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board: "Jesse Yocum and Jacob Winfree, being sworn, severally say that they know the land claimed by Christopher Anthony in his above notice; that the same is situated and lying as is therein described; that said tract of land was occupied, inhabited, and cultivated by the claimant, and by those under whom he claims, by his living and growing corn thereon, on and previous to February 22, 1819; that the said occupation, habitation, and cultivation has been continued by the claimant, and by those under whom he claims, since that period to the present time; and that the claimant's improvements thereon at this time embrace about thirty-five acres."

On this testimony we are of opinion the claim ought to be confirmed, and accordingly, in the abstract, it will be found classed with the "third class of claims."

13. Samuel Norriss, of the parish of Natchitoches, assignee of Peter Murphy, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the southwest bank of Red river, bounded on the east by Baptiste Porrio and children, south by vacant land, west by James Pheras, and containing 296.66 acres. The claim is supported by the following testimony taken before the board:

"Leonard Dyson and Peter Murphy, being sworn, say that they know the tract of land claimed by Samuel Norriss, as assignee of Peter Murphy, in his above notice; that the same is situated and lying as is therein described; that the said tract of land was occupied, inhabited, and cultivated by the claimant, or those under whom he claims, by their living and growing corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant, or those under whom he claims, since that period to the present time; and that the claimant's improvements on the tract claimed at this time embraces about five acres."

On this testimony we are of opinion the claim ought to be confirmed, and accordingly, in the abstract, it will be found among the "third class of claims."

14. Leonard Dyson, of the parish of Natchitoches, assignee of Edward McLaughlin, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of Red river, on the southeast side of a cut-off which forms Norriss' island, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Samuel Norriss and Peter Murphy, being sworn, severally say that they know the land claimed by Leonard Dyson, as assignee of Edward McLaughlin, and described in his above notice; that the same is lying and situated as is therein described; that said tract of land was occupied, inhabited, and cultivated by the claimant, and those under whom he holds, by their living and growing corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant, and those under whom he holds, since that period to the present time; and that the claimant's improvement on the tract claimed at this time includes about five acres."

On this testimony we are of opinion the claim ought to be confirmed, and have, consequently, in the abstract, classed it with the "third class of claims."

15. Nathaniel Norriss, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, and situated on what is called the Peachtree bayou, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Samuel Norriss and Jean Baptiste Poirét, being sworn, severally say that they know the land claimed by Nathaniel Norriss in his above notice; that the same is situated and lying as is therein described; and said land was occupied, inhabited, and cultivated by the claimant, and those under whom he claims, by their living and growing corn thereon, on and previous to February 22, 1819; that the said occupation, habitation, and cultivation has been continued by the claimant, or by those under whom he holds, since that period to the present time; and that the claimant's improvements on the land claimed may include about six acres."

On this testimony we are of opinion the claim ought to be confirmed, and have accordingly, in the abstract, classed it with the "third class of claims."

16. Nathaniel Norriss and brothers, of the parish of Natchitoches, filed their notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, and situated on the Peachtree bayou, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Samuel Norriss and Jean Baptiste Poirét, being severally sworn, say that they know the tract of land claimed by Nathaniel Norriss and brothers in their above notice; that the same is situated and lying as is therein described; that the said tract was occupied, inhabited, and cultivated by the claimants, by their living and cultivating corn, tobacco, and cotton thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimants since that period to the present time; and that the claimants' improvements on the land claimed at this time embrace about fifteen acres."

We are of opinion this claim ought to be confirmed, consequently it will be found with the "third class of claims."

17. Thomas Hicks, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, and situated in the Hickory Woods, within a mile of the Sabine river, about three miles below the mouth of the Négrette bayou, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Joel Leakey and Jesse Yocum, being sworn, say that they know the land claimed by Thomas Hicks



in his above notice; that the same is situated and lying as is therein described; that said tract of land was occupied, inhabited, and cultivated by the claimant, and by those under whom he holds, by their living and growing corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant, and those under whom he holds, since that period to the present time; and that the claimant's improvements on the land claimed embrace about twenty acres."

We are of opinion this claim ought to be confirmed, and consequently, in the abstract, have classed it with the "third class of claims."

18. Leonard Dyson, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the southwest bank of Red river, bounded north by Henry Stockman, northwest by Samuel Norriss, south by vacant land, and east by land claimed by Baptiste Porrio, sr., containing 575 acres. The claim is supported by the following testimony taken before the board:

"Samuel Norriss and John McLaughlin, being sworn, say that they know the land claimed by Leonard Dyson in his notice No. 18; that the same is situated as is therein described; that said tract was occupied, inhabited, and cultivated by the claimant, by his living and growing corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about five acres."

We are of opinion, from the proof adduced, that this claim ought to be confirmed, and in the abstract it will be found among the "third class."

19. Baptiste Poirét, jr., brothers and sisters, of the parish of Natchitoches, filed their notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the southwest bank of Red river, bounded northwest by Samuel Norriss, and on all other sides by vacant land, and containing 640 acres; in support of which the following testimony taken before the board was filed:

"Leonard Dyson and John McLaughlin, being sworn, say that they know the tract of land claimed by Baptiste Poirét, jr., his brothers and sisters, in his above notice No. 19; that the same is situated and lying as is therein described; that said tract of land was occupied, inhabited, and cultivated by the claimants, by their living and growing corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimants since that period to the present time; and that the claimants' improvements on the land claimed embrace about seven acres."

We are of opinion, from the proof adduced, that this claim ought to be confirmed, and accordingly, in the abstract, it will appear among the "third class."

20. Baptiste Poirét, sr., of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on one of the lakes of Red river, bounded on all sides by vacant land, and containing 351.80 acres, agreeably to a plat of survey made by John Dinsmore, jr., deputy surveyor, dated October 30, 1823, filed with his notice. The claim is supported by the following testimony:

"Peter Murphy and John McLaughlin, being sworn, say that they know the land claimed by Baptiste Poirét, sr., in his above notice; that the same is situated and lying as is therein described; that said tract of land was occupied, inhabited, and cultivated by the claimant, by his living and cultivating tobacco and fruit trees thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; that the claimant's improvements on the land claimed embrace about two acres."

We are of opinion, from the proof adduced, that this claim ought to be confirmed, and in the abstract it will appear under the head of "third class."

21. Moses Robison, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the southwest bank of Red river, on an island, and bounded as described in a plat of survey made by John Dinsmore, jr., deputy surveyor of the United States, dated October 27, 1823, filed with the notice, and containing 435½ acres. The claim is supported by the following testimony taken before the board:

"James Pharis and Peter Murphy, being sworn, say that they know the tract of land claimed by Moses Robison in his above notice; that the same is situated and lying as is therein described; that said tract of land was occupied, cultivated, and inhabited by the claimant, by his living and growing corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about eight acres."

We are of opinion, from the proof adduced, that the claim ought to be confirmed, and in the abstract have classed it with the "third class of claims."

22. Peter Stockman, of the county of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, and situated on the southwest bank of Red river, bounded on all sides by vacant land, except on the west by land claimed by Baptiste Poirét, sen., and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Samuel Norriss and John McLaughlin, being sworn, severally say that they know the land claimed by Peter Stockman in his above notice; that the same is situated and lying as is therein described; that said tract of land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about six acres."

We are of opinion, from the proof adduced, that this claim ought to be confirmed, and accordingly, in the abstract, it will be found with the "third class of claims."

23. Jacob Winfree, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, and situate in the Hickory Woods, on a branch of the Nègreite bayou, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"George Stewart and John Waddill, being sworn, severally say that they know the land claimed by Jacob Winfree in his above notice; that the same is situated and lying as is therein described; that said land was occupied and cultivated by the claimant, by his living and growing corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant

since that period to the present time; and that the claimant's improvements on the land claimed embrace about ten acres."

It is admitted the tract here claimed was not "inhabited" by the claimant on or prior to February 22, 1819; and the question now arises, is this circumstance essential to the validity of his right? It is shown that the land was actually cultivated on that day, and prior thereto, by the claimant himself; and we think that, notwithstanding the fact of his living with his family at a neighbor's, perhaps for temporary protection or convenience, he would have been entitled, under the government at that time exercising the sovereign power over that tract of country, to a title. We are of opinion, therefore, this claim ought to be confirmed, and have, in the abstract, classed it with the "third class."

24. James Pharis, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, and situated on the southwest bank of Red river, bounded on the northwest by Moses Robison, on the south by vacant land, on the southeast by Samuel Norriss, and containing 640 acres. Supported by the following testimony taken before the board:

"Moses Robison and Peter Murphy, being sworn, severally say that they know the land claimed by James Pharis in his above notice; that the same is situated and lying as is therein described; that said tract of land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time, and that the claimant's improvement on the land claimed embraces about ten acres."

We are of opinion this claim ought to be confirmed, and, in consequence, have reported it in the abstract with the "third class."

25. José Rues, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the neutral territory, situated on the Bayou Santa Barbara, bounded on all sides by vacant land, and containing 640 acres. In support of which the following testimony was taken before the board:

"Louis Latham and A. Delaserda, being sworn, severally say that they know the land claimed; that the same is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about seven acres."

We are of opinion this claim ought to be confirmed; therefore, in the abstract, it will appear under the head of "third class."

26. Atonasio Delaserda, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land within the late neutral territory, situated on the Bayou See, bounded on the north by José Ignacio Estrother, and containing 640 acres. In support of the claim the following testimony was taken before the board:

"Peter Patterson and José Ignacio Estrother, being sworn, severally say that they know the land claimed by Atonasio Delaserda in his above notice; that the same is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty acres."

We are of opinion this claim ought to be confirmed; therefore, in the abstract, it will appear under the head of "third class."

27. José Estrader, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the south by Atonasio Delaserda, and containing 640 acres. In support of which the following testimony was taken before the board:

"Peter Patterson and Atonasio Delaserda, being sworn, severally say that they know the land claimed by José Estrader in his above notice; that the same is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, and by the person from whom he claims, by their living and growing corn thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant, and by the person from whom he claims, since that period to the present time; and that the claimant's improvement on the land claimed embraces about eight acres."

We are of opinion this claim ought to be confirmed; therefore, in the abstract, it will appear under the head of "third class."

28. Peter Patterson, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on the Bayou See, bounded on the northeast by the improvement of John Maximilien, and on all other sides by vacant land, containing 640 acres. The claim is supported by the following testimony taken before the board:

"Lewis Latham and John Maximilien, being sworn, severally say that they know the land claimed by Peter Patterson in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present day; and that the claimant's improvement on the land claimed embraces about thirty acres."

We are of opinion this claim ought to be confirmed, and consequently it will appear, in the abstract, under the head of "third class."

29. Daniel Waltman, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on the Bayou See, bounded on the east by the line of S. Davenport, on all other sides by vacant lands, and containing 640 acres. In support of which the following testimony was taken before the board:

"Lewis Latham and John Maximilien, being sworn, severally say that they know the land claimed by Daniel Waltman in his above notice; that said land is situated and lying as therein described; that said land was occupied, inhabited, and cultivated by the claimant, and by those under whom he holds, by their living and growing corn, &c., thereon, on and previous to February 22, 1819; that said cultivation,

occupation, and habitation has been continued by the claimant, and others holding under him, since that period to the present time; and that the claimant's improvement on the land claimed embraces about seventeen acres."

We are of opinion this claim ought to be confirmed, and consequently it will appear, in the abstract, under the head of "third class."

30. John Maximilien, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the west by Peter Patterson, on all other sides by vacant lands, and containing 640 acres. In support of which the following testimony was taken before the board:

"Lewis Latham and Peter Patterson, being sworn, severally say that they know the land claimed by John Maximilien in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living, and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about thirty acres."

We are of opinion this claim ought to be confirmed, and consequently it will appear, in the abstract, under the head of "third class."

31. Henry Stockman, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the southwest bank of Red river, bounded south by Leonard Dyson, and Bte. Poirét, sr., and containing 500 acres, agreeably to a plat of survey made by John Dinsmore, deputy surveyor of the United States, dated October 20, 1823, and filed with the notice. In support of this claim the following testimony was taken before the board:

"John McLaughlin and Peter Murphy, being sworn, severally say that they know the land claimed by Henry Stockman in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land embraces about twenty acres."

We are of opinion this claim ought to be confirmed; it will consequently be classed, in the abstract, with the "third class" of claims.

32. John Gordon, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the east side of the river Sabine, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Samuel Norriss and Nathaniel Norriss, being sworn, severally say that they know the land claimed by John Gordon in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land embraces about seven acres."

Believing the testimony sufficient, we are of opinion this claim ought to be confirmed, and, accordingly, it will be reported, in the abstract, with the "third class of claims."

33. John Armstrong, assignee of Charles Curtis, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Cass lake, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Leonard Dyson and John McDaniel, being sworn, severally say that they know the land claimed by John Armstrong, assignee, in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by him, under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued since that period to the present time by the claimant, and those under whom he holds; and that the claimant's improvement on the land claimed embraces about eight acres."

We are of opinion the claim ought to be confirmed, and accordingly, in the abstract, it will appear with the "third class of claims."

34. Cézare Wallace, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on a small branch emptying into a lake known as Cass lake, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony:

"Leonard Dyson and John Armstrong, being sworn, severally say that they know the land claimed by Cézare Wallace in his notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued since that period to the present time by the claimant; and that the claimant's improvement on the land claimed embraces about eight acres."

We are of opinion this claim ought to be confirmed, and it will, in the abstract, appear under the head of "third class."

35. James Kirkham, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the waters of the Potrero, bounded northeast and south by vacant land, on the west by name unknown, and containing 640 acres. The following testimony was taken before the board:

"John Laplace and Robert Sharp, being sworn, severally say that they know the land claimed by James Kirkham in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty acres."

From this testimony we are of opinion the claim ought to be confirmed, and, in the abstract, it will appear under the head of "third class."



36. John Laplace, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the south side of the road leading from Natchitoches to Gaines' Ferry, about three miles beyond the Adais from Natchitoches, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"James Kirkham and Robert Sharp, being sworn, severally say that they know the land claimed by John Laplace in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to this time; and that the claimant's improvement on the land claimed embraces about twenty acres."

On this testimony we are of opinion the claim ought to be confirmed, and in the abstract it will appear under the head of "third class."

37. James Kirkham, of the parish of Natchitoches, assignee of Thomas Cartwright, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the Chacon bayou, bounded on the northwest by Henry Sheridan, on all other sides by vacant land, and containing 640 acres. In support of the claim the following testimony was taken before the board, in addition to a plat of survey made by John Dinsmore, jr., deputy surveyor of the United States, under date September 26, 1823, which is filed with the notice:

"Henry Stoker and Robert Sharp, being sworn, severally say that they know the land claimed by James Kirkham, assignee, in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant's assignor, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued since that period to the present time; and that the claimant's improvement on the land claimed embraces about fifteen acres."

On this proof we are of opinion the claim ought to be confirmed, and in the abstract it will appear with the "third class of claims."

38. Benjamin Winfree, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on a branch of the Bayou Negreite, bounded on the northwest by Jacob Winfree, on all other sides by vacant land, and containing 640 acres. The following testimony was taken before the board in support thereof:

"John Waddill and George Stewart, being sworn, severally say that they know the land claimed by Benjamin Winfree in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about four acres."

We are of opinion this claim ought to be confirmed, and in the abstract it will appear with the claims of the "third class."

39. Marian Sanchez, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Pedro; bounded on all sides by vacant land, about one mile below the crossing of the main road, containing 640 acres. In support of which the following testimony was taken before the board:

"James Kirkham and Henry Stoker, being sworn, severally say that they know the land claimed by Marian Sanchez in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the said land embraces about ten acres."

We are of opinion, from the testimony, that this claim ought to be confirmed, and have, in the abstract, reported it in the "third class."

40. Benjamin Morris, of the parish of Natchitoches, filed his notice claiming, by purchase, founded on occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the headwaters of the Toro, in the Hickory Woods, bounded on all sides by vacant land, and containing 640 acres. In support of which the following testimony was taken before the board and filed:

"Jacob Winfree and George Stewart, being sworn, severally say that they know the land claimed by Benjamin Morris in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, and by those under whom he claims, by their living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued since that period to the present time; and that the claimant's improvement on the land claimed embraces about eight acres."

On this proof we are of opinion the claim ought to be confirmed, and have, in the abstract, reported it in the "third class."

41. Absalom J. Winfree, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the headwaters of the Toro, in the Hickory Woods, and containing 640 acres. In support of which the following testimony was taken before the board:

"Jesse Yocum and Jacob Winfree, being sworn, severally say that they know the land claimed by Absalom J. Winfree in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, and by those from whom he claims, by their living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued since that period to the present time by the claimant; and that the claimant's improvement on the land claimed embraces about four acres. N. B.—Yocum knows nothing of the subsequent improvement."

We are of opinion that this claim ought to be confirmed, and in the abstract it will be found with claims of the "third class."

42. Henry Stoker, assignee of Alexander Calhoun, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the dividing ridge between Red river and the Sabine, bounded on the west by Mr.

Davenport, on all other sides by vacant land, and containing 640 acres. In support of which the following testimony was taken before the board:

"James Kirkham and Marian Sanchez, being sworn, severally say that they know the land claimed by Henry Stoker, assignee of Alexander Calhoun, in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant's assignor, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant, and by those under whom he holds, since that period to the present time; and that the claimant's improvement on the land claimed embraces about forty acres."

Being of opinion this claim ought to be confirmed, we have classed it, in the abstract, with the "third class."

43. Badio Flores, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated in the town of the Adais; bounded on the south by John Lum, northeast by Andrew Chamard, north by Augustin T. San Miguel, and containing sixty-three acres, agreeable to a plat of survey made by John Dinsmore, jr., United States deputy surveyor, dated September 30, 1823, and filed with the notice. The claim is supported by the following testimony taken before the board:

"Marian Sanchez and James Kirkham, being sworn, severally say that they know the land claimed by Badio Flores in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about ten acres."

Being of opinion this claim ought to be confirmed, we have classed it, in the abstract, with claims of the "third class."

44. Thomas Arthur, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the waters of the Négrette bayou, called the Long Prairie bayou, near the Hickory Woods, bounded on the south by Jacob F. Winfree, on all other sides by vacant lands, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Waddill and Absalom Winfree, being sworn, severally say that they know the land claimed by Thomas Arthur in his above notice; that said land is situated and lying as is therein described; that said land was occupied and cultivated by the claimant, by his growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation and cultivation has been continued since that period to the present time by the claimant; and that the claimant's improvement on the land claimed embraces about twenty acres; that the claimant has lived on the land claimed since the winter of 1819 and 1820."

Though it is not proved that the land claimed was actually inhabited on February 22, 1819, yet we are of opinion the claim ought to be confirmed, and have therefore classed it with the "third class" in the abstract.—(See No. 23.)

45. Andrés Galindo, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the waters of Bayou See, bounded south by Simon Montalgo, on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Peter Patterson and Guillaume Bébé, being sworn, severally say that they know the land claimed by Andrés Galindo in his above notice; that said land is situated and lying as therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about five acres."

Being of opinion this claim ought to be confirmed, we have, in the abstract, classed it with the "third class."

46. François Poirét and Moses Robison, of the parish of Natchitoches, filed their notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the southwest bank of Red river, bounded east by Samuel Norris, south by the lakes, west by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John McLaughlin and Leonard Dyson, being sworn, severally say that they know the land claimed by François Poirét and Moses Robison in their above notice; that the said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimants; by their living and growing corn, &c., thereon, on and prior to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimants since that period to the present time; and that the claimant's improvement on the land claimed embraces about three acres." The notice is signed by F. Poirét.

Moses Robison, one of the claimants here, heretofore (No. 21) in his own right before this board, claimed a tract of land, by virtue of occupation, habitation, and cultivation, which was recommended for confirmation; and we believe it was repugnant to the policy and contrary to the practice of the former Spanish government to concede an additional tract for purposes of cultivation without the applicant's augmentation of force or increase of means, or other favorable circumstances, were urged and shown. This has not been attempted here, and cannot be inferred. We are therefore of opinion that this claim, to the extent of Robison's interest or moiety, ought to be rejected, and that François Poirét's claim for the other moiety, or 320 acres, ought to be confirmed to him; and consequently, in the abstract, the claim to that extent, in favor of François Poirét, will appear under the head of "third class."

47. Michael Early, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the Bayou San Miguel, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Peter Patterson and John Maximilien, being sworn, severally say that they know the land claimed by Michael Early in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, and by those under whom he holds, by their living and growing corn thereon, on and previous to February 22, 1819; that said occupation,



inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about forty acres."

On this proof we are of opinion the claim ought to be confirmed, and in the abstract it will appear under the head of "third class."

48. John Armstrong, of the parish of Natchitoches, assignee of James Anderson, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, and situated on the west side of Red river, on Anderson's island, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John McLaughlin and Lemuel Dyson, being sworn, severally say that they know the land claimed by John Armstrong, assignee, &c., in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, and by those under whom he claims, by their living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation has been continued by the claimant, and those under whom he holds, since that period to the present time; and that the claimant's improvement on the land claimed embraces about ten acres."

On this proof we are of opinion the claim ought to be confirmed, and in the abstract it will appear under the head of "third class."

49. David Case, of the parish of Natchitoches, assignee of John Euny, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the Bayou See, now in the possession of John Euny, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Maximilien and Guillaume Bêbé, being sworn, severally say that they know the land claimed by David Case, assignee, &c., in his above notice; that said land is situated and lying as is therein described; that the said land was occupied, inhabited, and cultivated by the claimant, or by those under whom he holds, by their living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant, and those under whom he holds, since that period to the present time; and that the claimant's improvement on the land claimed embraces about twelve acres."

On this proof we are of opinion the claim ought to be confirmed, and have, in the abstract, reported it under the head of "third class."

50. Henry Berger, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Cane bayou, about six miles west of Natchitoches, and containing 640 acres. In support of which the following testimony was taken before the board:

"John Smith and James Kirkham, being sworn, severally say that they know the land claimed by Henry Berger in his notice No. 50; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and the claimant's improvements on the land claimed embraces about fifty acres."

We are of opinion this claim ought to be confirmed, and have, in the abstract, reported it under the head of "third class."

51. Henry Berger, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Adaize, and containing 640 acres. In support of which the following testimony was taken before the board:

"John Smith and James Kirkham, being sworn, say that they know the land claimed by Henry Berger in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, through his agent, on and prior to February 22, 1819; that it was inhabited, occupied, and cultivated since that period by the claimant, through his agent, up to the year 1821, but whether since, deponents knows not; and that the claimant's improvement on the land claimed may include about seven acres."

We have already recommended the confirmation of a claim, No. 50, in favor of the present applicant, founded on occupation, habitation, and cultivation; and in conformity to the principles recognized in the claim of Moses Robison, No. 46, we are bound to say, in our opinion, that this claim ought not to be confirmed, and have accordingly, in the abstract, classed it under the head of "fourth class."

52. Rebecca McLaughlin, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the southwest branch of Red river, bounded on the east by Bte. Poiré, junior, brothers and sisters, south and west by vacant land, and containing 640 acres. In support of which the following testimony was taken before the board:

"John McLaughlin, being sworn, says that he knows the land claimed by Rebecca McLaughlin in her above notice; that the same is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, or by her father, to whom she succeeds as heir, on and previous to February 22, 1819, and knows not whether the claimant has since occupied, cultivated, or inhabited the land."

The testimony is too vague and unsatisfactory to justify a favorable report. With regard to the cultivation, the witness' recollection is clear up to February, 1819, but knows not whether the father, from whom the claimant derives title, was yet dead. On the whole, we cannot but give it as our opinion that this claim ought not to be confirmed, and have, in the abstract, reported it under the head of "fourth class."

53. André Valentine of the parish of Natchitoches, assignee of Marian Sanchez, filed his notice claiming a tract of land lying within the late neutral territory, situated on the Bayou Sacatchie near the road leading from Natchitoches to Anondaco, bounded by vacant lands, and containing 649 acres; claimed by virtue of occupation, habitation, and cultivation made by said Marian Sanchez on and previous to September 22, 1819, and since that period by the claimant, to whom Sanchez conveyed his right. The claim is supported by the following testimony:

"André Adley and Baptiste Prudhomme, being sworn, say that they know the land claimed by André Valentine in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by Marian Sanchez, under whom the claimant holds, on and



previous to February 22, 1819; that said land has been inhabited, occupied, and cultivated by the claimant since up to the present time; and that the claimant's improvement on the land claimed embraces about fifteen acres."

Marian Sanchez, assignor of the land here claimed, has, before this board, filed his notice (No. 39) claiming, in his own right, another tract, by virtue of occupation, cultivation, and habitation, on and prior to February 22, 1819, which facts being proven, we recommended a confirmation of his claim. Without attempting to reconcile testimony so contradictory as that case and this presents, we will even admit that Sanchez occupied both tracts at the date of the treaty between the United States and Spain; yet, according to the regulations of the Spanish government, which we are bound to recognize, its authorities in Texas would only have confirmed to him one of them, except on a showing that his means, pursuits, or force, required a deviation from the established practice, which is not pretended. The only difficulty then is, which claim ought to be preferred—that or this? The one he has retained and now occupies and cultivates, or the one he has conveyed to the present claimant? We think where legal rights are exactly balanced, motives of public policy must decide; and according to its dictates, we are of opinion this claim ought not to be confirmed, and in the abstract have classed it with claims of the "fourth class."

54. Firmin Poissot, of the parish of Natchitoches, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Lapoint, in the district of Bayou Pierre, bounded by vacant land, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"André Valentine and André Adley, being sworn, say that they know the land claimed by Firmin Poissot in his above notice; that said land was occupied, inhabited, and cultivated by the claimant, (through his agent,) by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, habitation, and cultivation, has been continued by the claimant (through his agent) since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

55. André Adley, Baptiste Prudhomme, and José Lochobeach, of the parish of Natchitoches, filed their notice claiming, by virtue of occupation, cultivation, and inhabitation, a tract of land lying within the late neutral territory, situated on the waters of the Bayou de Cie, bounded on all sides by vacant land, and containing six hundred and forty acres, agreeably to a plat of survey drawn by John Dinsmore, jr., deputy surveyor of the United States, dated September 18, 1823, and filed with the notice. The claim is supported by the following testimony taken before the board:

"André Valentine and Antoine Adley, being sworn, severally say they know the land claimed in the above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimants, by their living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimants since that period to the present time; and that the claimants' improvements embrace about fifteen acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with "the third class of claims."

56. Cézare Wallace, of the parish of Natchitoches, filed his notice claiming, under a purchase at the sale of the estate of Pierre Wallace, deceased, who held, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, and situate on a small bayou which empties into Lake Terre Noir, bounded on the east by Thomas Wallace, on all other sides by vacant land, and containing six hundred and forty acres. The claim is supported by the following testimony:

"John McLaughlin and Leonard Dyson, being sworn, severally say that they know the land claimed by Cézare Wallace in his above notice; that said land is lying and situated as is therein described; that said land was occupied, inhabited, and cultivated by Pierre Wallace, under whom the claimant holds, by said Pierre living and growing corn, &c., thereon, on and prior to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the said Pierre Wallace and the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about five acres."

On this proof we are of opinion the claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

57. André Valentine, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on the waters of Bayou de Cie, bounded on all sides by vacant lands, and containing 640 acres. In support of the claim the following testimony was taken before the board:

"André Adley and Baptiste Prudhomme, being sworn, severally say that they know the land claimed by André Valentine in his above notice; that said land is lying and situated as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twelve acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

58. James Shackelford, of the parish of Natchitoches, as assignee of Henry Stockman, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on Spring bayou, about two miles from Laurel Spring, about eight miles west of the town of Natchitoches, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Henry Stockman and Peter Stockman, being sworn, say that they know the land claimed by James Shackelford in his notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant's assignor, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant, or by him under whom he holds, since that period to the present time; and that the claimant's improvement on the land claimed embraces about four acres."

Henry Stockman, from whom the claimant derives his right, has claimed another tract, (No. 31,) by virtue of occupation, habitation, and cultivation, which claim has been recommended for confirmation.

Our remarks in the claim of André Valentine are strictly applicable to this; and for the reasons therein given, we are bound to say that this claim ought not to be confirmed; and have accordingly, in the abstract, classed this claim with the "fourth class."—(See No. 53.)

59. Edmund Quirk, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou La Nan, about eight miles from the Sabine river, bounded on all sides by vacant land, and containing 640 acres, supported by the following testimony taken before the board:

"Peter Patterson and Jesse Yocum, being sworn, each says he knows the tract of land claimed by Edmund Quirk in his above notice; that said tract of land is situated and lying as is therein described; that the same was occupied, inhabited, and cultivated by the claimant, by his living and growing corn thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty-five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

60. Wm. Quirk, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the road leading from Natchitoches to Gaines' Ferry, on the Sabine, about seven miles from the Sabine river, bounded on all sides by vacant land, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Jesse Yocum and John Sheridan, being sworn, severally say that they know the land claimed by William Quirk in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about nine acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

61. Manuel Chérino, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on Bayou Pedro, bounded by vacant land on all sides, and containing 640 acres. In support of which the following testimony was taken:

"Marian Sanchez and John Moran, being sworn, severally say that they know the land claimed by Manuel Chérino in his above notice; that said land is lying and situated as is therein described; that the same was occupied, inhabited, and cultivated by the claimant, or by his father, from whom he derives title, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

62. Guillaume Bébé, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, and situated on the Bayou See, in the settlement called the Cavasas, bounded on the east by land occupied by Leno Padea, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Peter Patterson and Marian Sanchez, being sworn, severally say that they know the land claimed by Guillaume Bébé in his notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation, has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty-five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

63. Widow La Leno Padea, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, and situated on the Bayou See, between Guillaume Bébé below and David Waltman above, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Guillaume Bébé and Peter Patterson, being sworn, severally say that they know the land claimed by La Leno Padea in her above notice; that said land is situated and lying as is therein described; that the same was occupied, inhabited, and cultivated by the claimant, by her living and growing corn, &c., thereon, on and prior to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time, and that the claimant's improvement on the land claimed embraces about five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

64. John Freeman, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of Bayou St. John, bounded on the east by Yarberry Spring branch, on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Henry Stockman and Peter Stockman, being sworn, say that they know the land claimed by John Freeman in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with the "third class."

65. Rosimo Gagné, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of the Bayou Labonne Chasse, bounded north by Thomas Wallace, east and west by vacant land, south



by Pierre Roblot, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Baptiste Prudhomme and André Adley, being severally sworn, say that they know the land claimed by Rosino Gagné in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with the "third class" of claims.

66. James Shackleford, of the parish of Natchitoches, assignee of John Stein, who purchased of Hopkins Sibley, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated at a place called the Laurel Springs, about nine miles from the town of Natchitoches, and on the road from that place to Gaines' Ferry, on the Sabine, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Smith and Jeremiah Morrell, being sworn, say that they know the land claimed by James Shackleford in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by Hopkins Sibley, from whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land embraces about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

67. Eli Smith, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the west side of the Bayou Kisatchie, bounded by Portevent Bloodworth on one side and Joseph Grubbs on the other, and containing 640 acres. Before the board the following testimony was taken in support thereof:

"Jeremiah Wrinkles and David Morrell, being sworn, say that they know the land claimed by Eli Smith in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

68. David Wrinkles, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the west side of Bayou Kisatchie, adjoining to land claimed by Portevent Bloodworth on one side and by Placide Bossier on the other, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Jeremiah Morrell and Eli Smith, being sworn, say that they know the land claimed by David Wrinkles in his above notice; that said land is lying and situated as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

69. John Montgomery, jr., of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the west side of the Bayou Kisatchie, near its mouth, bounded on all sides by vacant land, and containing 640 acres. In support of which the following testimony was taken before the board:

"Jeremiah Morrell and Eli Smith, being sworn, severally say that they know the land claimed by John Montgomery, jr., in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

70. Eli Smith, of the parish of Natchitoches, assignee of Archibald Thompson, who purchased of Gethro Butler, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on the east side of Bayou Centerburb, and near its junction with Middle creek; bounded, as is supposed, on all sides by vacant lands, and containing 640 acres. In support of which the following testimony was taken before the board:

"Jeremiah Morrell and James M. Gibson, being sworn, severally say that they know the land claimed by Eli Smith in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, or by those under whom he claims, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant, or by those under whom he claims, since that period to the present time; and that the claimant's improvement on the land claimed embraces about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

71. John Sheridan, of the parish of Natchitoches, assignee of Pedro Guiardo, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated in a Spanish village about sixteen miles southwest of the town of Natchitoches, bounded southeast by Henry Sheridan, northeast by John Sibley's, north by a concession in favor of De Lion, west by J. Tate, and containing 256.40 acres, agreeably to a plat of survey made by John Dinsmore, jr.,



deputy surveyor of the United States, dated August 29, 1823, and filed with the notice. The claim is supported by the following testimony taken before the board:

"John Lum and Henry Earles, being sworn, severally say that they know the land claimed by John Sheridan in his above notice; that said land is situated and lying as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, or by the person under whom he holds, by their living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant, and by those under whom he holds, since that period to the present time; and that the claimant's improvement on the land claimed embraces about ten acres."

We are of opinion that this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

72. James Tate, of the parish of Natchitoches, assignee of one Cubaza, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated in a Spanish village about sixteen miles southwest of the town of Natchitoches, bounded southeast by Bodio Flores, west by vacant land, northwest by land of the claimant, and north by a road leading from Natchitoches to the Sabine, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Lum and Henry Earles, being sworn, severally say that they know the land claimed by James Tate in his above notice; that the said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by one Cubaza, from whom the claimant purchased, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by said Cubaza and the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

73. James Tate, of the parish of Natchitoches, assignee of Maria Moara, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated in a Spanish village about sixteen miles southwest from the town of Natchitoches, bounded on the southeast by the claimant, southwest by vacant land, northwest unknown, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Lum and Henry Earles, being sworn, severally say that they know the land claimed by James Tate in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by Maria Moara, from whom claimant purchased, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by said Moara and the claimant since that period to the present time; and that the claimant's improvement on the land embraces about two acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

74. James Tate, of the parish of Natchitoches, assignee of Pablo Libras, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated in a Spanish village about sixteen miles from the town of Natchitoches, bounded southeast by other lands of the claimant, southwest by a small Bayou, northwest by the claimant, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Lum and Henry Earles, being sworn, severally say that they know the land claimed by James Tate in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the family of Antonio Castro, by their living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued since that period to the present time by said family, Pablo Libras, and the claimant; and that the claimant's improvement on the land claimed embraces about two acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

75. Maria Conception de Lion, assignee of Mariano Rodriguez, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated in a Spanish village, bounded northwest by Antonio Rodriguez, northeast by the main road leading from Natchitoches to the Sabine, about one quarter of a mile from the Bayou Adais, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Sheridan and Seledon Langoria, being sworn, severally say that they know the land claimed by Maria Conception de Lion in her above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by Mariano Rodriguez, from whom the claimant holds, by his living and growing corn, &c., thereon, on and before February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about three acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

76. Antonia Rodriguez, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated in a Spanish village about sixteen miles from the town of Natchitoches; bounded on the northeast by the road from that place to Gaines' Ferry, on the Sabine, on the southeast by Maria Conception de Lion, on all other sides by vacant land, and containing sixty acres. The claim is supported by the following testimony taken before the board:

"John Lum and John Sheridan, being sworn, say that they know the land claimed by Antonia Rodriguez in her above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by her living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

77. Asa Beekum, of the parish of Natchitoches, assignee of Maria San Miguel, filed his notice

claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated about sixteen miles from the town of Natchitoches, near a Spanish village; bounded on the southeast by an old road, all other sides unknown, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Lum and John Sheridan, being sworn, severally say that they know the land claimed by Asa Beekun in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by Maria San Miguel, from whom the claimant holds, by her living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by said Maria and the claimant, with the exception of one year, since that period to the present time; and that the claimant's improvement on the land claimed embraces about four acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with the claims of the third class.

78. James M. Gibson, of the parish of Natchitoches, assignee of J. Montgomery, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the main road from Natchitoches to Opelousas, on the waters of McKimm's creek, bounded on all sides by public land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Eli Smith and Dred Smith; being sworn, severally say that they know the land claimed by J. M. Gibson in his above notice; that said land was occupied, inhabited, and cultivated by the claimant, or by the persons under whom he claims, by their living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant, or by the persons under whom he holds, since that period to the present time; and that the claimant's improvement on the land claimed embraces about ten acres."

We are of opinion this claim ought to be confirmed, and have in the abstract classed it with claims of the third class.

79. Charles Noyrit, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated in the Isle à Beaulieux, fronting on Red river, bounded below by Beaulieux, above by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Pierre Laffitt and Valentine Andre, being sworn, severally say that they know the land claimed by Charles Noyrit in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about two acres."

We are of opinion this claim ought to be confirmed, and have in the abstract classed it with claims of the third class.

80. François Prudhomme, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou of the Prairie Winsy, bounded above by land of Pierre Dolet, and below by François Rambert, and containing 640 acres. The claim is supported by the following testimony taken before the board:

Andrew Valentine and Pierre Laffitt, being sworn, severally say "that they know the land claimed by François Prudhomme in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twelve acres."

We are of opinion this claim ought to be confirmed, and have in the abstract classed it with claims of the third class.

81. Alexander Germieul, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated at "Isle Beaulieux, bounded on one side by Charles Noyrit, on the other by vacant land, and containing 640 acres." The claim is supported by the following testimony taken before the board:

Andre Valentine and Pierre Laffitt, being sworn, say "that they know the land claimed by Alexander Germieul in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued since that period to the present time; and that the claimant's improvement embraces about three acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

82. Pierre Laffitt, of the parish of Natchitoches, filed his notice claiming, by virtue of a grant signed by the lieutenant governor of Nacogdoches, bearing date June 12, 1784, in favor of Pierre and Baptiste Laffitt, and by virtue of occupation, inhabitation, and cultivation for more than thirty years, a tract of land lying within the late neutral territory, and situated between the Bayou Nadier to that named Nabancha, (the first now called Bayou Pierre and the last Nanticole,) containing 11,393.89 acres, agreeably to a plat of survey drawn by John Dinsmore, deputy surveyor of the United States, dated September 6, 1823. The claim is supported by the original grant filed with the notice, of which the following is a translation:

"Don Antonio Gil y Barvo, captain of militia and lieutenant governor, military and political, of the town of Nacogdoches and its jurisdiction, in consequence of the prayer of Pierre and Baptiste Laffitt, inhabitants of this jurisdiction of Texas, with the approbation of their father, Paul Bouett Laffitt, inhabitant of said province, and residing for many years in the place called the Bayou Pierre, the route which strangers pass through with merchandise for the Indian trade, and to furnish nations at war with this province, that they may be granted lands in said place, with the necessary extension for the pasturing and breeding of cattle and horses of every description, obliging themselves, with the commission of the superior authority, to guard, watch, and impede strangers from passing without a legal passport from the territorial magistrate of said province: in virtue of which and in consideration of the above, and being well informed of the good conduct of the petitioners, I have agreed on giving them possession of the said place and the lands they solicit, charging them to proceed in a legal manner as regards their undertaking. Signed at Nacogdoches, June 12, 1784. Signed Antonio Gil y Barvo. Let it be well understood that said



concession of land is granted from the bayou that is named Nadier to that named Nabancha, for the pasturing of their stock, which grant I hope will meet the approbation of the governor of this province. In testimony, &c. Gil y Barvo."

The following testimony taken before the board was also filed:

Andre Valentine and Francois Prudhomme, being severally sworn, say "that they know the land claimed by Pierre Laffitt in his above notice; that the said land is lying and situate as is therein described; that said land was occupied, inhabited, and cultivated more than thirty years since by Pierre Laffitt, the grantee, who then had his cattle and family thereon; and that said land has been constantly and uninterruptedly inhabited, cultivated, and occupied by the claimant since to the present day."

The extent of land here claimed is less than a moiety of the whole conceded.

The document relied upon was merely a permission to settle, requiring the approbation of the governor to make the alienation complete. By what act or form this approval was expressed we know not; it may have been by a general confirmatory act, embracing permission for preceding years, and made at each visit to the jurisdiction under his government; it may have been usual to express it by his paraph in the margin of the original record, or it is possible the superior sanction may have been implied from his total silence on the subject. In either case, considering the length of time the claimant has been in possession, joined to the fact proven by certain answers preceding this report, that the records of Nacogdoches had been forcibly carried off and were no longer to be found, we think that proof of the fact of approval ought not now to be required of the claimant. We think this claim would have been considered valid under the government from which it emanated, and are therefore of opinion it ought to be confirmed; and have accordingly, in the abstract, classed it with claims of the "second class."

83. Hugh McGuffin, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of Bayou Pedro, bounded on the southwest by James Kirkham, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Lum and Jared Cable, being sworn, severally say that they know the land claimed by Hugh McGuffin in his notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, or by the person from whom he holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued since that period to the present time by the claimant; and that his improvement on the land claimed embraces about thirty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

84. Harriet W. M. Cable, of the parish of Natchitoches, assignee of J. Cable, who purchased of James Dill, filed her notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on a bayou known by the name of Young's bayou, bounded on all sides by vacant lands, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Lum and Hugh McGuffin, being sworn, severally say that they know the land claimed by Harriet W. M. Cable in her above notice; that said land is lying and situate as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, or by the person from whom she holds, by their living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant, and by the person from whom she holds, since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty-five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

85. Athanasse Poissot, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated in the settlement of Bayou Pierre, on Bayou Cantamaman, bounded on all sides by vacant land, containing 640 acres. The claim is supported by the following testimony taken before the board:

"Andre Valentine and Pierre Laffitt, being sworn, severally say that they know the land claimed by Athanasse Poissot in his above notice; that said land is situated and lying as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time, and that the claimant's improvement on the land claimed embraces about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

86. Mary E. Case, wife of William M. Rivers, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated about a quarter of a mile from the Aroya Honda, on the road leading from the town of Natchitoches to Gaines' Ferry, on the Sabine, bounded on the east by the Aroya Honda, on all other sides by vacant land, containing 640 acres, agreeably to a plat of survey made by John Dinsmore, jr., deputy surveyor of the United States, dated August 24, 1823, and filed with the notice. The claim is supported by the following testimony taken before the board:

"John Bonner, being sworn, says that he knows the land claimed by Mary E. Case in her notice; that said land was occupied, inhabited, and cultivated by the claimant, by her living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about six acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

87. Joseph Valentine, of the parish of Natchitoches, filed his notice claiming, by virtue of a Spanish grant in his favor, a tract of land lying within the late neutral territory, situated on the Bayou Pierre branch of Red river, in the settlement of Bayou Pierre, having, on the south side of said river, Bayou Macdown for its northern boundary, its eastern boundary being Red river, being one mile and a half square, and on the other side of said river beginning at a certain bayou, and running down the river ten acres, with the ordinary depth, if it can be had. The following is a translation of the grant on which the claim is founded: "Don Antonio Gil y Barvo, captain of militia, lieutenant governor, and judge delegate



of smuggling and forfeitures, and chief justice of the town of Na. Sa. del Pibar of Nacogdoches and its jurisdiction. Whereas Jph. V. [torn] has appeared by petition, bearing date August 5, in the present year, one thousand seven hundred and ninety-one, praying with due submission that the tract of land called Adaes, because the tribe of the Adaes occupy it, may be granted him, I do grant it to him for the object in his petition mentioned—the raising of horses, herds of cattle, flocks of sheep, and the cultivation of grains of husbandry—with the condition of remaining subject, as ought to be, and are all those domiciliated in this province, and under my jurisdiction, to the royal laws, mandates, and dispositions, and orders of his superiors. In virtue whereof, I have given this grant, and signed it with witnesses of my assistance, for want of a notary, there being none, August 13, 1791. Signed Antonio Gil y Barvo; paraphred Christoval de Cordoba, Jacinto de Ignono.” In support of the claim the following testimony was taken before the board:

“Pierre Laffitt, being sworn, says that he knows the land claimed by Joseph Valentine in his above notice; that the same is situated and lying as therein described; that the grantee, Joseph Valentine, twenty-one years ago established and lived on the land claimed with his family; that he kept his horses, cattle, &c., and planted corn and other grains thereon at that time, and that he has continued to live on, cultivate, and occupy said land, to raise horses, cattle, &c., and to plant and raise corn and other grains thereon, from the time of its first establishment until the present time.”

The extent of ground conceded is not stated in the grant, but the limits and extent claimed embrace a smaller area of ground than was usually granted for stock farms. We think the title relied upon was considered by the former government as a complete grant, and are of opinion it ought to be confirmed; accordingly, in the abstract, have classed it with claims of the “first class.”

88. John Baptiste Trezzeni, of the parish of Natchitoches, assignee of François Serpentine, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situate in the settlement of Bayou Pierre, bounded on the west by Michel Rambert, on all other sides by vacant lands, and containing 640 acres. The claim is supported by the following testimony taken before the board:

“Andre Valentine and Pierre Laffitt, being sworn, say they know the land claimed by John Baptiste Trezzeni in his above notice; that said land is situate and lying as is therein described; that said land was inhabited, occupied, and cultivated by the person under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the person under whom the claimant holds since that period to the present time; and that the claimant's improvement on the land claimed embraces about six acres.”

We are of opinion the claim ought to be confirmed, and in the abstract have classed it with claims of the “third class.”

89. José Maria Procella, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated at a place called Trésellanos, on the road leading from Natchitoches to the crossing on the Sabine, called Las Ormezas, containing 640 acres. The claim is supported by the following testimony before the board:

“Samuel Davenport and Manuel Gonzales, being sworn, severally say they know the land claimed by José Maria Procella in his above notice; that said land is situate and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the month of May, 1814; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty acres.”

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

90. James Wilson, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on a creek emptying into the Sabine river, called the Spring branch, bounded on the south by claim of Philip Winfree, and containing 640 acres. The claim is supported by the following testimony taken before the board:

“Philip Winfree and A. Winfree, being sworn, severally say that they know the land claimed by James Wilson in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about five acres.”

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

91. Philip Winfree, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated near the Sabine river, bounded on the north by land claimed of James Wilson, and containing 640 acres. The claim is supported by the following testimony taken before the board:

“Jacob Waddle and James Wilson, being sworn, severally say that they know the land claimed by Philip Winfree in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty acres.”

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

92. Abraham Winfree, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated near the Sabine river, bounded on the north by Philip Winfree, and containing 640 acres. This claim is supported by the following testimony taken before the board:

“James Wilson and Jacob Waddle, being sworn, severally say that they know the land claimed by Abraham Winfree in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about ten acres.”

We are of opinion that this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

93. John Waddle, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Sabine river, about three miles south of Philip Winfree's, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony:

"Philip Winfree and Abraham Winfree, being sworn, severally say that they know the land claimed by John Waddle in his above notice; that said land is situated and lying as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation was continued by claimant two years after said time; that the improvements on the land claimed, at this time, embrace about six acres."

John Waddle, the present applicant, claimed another tract (No. 8) by virtue of occupation, habitation, and cultivation, on and prior to February 22, 1819, in his own right; which fact being proven, we favorably reported his claim. This, in conformity with our decisions in Nos. 46, 51, and 53, cannot be recognized; therefore we are of opinion this claim ought not to be confirmed, and in the abstract have classed it with claims of the fourth class.

94. James Walker, of the parish of Natchitoches, assignee of Asa Dallohide, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on a branch of the Bayou Toro, bounded on the northeast by land claimed by James Snall, on all other sides by vacant lands, and containing 640 acres. This claim is supported by the following testimony taken before the board:

"Philip Winfree and Abraham Winfree, being sworn, severally say that they know the land claimed by James Walker (under a purchase from Asa Dallohide) in his above notice; that said land is situated and lying as is in said notice described; that the said land was occupied, inhabited, and cultivated by James Quinalty, under whom said Dallohide holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by said Quinalty, and those persons claiming by and through him, from that period to the present time; and that the claimant's improvement on the land claimed embraces about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

95. Joseph Grubb, of the parish of Natchitoches, holding through a chain of conveyances from Gibson Johnson, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the west side of Bayou Kisatchie, bounded, as is supposed, on all sides by vacant land, and containing 640 acres. This claim is supported by the following testimony taken before the board:

"Ethelred Smith and Major Smith, being sworn, say that they know the land claimed by Joseph Grubb in his above notice; that the same is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated, on and prior to February 22, 1819, by Gibson Johnson, (from whom the claimant holds,) who lived and cultivated corn, &c., thereon; that said occupation, inhabitation, and cultivation has been continued by said Johnson and others, claiming by and through him, since that period to the present time; and that the claimant's improvement on the land claimed embraces about thirty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

96. Joseph Grubb, of the parish of Natchitoches, assignee of Thomas Nash, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the west side of the Bayou Kisatchie, bounded, as is supposed, on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Ethelred Smith and Major Smith, being sworn, say that they know the land claimed by Joseph Grubb, assignee of Thomas Nash, in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by said Thomas Nash, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by said Nash and the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

97. Manuel Gonzales, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the road leading from Natchitoches to the Ormegas, about one mile west of a Spanish village, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"José Maria Procella and José Sankues, being sworn, say they know the land claimed by Manuel Gonzales in his above notice; that the same is situated and lying as is therein described; that said land was inhabited, occupied, and cultivated, by the claimant's living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation have been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

98. Azor Mathis, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on Mill creek, bounded on the north by land claimed by Brown, and containing six hundred and forty acres. In support thereof the following testimony was taken before the board:

"Ethelred Smith and Major Smith, being sworn, say that they know the land claimed by Azor Mathis in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about fifteen acres."



We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

99. Henry Sheridan, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated near a Spanish village, about sixteen miles southwest of Natchitoches, bounded as is represented in a plat of survey filed with this notice, made by John Dinsmore, jr., deputy surveyor of the United States, and dated August 28, 1823, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Matthew Richards and John Smith, being sworn, say they know the land claimed by Henry Sheridan in his notice No. 99; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about thirty-five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

100. James McKimm, elder, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, cultivation, and habitation, a tract of land lying within the late neutral territory, situated on the north fork of the Bayou Provençal, bounded on the lower side by land claimed by James McKimm, younger, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Asa Hickman and John Self, being sworn, say that they know the land claimed by James McKimm, elder, in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation was continued by the claimant since that period up to the close of the year 1821, and that his improvement on the land embraces about ten acres. That, after the close of the year 1821, the claimant moved off the land claimed, but continued to reside until the present day within the neutral territory. They believe that the claimant holds or claims no other land but the tract now solicited."

Believing that the claimant, on February 22, 1819, was entitled to a title under the government then exercising the sovereign power over the neutral territory, and that his right has not become forfeited under the government of the United States by his subsequent abandonment, we are of opinion this claim ought to be confirmed; and in the abstract have classed it with claims of the "third class."

101. Asa Hickman, of the parish of Natchitoches, assignee of Theophilus Hickman, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on Bayou Santaburb, bounded on the southeast by lands of the claimant, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"John Self, being sworn, says that he knows the land claimed by Asa Hickman in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by Theophilus Hickman, under whom the claimant holds, by his living and growing corn, &c. thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation was continued by said Theophilus and the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about thirteen acres. And William Cummings, being also sworn, says that all the foregoing facts are within his knowledge, but is not certain whether the land claimed was actually settled on February 22, 1819, or not; but he positively knows that Theophilus Hickman raised a crop thereon in the year 1819."

We are of opinion the claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

102. James McKimm, jr., of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Provençal, bounded on the upper side by land claimed by James McKimm, elder, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"John Self and Asa Hickman, being sworn, severally say that they know the land claimed by James McKimm, jr., in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant, and a person holding under him, since that period to the present time; and that the claimant's improvement on the land claimed embraces about thirty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

103. Abraham Wrinkles, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the east side of Bayou Kisatchie, bounded on the lower side by land claimed by Placide Bossier, and containing six hundred and forty acres. The claim is fully supported by the testimony; but, being satisfied that lands lying on the east side of the Bayou Kisatchie were never considered as being within the neutral territory, we are compelled to say that the claim ought not to be confirmed, and in the abstract have classed it with claims of the fourth class.

104. Ethelred Smith, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on both sides of the Bayou Santaburb, bounded on the upper side by land claimed by Josiah S. Johnston, and on the lower side by John Curtis, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Asa Mathis and Major Smith, being sworn, severally say that they know the land claimed by Ethelred Smith in his above notice; that said land is situated and lying as is therein described; that the same was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about 8 acres."



We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

105. James Hickman, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situate on the waters of the Santaburb, bounded on all sides, as is supposed, by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Self and William Cummins, being sworn, say that they know the land claimed by James Hickman in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about 12 acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

106. William Cummings, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on the waters of the Bayou Santaburb, bounded above by land claimed by William Hickman, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Self and Asa Hickman, being sworn, say they know the land claimed by William Cummings in his above notice; that said land is lying and situate as is therein described; that said land was occupied, inhabited and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about 12 acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

107. William Hickman, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Santaburb, bounded on the lower side by land claimed by William Cummings, and containing 460 acres. The claim is supported by the following testimony taken before the board:

"John Self, being sworn, says he knows the land claimed by William Hickman in his above notice; that said land is situate and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about 15 acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

108. George Schamp, and Pelagie Schamp, his wife, of the parish of Natchitoches, filed their notice claiming, by virtue of a concession in favor of John Adle, dated May 14, 1796, a tract of land lying within the late neutral territory, situated at a place known by the name of the Aroya de la Deesa, in the settlement of Bayou Pierre, having half a league on each of the four cardinal courses from the above-mentioned place, and containing 5,760 acres. The claim is supported by an authentic copy of the following original documents, to wit:

To the Lieutenant Governor Mr. BERNADO FERNANDEZ:

"John Adle, a citizen, settled at the bayou called De las Piedras, of the jurisdiction of the settlement of Nacogdoches, on the place known by the name of the Margin of the Aroya de la Deesa, with the greatest respect and submission saith that, agreeably to the decree published at the guard-house of this place, requiring of those who had not the titles to their lands in due form, to apply so as to have them legalized, I come forward to beg of your honor to have the goodness to grant me the possession of a tract of land which has been given to me by Mr. Pablo Borel Lafitt, at the Aroya de la Deesa, half a league on each of the four cardinal courses, to build my house, cultivate a field, and to bring thither my family, for me to use the same, and afterwards to my children, my heirs, and successors. Your petitioner begs of your honor to admit this petition on common paper, as there is none of the stamped, and your petitioner, &c.

"JOHN ADLE."

"NACOGDOCHES, December 27, 1795.

"The surveyor says there are signs on the said land; without injury to a third person, put him in possession in due form, and return me this document immediately after the taking possession.

"FERN."

"On the twenty-ninth day of the month of December, year seventeen hundred and ninety-five, in compliance with the foregoing decree, I, Joseph Cayetano de Zepeda, land commissioner of the jurisdiction of Nacogdoches, being accompanied by the witnesses of my assistance, Mr. Joseph de la Vega and Vicente del Rio, went to the place called El Aroya de la Deesa, John Adle being present, to give him the possession I was ordered to give him; accordingly, it being on the same place of the Aroya de la Deesa, after inquiring if there were neighbors on the limits or boundaries of the said land, in order to have them called, to be convinced that the said tract of land does not belong to Pablo Babil Lafitt, said Pablo gives it as a donation to said Adle, permitting him to apply for and obtain the grant of the Aroya de la Deesa, who asks half a league on each of four courses, as stated in his petition. I have visited the said land with the said witnesses of my assistance, and took the said Adle, and examined the surface of the said land from the north to the south, and from east to west, planted posts, cut down several trees as a sign of possession granted him in the name of his Majesty to the said Adle, as legitimate owner of the same land, measuring two square leagues, as is expressed in his foregoing solicitation, and gave the name to the same of Senor San Juan del Aroya de la Deesa, and forever to be called by that name; and the above-mentioned Adle is actually in complete possession, agreeably to the rights of all the already mentioned

lands; and in consequence I have signed this grant, with the witnesses of my assistance, at the place of San Juan del Aroya de la Deesa, in the same day, month, and year above mentioned.

"JOSE CAYETANO DE ZEPEDA.

"VICENTE DEL RIO.

"JOSEPH LUC DE LA VEGA.

"PABLO BABIT LAFITT."

"Considering the foregoing act of possession given to John Adle, without any contradiction of parties, place the original document in the records, and give a copy of the same to the party as a title of property; I, Don Bernardo Fernandez, lieutenant of cavalry, and actual commandant of the jurisdiction of Nacogdoches, have signed it, with the witnesses of my assistance, on the 14th day of the month of May, 1796.

"BERNADO DE FERNANDEZ.

"Witnesses of assistance: JOSÉ MA. GUADIANA.

"MIGUEL SANCHEZ."

"Compared with the original that remains in the records under my charge, to which I refer myself; and that at the drawing of this copy were present the following witnesses, who have signed with me, at Nacogdoches, 30th day of the month of May, 1796.

"BERNADO FERNANDEZ.

"JOSEPH MARIA GUADIANA.

"MIGUEL SANCHEZ."

By an authentic copy of an act of sale, dated January 21, 1821, passed before Charles Slocum, judge of the parish of Natchitoches, filed with the notice of this claim, John Adle and Jeanavieve Dubois, his wife, for the consideration of \$1,000, sold to the claimants the land conceded in the foregoing grant.

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "first class."

109. Santiago Ruiz, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated about one mile west of a Spanish village, near the road leading from Natchitoches to Las Ormezas, bounded on the north by land claimed by Manuel Gonzales, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Samuel Davenport and Aug. San Miguel, being sworn, say they know the land claimed by Santiago Ruiz in his above notice; that said land is situated and lying as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embraced about twenty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

110. Emanuel Prudhomme, of the parish of Natchitoches, filed his notice claiming a tract of land lying within the late neutral territory, situated at the Adaise, and around the village of Adaise, containing one league square, claimed by virtue of a concession signed by the lieutenant governor and commandant of Nacogdoches, which concession the claimant alleges he cannot procure, because the same was carried off with the archives of that post in the year 1812; claimed also by virtue of habitation, occupation, and cultivation for upwards of thirty years. The claim is supported by the following testimony taken before the board:

"José Maria Mora, being sworn, says that he knows the land claimed by Emanuel Prudhomme in his above notice; that the same is situated as is therein described; that it was a matter of public notoriety at Nacogdoches that a title had been accorded to the claimant for the land claimed by the then commandant of Nacogdoches, Don Antonio Gil y Barvo; that he knows that his uncle, now deceased, Yaciento Mora, as title collector, collected the tithes assessed upon said land of the claimant; that thirty-four years ago the land was inhabited by the claimant, who kept a man there, a large stock of cattle, had a house, pens erected thereon necessary for a vacharie; that the settlement then had the appearance of being an old one."

"Samuel Davenport, being sworn, says that he knows the land claimed by Emanuel Prudhomme in his above notice; that the same is situated as is therein described; that it was understood as a matter of public notoriety at Nacogdoches that the claimant had a title from the commandant of Nacogdoches, Don Antonio Gil y Barvo, similar to those issued by him to other claimants; that he knows that the then commandant at Nacogdoches required all the titles or grants issued previous to 1792, at which time Gil y Barvo was suspended, to be brought in, that new titles might issue, agreeably to instructions from his superior; that in the year 1812 all the records and archives of a public nature at Nacogdoches were carried off by the then commandant, and have never been returned, so that copies of titles or papers therein could be obtained; deponent knows that in 1795 the claimant kept his vacharie on the land claimed, had white men, negroes, horses, &c., and had houses, pens, &c., thereon."

"José Bernardo Gutierrez, being sworn, says that he knows that all the public archives and records of the post and jurisdiction of Nacogdoches were carried off from that place by Lieutenant Governor Montaro and Pedro Sombranos the day before the army commanded by the deponent entered Nacogdoches in 1812; knows not where said records and archives are now, but he knows they were never returned."

"John Cortes, being sworn, says that in the year 1813 he was on the land claimed, with the claimant, at the time of the emigration of a number of Spaniards from Texas; that the land appeared to be under considerable state of cultivation; that while there a number of said Spaniards demanded of the claimant permission to reside on the land claimed, which was granted on condition that, when they quit, their improvements and houses should belong to the claimant; and that under said permission said Spaniards settled, and have lived on, and cultivated said land ever since to the present time."

We have no doubt, from the testimony, that the grant once existed; and we think that the fortuitous event that places that instrument beyond the control of the claimant is sufficiently shown. [See further on this head answers to the sixth interrogatory, at the commencement of this report.] Therefore we are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the first class.

111. Augustin T. San Miguel, of the parish of Natchitoches, filed his notice claiming, by virtue of

occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated in a Spanish village about sixteen miles southwest of Natchitoches, and containing eleven acres and eighty-seven-hundredths of an acre, agreeably to a plat of survey drawn by John Dinsmore, jr., deputy surveyor of the United States, dated August 28, 1823, and filed with the notice. The claim is supported by the following testimony taken before the board:

"Samuel Davenport and José M. Mora, being sworn, say that they know the land claimed by Augustin T. San Miguel in his above notice; that said land is situate and lying as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

112. John Cortes, (merchant,) of the parish of Natchitoches, assignee of Trenck Tarvin, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the right bank of Bayou Terre Blanche, and left of Bayou Dupont, bounded north by land claimed by George McTier, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Augustin San Miguel and José M. Mora, being sworn, each say they know the land claimed by John Cortes in his above notice; that said land is situated and lying as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said occupation, inhabitation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about twenty-five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

113. The legal representatives of Pierre Dolet, of the parish of Natchitoches, filed their notice claiming a tract of land lying within the late neutral territory, situated on the Bayou of the Adaise, in the settlement of Bayou Pierre, containing one league around the compass, taking for centre the house in which they live, so that the whole tract may form a square of two leagues on each front; claiming, by virtue of a grant signed and approved by the lieutenant governor of Nacogdoches, dated January 14, 1796, as also by virtue of occupation, habitation, and cultivation, for thirty-five years. The claim is supported by an official copy of documents, of which the following is a translation:

"SEÑOR LIEUTENANT GOVERNOR: Pedro Dolet, of Bayou Pierre, with due respect, represents that he has made a settlement on one of the margins of the Bayou of the Adaise, built a house, expended labor, and raised herds of horses and cattle: wherefore, he prays that you would grant him, at the place aforesaid, a league around the compass, taking for centre his aforesaid house, so that all the land he prays for may form a square of two leagues on each front, for himself, his children, and representatives. He prays you would grant him the aforesaid land on the terms by him stated; a favor which he hopes to deserve, &c. Bayou Pierre, December 7, 1795.

"Nacogdoches, December 27, 1795. Whereas, Pedro Dolet has made a settlement on the margin of the Bayou of the Adaise, with his house and herds, let this be referred to the procurador de esta comuna, and let him put the petitioner formally in possession of the land prayed for, without prejudice to third persons.

"DON ERNANDEZ."

"On this 29th day of December, 1795, in compliance with the foregoing decree, I, José Cayetano de Zepeda, *sindico procurador del comun Pueblo de Nuestra Señora del Pilar de Nacogdoches*, went with the witnesses of my assistance, Don José de la Vega and Vicente del Rio, to the place called Bayou of the Adaise, where the petitioner claims, and has built his house, in order to give to the said D. Pedro Dolet, who is now living on the premises, possession according to the decree; wherefore, being at the designated place on the Bayou of the Adaise, and having inquired whether any of the neighbors would be injured by this grant, and having well ascertained that there was no impediment whatever, and that none of the boundaries of the adjacent proprietors intersected or touched those designated by Pedro Dolet in his foregoing petition, for which reason no injury can result to the nearest neighbors by giving Pedro Dolet possession of the land he claims in his petition, with all the extent and the boundaries therein mentioned; I have visited those boundaries, and the land they surround, with the aforesaid witnesses of my assistance, and the said Pedro Dolet, and, taking the latter by the right hand, I went with him a certain number of paces from north to south, and afterwards from east to west; and then, having let his hand go, he went as he pleased on the said land of the Bayou of the Adaise, pulled up grass, made holes in the ground, planted stakes, cut bushes, threw dust into the air and on to the ground, and performed several other things and capers, as evidence of the possession which I had given him in the name of his Majesty, whom God preserve, of the said land, with the extent and boundaries which he has demanded, and in proof of the property which he now holds in it as sole master by virtue of this act of possession, and, also, as a symbol of the right of property which he forever holds on said land, of one league on each course of the compass, in the manner, place, and with the boundaries expressed in his foregoing petition, with all uses and privileges thereunto belonging; and, afterwards, I have designated the aforesaid tract of land by the name of San Pedro de las Adaise, so that it may forever go by that name; and, in order that said Pedro Dolet may be forever quieted in the peaceable enjoyment of his said land agreeably to law, and that the evidence of his right may appear, I have signed these presents, with the witnesses of my assistance, at San Pedro de las Adaise, the day, month, and year aforesaid.

"JOSÉ CAYETANO DE ZEPEDA.

"JOSÉ LUIS DE LA VEGA.

"VICENTE DEL RIO."

"Having seen the foregoing proces verbal of possession given to Pedro Dolet, and without opposition, let this original document be recorded, and let the party have such evidence of it as will enable him to prove his right of property. I, Bernardo Fernandez, lieutenant of cavalry, and commandant of the post of Nacogdoches, in the presence of the witnesses of my assistance, did receive and record the said deed



in place of a notary, there being none; and I did not seal it, having no seal of office. In testimony whereof, I have signed these presents the 14th day of January, 1796.

"BERNADO FERNANDEZ.

"Assisting witnesses: JOSÉ MA. GUADIANA.

"MIG. SANCHEZ.

"A correct copy from the original, deposited with the public records in my possession. Taken, corrected, and compared, for and at the request of Don Pedro Dolet, in presence of the witnesses of my assistance, who with me signed these presents, at Nacogdoches, the 30th day of May, 1796.

"BERNADO FERNANDEZ.

"Attest: MIGUEL SANCHEZ.

"JOSÉ MARIA GUADIANA."

In further support of the claim the following testimony was taken before the board:

"Bertrand Plaisance, being duly sworn, says that he knows the land claimed by the legal representatives of Pierre Dolet in their notice No. 113; that the same is lying and situated as is therein described. Deponent knows that Pierre Dolet had his *vacharie*, consisting of a large stock, on the land claimed at least thirty-five years ago; that he lived on, occupied, and cultivated the land claimed at that time, and that the said inhabitation, occupation, and cultivation has been continued by the claimant since the first establishment until the present time; and that the claimant's improvement on the land claimed embraces about three hundred acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with "claims of the first class."

114. John Litton, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou San Miguel, bounded on the west by land claimed by Samuel Davenport, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"James Gray and Asa Beckum, being sworn, severally say that they know the land claimed by John Litton in his above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about fifty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with "claims of the third class."

115. Asa Beckum, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou San Miguel, bounded on the west by claim of Samuel Davenport, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"James Gray and John Litton, being sworn, say that they know the land claimed by said Asa Beckum in his above notice; that said land is situated and lying as is therein described; that the same was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time, and that the claimant's improvement on the land claimed embraces about twelve acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with "claims of the third class."

116. Hannah McKimm, of the parish of Natchitoches, filed her notice claiming a tract of land, by virtue of occupation, habitation, and cultivation, lying within the late neutral territory, situated on the southwest fork of Bayou Provincial, bounded on the north by James McKimm, and containing six hundred and forty acres. In support of this claim no admissible proof was offered. Therefore,

We are of opinion this claim ought not to be confirmed, and in the abstract have classed it with "claims of the fourth class."

117. Nancy R. Hays, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on both sides of the Bayou Provincial, bounded on the lower side by land claimed by James McKimm, senior, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"John Sibley, being sworn, says he knows the land claimed by Nancy R. Hays in her above notice; that said land is situated and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by her living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with "claims of the third class."

118. John Sibley, of the parish of Natchitoches, filed his notice claiming a tract of land lying within the late neutral territory, lying and being on the Bayou Wallace, bounded below by the heirs of James Quinity, on the north by the heirs of François Prudhomme, and containing the contents of a league square, claimed by virtue of a Spanish grant to Jacob Wallace, dated ———; transferred by the heirs of the grantee to the claimant and William C. Alexander, May 20, 1809, and by the latter to the claimant on May 18, 1820.

No document of title or testimony of any kind was filed with this notice, but we were referred generally to a notice of the same claimant filed with the late register, under the act of May 11, 1820, where the grant, the foundation of his claim in both cases, is found. No benefit can result to the applicant from an examination of his title here, and we think it more regular that the titles should remain as at first filed, to be reported by the register under the above mentioned act. Therefore,

We are of opinion this claim ought not to be confirmed, and in the abstract have classed it with "claims of the fourth class."

119. The heirs of Michael Quinn, of the parish of Natchitoches, filed their notice claiming, by virtue

of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the headwaters of the Bayou Bain, bounded on the northwest by land claimed by John Sibley, on all other sides by land supposed to be vacant, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"John Sibley, being duly sworn, says that he knows the land claimed by the heirs of Michael Quinn in their above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the ancestor of the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued by the claimant uninterruptedly since that time to the present day; and that the claimant's improvements on the land claimed embrace about twenty-five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with the "claims of the third class."

120. John Sibley, of the parish of Natchitoches, filed his notice claiming, by virtue of a Spanish concession, issued by the commandant of Nacogdoches, dated October 16, 1779, in favor of Francis Morvan, a tract of land lying within the late neutral territory, situated on both sides, and in the forks of Bayou Durasmus or Bayou Morvan, bounded below by land claimed by the heirs of Bernard Pantalion, and containing 1,600 acres. No document of title, or testimony of any kind, was filed with this notice; and our remarks in the claim No. 118 are strictly applicable to this. Therefore, for the reasons there given,

We are of opinion this claim ought not to be confirmed, and in the abstract have classed it with "claims of the fourth class."

121. John Sibley, of the parish of Natchitoches, filed his notice, as assignee of Ounette Boudin, claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on both sides of Bayou St. John, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Gaspard Bodin and Francois Robin, being duly sworn, say that they know the land claimed by John Sibley in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated, by Ounette Bodin, under whom the claimant holds, by his living and growing corn, &c., thereon, more than twenty-five years past; that said inhabitation, occupation, and cultivation was uninterruptedly continued by said Ounette for four or five years, and until his sale to the claimant; that the improvements on the land claimed embrace about seven acres." It is not shown, neither can it be inferred from the testimony, that the land claimed was either occupied, inhabited, or cultivated, on February 22, 1819; though occupied twenty-five years ago, the claimant's assignor subsequently abandoned his possession, and the land thereby reverted to the domain. We think, according to the usage and laws of the Spanish government of Texas, that the claimant's right, at the date of the treaty, would not have been recognized as valid.

We are of opinion this claim ought not to be confirmed, and in the abstract have classed it with "claims of the fourth class."

122. John Sibley, of the parish of Natchitoches, assignee of Littlepage Robinson, filed his notice claiming a tract of land lying within the late neutral territory, situated on the Bayou Bain, and containing one league square, claimed by virtue of a concession granted by the commandant of Nacogdoches, dated ———, in favor of said Littlepage Robinson, and which concession the claimant alleges is lost or mislaid. The claimant produced the following testimony to establish the existence of the grant and its subsequent loss:

"William Ettridge, being duly sworn, says that he knows the land claimed by John Sibley in his above notice; that the same is situated and lying as is therein described; that the same was inhabited, occupied, and cultivated by Littlepage Robinson, under whom the claimant holds, by his living and growing corn, &c., thereon, more than twenty-five years ago; that the land then laid unoccupied for about twelve years, when it was occupied by one Petit. Witness says that several years—say ten or twelve—after Robinson left the land, he, Robinson, told this deponent he had a Spanish requete for the tract claimed, and that he did not intend to relinquish the same. Witness never saw the requete, but believes that one did exist in favor of Robinson for the land claimed."

"Gaspard Bodin, being sworn, says that he knows the land claimed by John Sibley in his above notice; deponent well recollects that, about thirty-five years ago, the deceased, Mr. Rouquette, brought from New Orleans a requete or concession for the land claimed in favor of Littlepage Robinson. He recollects the circumstances with more certainty, because the same Mr. Rouquette brought, at the same time, a requete in favor of his father-in-law. The concession was read in presence of deponent by Mr. Rouquette."

The testimony to establish the first fact, viz: the present existence of the grant, is weak indeed. This first witness was told by the grantee, Robinson, that he had a requete for the land; and in consequence, no doubt, witness really believed that one did exist. The declaration of the second witness must be entirely disregarded, for he speaks of the concession being brought from New Orleans, when the claimant himself in his notice declares "it was granted by the commandant of Nacogdoches." Nothing then supports the claimant's pretensions but the declaration of his vendor, or at most a vague belief created, we may suppose, by him.

We cannot hesitate in declaring our opinion that this claim ought not to be confirmed, and in the abstract have classed it with claims of the fourth class.

123. John Sibley, of the parish of Natchitoches, assignee of John L. Petit, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory and situated as follows: bounded and having a front of sixteen acres on the road from Natchitoches to the Sabine, crossing the Bayou Bain, and running up the Bayous Adaise and Chaeta for quantity, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"William Ettridge, being duly sworn, says that he knows the land claimed by John Sibley in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by John L. Petit, by his living and growing corn, &c., thereon, in the years 1809 and 1810, as well as witness recollects; afterwards the inhabitation, occupation, and cultivation was continued by Samuel Duvasset for the claimant, who lived thereon until expelled by the American and Spanish troops in 1812, by whom the house and buildings were burned; after which the land remained unemployed, though the fences were kept up until about 1814, when Henry Quirk and Michael Quin, as tenants of the claimant, moved on the land, who inhabited, occupied, and cultivated the same for one or two years. When witness last saw the land claimed there were about twelve acres improved. Witness



does not know that Quin lived on the land as tenant of the claimant, but knows that Quirk did." The land claimed was *voluntarily* abandoned previous to the date of the treaty between the United States and Spain, and consequently every right resulting from occupation and cultivation was thereby relinquished. (See No. 121.)

We are of opinion this claim ought not to be confirmed, and in the abstract have classed it with claims of the fourth class.

124. John Sibley, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on both sides of the Bayou Adaise, bounded on the south by the lands of the claimant, and containing 640 acres. The claim is supported by the following testimony:

"William Ettridge, being duly sworn, says that he knows the land claimed by John Sibley in his above notice; that the same was inhabited, occupied, and cultivated by John Evans, by his living and growing corn, &c., thereon as a tenant of the claimant in the year 1813; that said inhabitation, occupation, and cultivation has been uninterruptedly continued since that period by the claimant, through said Evans, Henry Quirk, John Sheridan, Andrew Leaper, and Robert McDonald, his tenants, to the present time; and that the claimant's improvements on the land claimed embrace about twenty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

125. John Baptiste Pérot, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated at a place called Tricosyllanos, on the road leading from Natchitoches to the Ormeigas, on the Sabine, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Samuel Davenport and José M. Mora, being severally sworn, say that they know the land claimed by John Baptiste Pérot in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued by the claimant since that time to this day; and that the claimant's improvements on the land claimed embrace about fifteen acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

126. Green Cook, of the parish of Natchitoches, assignee of Henry Shabino, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the river Sabine, about one mile above the Bayou Négreite, bounded, as is supposed, on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Joshua Rawlings, being duly sworn, says that he knows the land claimed by Green Cook in his above notice; that said land is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by Henry Shabino, under whom the claimant holds, by his living and planting peach trees, &c., thereon, on and previous to February 22, 1819; that he, deponent, saw the claimant on the land, cultivating, living on, and improving the same, in 1823; and that the claimant's improvements on the land claimed embrace about fifteen acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

127. George Slaughter, of the parish of Natchitoches, assignee of Lewis Warren, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the south side of the Saline bayou, about two miles from the Sabine river, about one mile from the site of Camp Ripley, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Joel Lakie and Johnson Rawlins, being sworn, severally say that they know the land claimed by George Slaughter in his above notice; that said land is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by Louis Warren, under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued by said Warren and the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about twelve acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

128. Remy Christie, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the left bank of Bayou See, bounded on the west by Guillaume Bébé, east and south by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Jacques Herrier and Sesar Christy, being sworn, say that they know the land claimed by Remy Christie in his above notice; that said land is situate and lying as is therein described; that said land was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

129. William P. Davidson, of the parish of Natchitoches, assignee of John Humphreys, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou of the Three Prairies, bounded on the west by Lewis Latham, and on the east by José Ma. Mora, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Lewis Latham and Thomas Wilson, being sworn, say that they know the land claimed by William P. Davidson in his above notice; that said land is lying and situated as is therein described; that said land was occupied, inhabited, and cultivated by John Humphreys, under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by said Humphreys and the claimant since that period to the present time; and that the improvements on the land embrace about eighteen acres."



We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

130. Thomas Wilson, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on the Bayou of the Three Prairies, bounded by Lewis Latham on the east, and by Henry Quirk on the west, and containing 640 acres. In support of the claim the following testimony was taken before the board:

"Lewis Latham and Antonio Dios, being sworn, say they know the land claimed by Thomas Wilson in his above notice; that said land is situated and lying as is therein described; that the same was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about seven acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

131. Thomas Wilson, of the parish of Natchitoches, assignee of Poudlo Morales, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of the Bayou of the Three Prairies, bounded on the east by other lands of the claimant, and on the west by Henry Quirk, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Louis Latham and Martino Dios, being sworn, say they know the land claimed by Thomas Wilson in his above notice; that said land is lying and situate as is therein described; that said land was occupied, inhabited, and cultivated by Poudlo Morales, under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

132. Thomas Gray, of the parish of Natchitoches, assignee of James Bridges, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of the Nègreite bayou, bounded on the north by claim of Samuel Davenport, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Joel Leaky and Thomas Leaky, being sworn, say they know the land claimed by Thomas Gray in his above notice; that said land was inhabited, occupied, and cultivated by James Bridges, under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued by said Bridges and by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

133. Thomas Gray, of the parish of Natchitoches, assignee of John Mackey, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of the Nègreite bayou, bounded, as is supposed, by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Joel Leaky, being sworn, says that he knows the land claimed by Thomas Gray, assignee of John Mackey, in his above notice; that said land is situate and lying as is therein described; that said land was occupied, inhabited, and cultivated on and previous to February 22, 1819, by John Mackey, under whom the claimant holds, by his living and cutting cane, &c., thereon."

"Nicholas Jacks, being sworn, says he knows the land above claimed; that the same was occupied, inhabited, and cultivated in the years 1820, 1821, and 1822, and has reason to believe that the same has been uninterruptedly continued from February 22, 1819, until this time."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

134. Polly Lemmons, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Cow bayou north of Bayou Pedro, bounded on the south by a claim of H. McGuffin, and on the other sides by vacant land, and containing 640 acres, agreeably to a plat of survey drawn by John Dinsmore, jr., deputy surveyor of the United States, dated September 29, 1823, and filed with the notice. The claim is supported by the following testimony taken before the board:

"Thomas Wilson and Louis Latham, being duly sworn, say they know the land claimed by Polly Lemmons in her above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated on and previous to February 22, 1819, by the claimant's living and growing corn, &c., thereon; that said inhabitation, occupation, and cultivation has been continued by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

135. Macedonia Grammon, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the north by land claimed by Andre Galindo, on the west by John Maximilien, east by a street of a Spanish village, south by Francisco Grammon, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Francisco Rosalis and Florian Gonzales, being duly sworn, say they know the land claimed by Macedonia Grammon in his above notice; that the same is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about four acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

136. John Cortes, of Bayou See, parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the east by Francisco Rosalis, on the west by John Burdan, on the south by a street of a Spanish village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Rosalis and F. Gonzales, being duly sworn, say they know the land claimed by John Cortes in his above notice; that the same is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about three acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

137. Lettricus Alrio, of the parish of Natchitoches, filed his notice claiming a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the north by John Grammon, on the east by John Maximilien, east by a street of a Spanish village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Rosalis and Feliciano Gonzales, being duly sworn, say they know the land claimed by Lettricus Alrio in his above notice; that the same is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about two acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of "third class."

138. Simon Montalbo, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the north by Andrés Gallin, west by Maximilien, east by a street of a Spanish village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Francisco Rosalis and Feliciano Gonzales, being sworn, say they know the land claimed by Simon Montalbo in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about two acres."

Being of opinion this claim ought to be confirmed, we have, in the abstract, classed it with claims of the "third class."

139. Widow Ganasien Parrira, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the north by John Maximilien, on the east by Francisco Grammon, on the west by Estevan Bascus, and containing 640 acres. In support of which the following testimony was taken before the board:

"F. Rosalis and F. Gonzales, being duly sworn, both declare that they know the land claimed by Ganasien Parrira (widow) in her above notice; that the same is situated and lying as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by her living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on land claimed embrace about two acres."

Being of opinion this claim ought to be confirmed, we have in the abstract classed it with claims of the "third class."

140. John Grammon, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the northwest by Andreas Galino, south by Antonio Le Rous, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Rosalis and F. Gonzales, being duly sworn, say they know the land claimed by Juan Grammon in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about three acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

141. Widow Interesse Toval, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on the Bayou See, bounded on the west by Cutenies, north and east by José Antonio, south by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Rosalis and F. Gonzales, being duly sworn, say they know the land claimed by Interesse Toval in her above notice; that the same is lying and being as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by her living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about one acre."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

142. Estevan Bascus, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the east by John Maximilien, on the west by Peter Patterson, on the north by a street of a Spanish village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Francisco Rosalis and Felician Gonzales, being duly sworn, say they know the land claimed by

Estevan Bascus in his above notice; that the same is lying and situated as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about two acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

143. The heirs and legal representatives of Edward Murphy, of the parish of Natchitoches, filed their notice claiming, by virtue of a Spanish grant dated October 18, 1791, a tract of land lying within the late neutral territory, situated on the Bayou Hondo, and containing 2,222.84 acres, agreeably to a plat of survey drawn by Samuel Cook, then deputy surveyor of the United States, dated December 7, 1806, and filed with the notice. An original document, of which the following is a translation, is filed with the notice:

"SEN. LIEUTENANT-GOVERNOR: Edward Murphy, of the post of Natchitoches, part of the province of Louisiana, presents himself before you, and says, that on the margin of a creek named Aroya Hondo, which separates the two provinces on the side of the province of Texas, and on the margin between the royal road and another which passes by the Bayou St. John, there is a cove which I find so advantageous for collecting my cattle, I beg your honor would please to grant me possession of those lands, from which I shall reap great advantage, having no place to collect my cattle; and moreover, to grant me on this paper, there being none stamped; humbly ask of your honor that it may please you to give me possession of said land.

"NACOGDOCHES, October 17, 1791.

"MORFIT."

"NACOGDOCHES, October 18, 1791.

"In consequence of the petition, and that the land solicited is in the province of Texas, and vacant, I do grant it in due and best form, and, that it may so appear, I sign this at Nacogdoches, October 18, 1791.

"ANTONIO GIL Y BARVO."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the first class.

144. Marie Flores, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the west by François Le Rous, south by vacant land, north and east by claimants from the village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and Martino Dios, being sworn, say that they know the land claimed by Marie Flores (widow) in her above notice; that the same is lying and situated as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by her living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about two acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

"145. Malchore Mountsoul, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the north by Andreas Galindo, on the west by Ganastien Parrira, on the east by a street of a Spanish village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and Martino Dios, being sworn, say that they know the land claimed by Malchore Mountsoul in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimants improvements on the land claimed embrace about two acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

146. Manuel Grammon, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the north by John Grammon, on the east by Ganastien Parrira, west by the street of a Spanish village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and Martino Dios, being sworn, say they know the land claimed by Manuel Grammon in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that time until the present day; and that the claimant's improvements on the land claimed embrace about two acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

147. Domingo Gonzales, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situate on the Bayou See, bounded north by David Waltman, on the west by José Antonio Manchack, on other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and Martin Dios, being sworn, say they know the land claimed by Domingo Gonzales in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly con-



tinued by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about two acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

148. Ignatio Curtinas, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the north by José Antonio Rodrigues, on the west by John Burdan, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and Martin Dios, being duly sworn, say they know the land claimed by Ignatio Curtinas in his above notice; that the same is lying and being as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued uninterruptedly by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about one acre."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

149. John Burdan, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on Bayou See, bounded on the west by John Maximilien, on the north by José Antonio Rodrigues, and south by a street of a Spanish village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and Martin Dios, being duly sworn, say they know the land claimed by John Burdan in his above notice; that the same is lying and situated as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about three acres."

We are of opinion this claim ought to be allowed, and in the abstract have classed it with claims of the "third class."

150. John Pierre Burdan, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the west by John Maximilien, on the north by José Antonio Rodrigues, and south by a street in a Spanish village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and Martin Dios, being duly sworn, say they know the land claimed by John Pierre Burdan in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued by the claimant since that time to the present day; and that the claimant's improvements on the land claimed embrace about two acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

151. John Baptiste Burdan, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on Bayou See, bounded by Francisco Grammon on the west, and on the north by José Antonio Rodrigues, containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and Martin Dios, being sworn, say they know the land claimed by John Baptiste Burdan in his above notice; that said land is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about two acres."

We are of opinion this claim ought to be confirmed, and in the abstract it is classed with claims of the "third class."

152. Thomas McNeilly, of the parish of Natchitoches, assignee of John Gardner, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on Bayou Mill creek, a branch of the Kisatchie, bounded by vacant land on all sides, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Warrick and E. Smith, being sworn, say they know the land claimed by Thomas McNeilly in his above notice; that said land is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by John Gardner, under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued uninterruptedly since that time, by said Gardner and the claimant, to the present day; and that the claimant's improvements on the land claimed embrace about twenty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

153. John Dinsmore, jr., of the county of Opelousas, assignee of Sezare Lafitt, who purchased of James Gaines, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of Bayou Grand Cannes, bounded as is described in a plat of survey filed with the notice, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Samuel Norris and Sylvestre Poissot, being sworn, each say that they know the land claimed by John Dinsmore, jr., in his above notice; that said land is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by James Gaines, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by said Gaines, and others holding through him, since that period to the present time; and that the claimant's improvements on the land claimed embrace about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

154. Robert McDonald, of the parish of Natchitoches, assignee of Stephen Moore, filed his notice

claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou of the Three Prairies, bounded on the west by José M. Mora, on the east by José y de Barvo, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"L. Latham and M. Dios, being duly sworn, say that they know the land claimed by Robert McDonald in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by Stephen Moore, (who sold to the claimant,) by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the said Moore and the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about four acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

155. Andrew Bassam, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Cany bayou, waters of the Bayou of the Three Prairies, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and Martin Dios, being duly sworn, say that they know the land claimed by Andrew Bassam in his above notice; that the same is lying and situate as is therein described; that said land was habited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that time to the present day; and that the claimant's improvements on the land claimed embrace about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

156. Juan Colass Burdan, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the west by John Grammon, on the north by José Antonio Rodrigues, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and M. Dios, being duly sworn, say that they know the land claimed by Juan Colass Burdan in his above notice; that the same is lying and situated as is therein described; that said land was habited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about five acres."

Being of opinion this claim ought to be confirmed, we have classed it with claims of the "third class."

157. José Arriole, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, bounded on the west by John Grammon, and on the south by a street of a Spanish village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and M. Dios, being duly sworn, say that they know the land claimed by José Arriole in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued uninterruptedly by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about two acres."

Being of opinion this claim ought to be confirmed, we have classed it with claims of the "third class."

158. Regoria Shirnack, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated at the Cavasses, on Bayou See, bounded on the north by Ma. Lecuir, and on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and J. Rodrigues, being duly sworn, say that they know the land claimed by Regoria Shirnack in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about four acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

159. Felician Gonzales, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Caney bayou, (Cavasses), bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony:

"Martin Dios and A. Rodrigues, being duly sworn, say they know the land claimed by Felician Gonzales in his above notice; that the same is situate and lying as is therein described; that said land was habited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about four acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

160. Francisco Rosales, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on Bayou See, bounded on the west by José Ao. Rodrigues, on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and Martin Dios, being duly sworn, say they know the land claimed by Francisco Rosales in his above notice; that the same is situated and lying as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about four acres."



ruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about two acres."

We are of the opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

161. José Bascus, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on Bayou See, bounded west by Peter Patterson, north by a street of a Spanish village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and M. Dios, being duly sworn, say they know the land claimed by José Bascus in his above notice; that the same is situated and lying as is therein described; that said land was habited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about two acres.

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

162. Poitevent Bloodworth, of the parish of Natchitoches, assignee of Joseph Grubbs, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situate on the north side of Bayou Kisatchie, bounded above by Eli Smith and below by David Wrinkles, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Major Smith and John Warrick, being duly sworn, say that they know the land claimed by Poitevent Bloodworth in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by Eli Smith, under whom, by a chain of conveyance, the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by said Smith and others and the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with the claims of the "third class."

163. John Warrick, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the northwest side of Bayou Kisatchie, bounded on the upper side by land claimed by Enos Withers, and below by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Major Smith and E. Smith, being duly sworn, say that they know the land claimed by John Warrick in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about seven acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with "claims of the third class."

164. John Wrinkle, of the parish of Natchitoches, assignee of Letton Jones, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the east side of the Bayou Kisatchie, bounded on the upper side by Placide Bossier, and on the lower by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Major Smith and E. Smith, being sworn, say that they know the land claimed by John Wrinkle in his above notice; that the same is lying and situate as is therein described; that said land was habited, occupied, and cultivated by William T. Hatton, who sold to Letton Jones, under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by said Hatton, Jones, and the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about twenty acres."

The land claimed appears to lie on the east side of the Kisatchie, consequently without the limits of the neutral territory; we are therefore bound to say we are of opinion this claim ought *not* to be confirmed, and in the abstract have classed it with "claims of the fourth class."

165. Humphrey Yarborough, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the north side of Bayou Kisatchie, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Major Smith and E. Smith, being duly sworn, say they know the land claimed by Humphrey Yarborough in his above notice; that the same is lying and situate as is therein described; that said land was habited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that the same has been uninterruptedly occupied, inhabited, and cultivated by the claimant since that time to the present day; and that the claimant's improvements on the land claimed embrace about five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with "claims of the third class."

166. José Antonio Manchac, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of Bayou See, bounded north by David Waltman, on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and J. A. Rodriguez, being duly sworn, say that they know the land claimed by José Antonio Manchac in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about three acres."



We are of opinion this claim ought to be confirmed, and in the abstract have classed it with "claims of the third class."

167. Martin Dios, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of the Bayou of the Three Prairies, bounded on the north by Louis Latham, and on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and J. A. Rodrigues, being duly sworn, say they know the land claimed by Martin Dios in his above notice; that the same is lying and situate as is therein described; that said land was habited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that time to the present day; and that the claimant's improvements on the land claimed embrace about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with the "third class" of claims.

168. José Antonio Rodrigues, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on Bayou See, bounded on the west by John Burran, on the east by Francisco Rosales, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Martin Dios and F. Gonzales, being duly sworn, say they know the land claimed by José Antonio Rodrigues in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about six acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

169. Trinidad Candado, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, and situated within the village of the Adaise, bounded on the south by Francisco de Rohus, on the east by church lands, north by a street of said village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Miguel Pour and Martin Dios, being duly sworn, say they know the land claimed by Trinidad Candado in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about three acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

170. Manuel Bustamante, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated in the village of the Adaise, bounded on the east by Trinidad Candado, on all other sides by vacant land, and containing 640 acres. In support of which the following testimony was taken before the board:

"Martin Dios and Miguel Poudre, being sworn, say they know the land claimed by Manuel Bustamante in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about one acre."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

171. Miguel Pugar, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated in the village of the Adaise, bounded on the south by Francisco de Rochus, north by a street of said village, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"M. Dios and F. Gonzales, being duly sworn, say they know the land claimed by Miguel Pugar in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about six acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

172. Sylvestre Poissot, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on a chain of lakes which run parallel with Red river, bounded as is described in a plat of survey drawn by John Dinsmore, jr., deputy surveyor of the United States, dated October 5, 1823, and filed with the notice, containing 122.16 acres. The claim is supported by the following testimony taken before the board:

"Sézare Laffit and Firmin Poissot, being sworn, say that they know the land claimed by Sylvestre Poissot in his above notice; that the same is situate and lying as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued uninterruptedly since that period to the present day; and that the claimant's improvements on the land claimed embrace about twenty-five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

173. Sylvestre Poissot, of the parish of Natchitoches, legal representative of Athanasse Poissot, deceased, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on a communication of lakes on the south side of Red river,

bounded as is described in a plat of survey drawn by John Dinsmore, jr., deputy surveyor of the United States, dated October 5, 1823, and filed with the notice, containing 203.74 acres. The claim is supported by the following testimony taken before the board:

"Cesar Laffitt and Firman Poissot, being sworn, say that they know the land claimed by Sylvestre Poissot in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by Athanasse Poissot, from whom the claimant holds, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by said Athanasse and the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about thirty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

174. Firmin Poissot, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on a coudée known by the name of Bayou La Vacharie, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Sezare Laffitt and Sylvestre Poissot, being sworn, say they know the land claimed by Firman Poissot in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued uninterruptedly since that time by the claimant to the present day; and that his improvements on the land claimed embrace about four acres."

Firmin Poissot was the claimant in his own right in notice No. 54; and on proofs similar to the foregoing being produced, we recommended a confirmation of his title; and, in conformity with our preceding decisions, this must be rejected.—(See Nos. 46, 51, 53.)

We are of opinion this claim ought *not* to be confirmed, and in the abstract have classed it with claims of the "fourth class."

175. Cesar Laffitt, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on Bayou Lepoint, bounded on the lower side by Firmin Poissot, on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Firmin Poissot and S. Poissot, being sworn, say they know the land claimed by Cesar Laffitt in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued by the claimant uninterruptedly since that time to the present day; and that the claimant's improvements on the land claimed embrace seven acres."

The claimant, together with Louis Laffitt, have, before this board, filed their notice, No. 200, claiming, by virtue of a grant or concession, a large tract at Las Ormeas, which claim we have recommended for confirmation; and believing that an individual holding in his own right, under a grant, was precluded under the former government from claiming another tract by virtue of occupancy, we are bound to say, in our opinion, this claim ought *not* to be confirmed, and in the abstract have classed it with claims of the "fourth class."

176. Denise Dios, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the west side of Lake Goun de Mora, bounded on the west by Madam Chubbidar, on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"F. Gonzales and Martin Dios, being duly sworn, say they know the land claimed by Denise Dios in her above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by her living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued uninterruptedly since that time by the claimant until the present day; and that her improvements on the land claimed embrace about four acres."

We are of the opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

177. José Durohas, of the parish of Natchitoches, assignee of Ignatio Santos, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated in the settlement of the Adaise, on the Bayou of the Three Prairies, bounded west by Manuel Santos, on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Martin Dios and F. Gonzales, being duly sworn, say they know the land claimed by José Durohas in his above notice; that the same is lying and situated as is therein described; that said land was inhabited, occupied, and cultivated by Ignatio Santos, (under whom the claimant holds,) by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by said Santos and the claimant since that time to the present day; and that the claimant's improvements on the land claimed embrace about six acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

178. Domingo Santa Cruz, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated in the Adaise, bounded on the north by Trinidado Candido, on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Martin Dios and F. Gonzales, being sworn, say they know the land claimed by Domingo Santa Cruz in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about two acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

179. José Maria Soto, of the parish of Natchitoches, assignee of Baptiste Cherino, filed his notice



claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated in the settlement of the Adaise, bounded on the east by Manuel Santos, on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Louis Latham and Martin Dios, being sworn, say they know the land claimed by José Maria Soto in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by Baptiste Cherino, (under whom the claimant holds,) by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued by said Cherino and the claimant uninterruptedly from that time to the present day; and that the claimant's improvements on the land claimed embrace about four acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

180. Samuel Davenport, the heirs and representatives of Edward Murphy, deceased, all of the parish of Natchitoches; the heirs and representatives of Luther Smith, of the State of New York; and the heirs and representatives of William Barr, deceased, of the State of Pennsylvania, filed their notice claiming a tract of land, being within the late neutral territory, lying east of the Sabine river, on the public road from Natchitoches to Gaines' Ferry, on said river, at a place called "La Nana," having for its centre the prairie which joins the bayou of said "La Nana," to extend two leagues towards each cardinal point, so as to form a perfect square of four leagues on each front line, the centre to be said prairie. Claimed by virtue of a grant approved and signed by Don José Maria Guadiana, commandant of the post of Nacogdoches, August 4, 1798, in favor of said Edward Murphy, who, November 3, 1798, conveyed the same to the commercial partnership then existing between himself, (said Murphy,) Davenport, Smith, and Barr. The claim is supported by authenticated documents, of which the following are translations:

"MR. LIEUTENANT GOVERNOR: Don Edward Murphy, of the vicinity of Nacogdoches, appears before you by petition, and saith that, from three to four years last past, I have had, in the jurisdiction of Nacogdoches, now under your command, with the knowledge of your predecessors, the former commandants, at the place known by the name of Juan de Mora Lake, kept cattle and other animals, for which, until this date, I have paid the duties of tenths; and finding said place scarce of cane range for the preservation and increase of said animals, I have recourse to you, praying for a grant for a tract of land at the place called 'La Nana,' situated on the east side of the river Sabine, about seven leagues from its margin, and on the road leading from this town to the post of Natchitoches; said tract of land, from its centre, which is the prairie joining the bayou of the aforesaid 'La Nana' and immediately on said road, to extend two leagues towards each cardinal point, so as to form a perfect square of four leagues in length each front line, the centre to be said prairie, so that in this space of land I may have a sufficient range for my present and future stock.

"E. MURPHY.

"NACOGDOCHES, February 22, 1798."

"Pass this petition to the procurador, that he may leave in possession of the land the interested person as described.

"JULY 1, 1798."

"GUADIANA.

"AUGUST 1, 1798.—In compliance with the foregoing decree, I, Don José Cayetano de Zepeda, syndic and procurador of this jurisdiction of our Lady of the Pillar of Nacogdoches, accompanied by my assisting witnesses, Juan José Medina and José Domingues, went to the place called 'La Nana,' in order to establish in said place of La Nana Don Edward Murphy, who is present, and give him possession, in pursuance of the preceding order; and being at said place, after having inquired if there were adjacent neighbors, and being well assured the nearest was Mr. Charboneaux, distant about eight leagues from said place of La Nana, and finding no impediment, put Don Edward Murphy in possession of the vacant land prayed for in his aforesaid petition, with the extent and boundaries therein expressed; visited the limits and territory with the before named witnesses and said Edward Murphy; the two leagues by the said road of St. Antonio de Bexar westward, reaching to the Chupaderas, and other two leagues of land towards the east, which reaches by the said road to the Bayou Tassan, with two leagues to the north, and other two leagues to the south; and taking him, the said Edward Murphy, by the hand, walked with him a number of paces from north to south, and the same from east to west, and letting go his hand, he walked about at pleasure on the said territory of La Nana, pulling up weeds, made holes in the ground, planted posts, cut down bushes, took up clods of earth and threw them on the ground, and did many other things in token of the possession in which I had put him, in the name of his Majesty, of said land, with the boundaries and extension as prayed for; and, in demonstration of the right which he already holds in said land as the only proprietor by virtue of this act of possession, and for further evidence of the right of sovereignty which he has forever acquired over said land of eight leagues, two towards each of the cardinal points, in the manner, place and boundaries expressed in his aforesaid petition, with the servitudes, uses, customs, and privileges, which he, the said Murphy, has, I gave the whole mentioned territory of 'La Nana,' which includes a square of eight leagues, the name of 'San Pedro of the Bayou of La Nana,' and the said Edward Murphy being and remaining in entire and peaceable possession, in conformity to law and right, of all the aforesaid land, as a proof and evidence of which I have signed this act of possession with the aforesaid witnesses, at the place of St. Peter of the Bayou of 'La Nana,' the same day, month, and year.

"JOSÉ CAYETANO DE ZEPEDA.

"JUAN JOSÉ MEDINA, }  
"JOSÉ DOMINGUES, } *Assisting witnesses.*"

"At the post of Nacogdoches, the 4th day of the month of August, 1798, I, Don José Maria Guadiana, second cornet of the company of Montclova, and military and civil commandant of said post, have ordered that, in virtue of the possession of land given to Don Edward Murphy as aforesaid, without any opposition, the original document be placed in the protocol of said post, to serve as evidence of the same, and that there be given to the interested person a certified copy as a title for the property. In testimony of which,



I have authorized this act, which I have signed with two assisting witnesses, with whom I have acted for want of a public notary, and on this common paper, for want of stamped. To all of which I give faith.

"JOSÉ MARIA GUADIANA.

"JOSÉ LOUIS DE LA BEGAR, }  
"PEDRO LARA, } *Of assistance."*

This claim was entered and filed with the former board of commissioners, where it was supported by testimony that does not appear here. The whole, however, was reported by that board, with claims to land in the county of Natchitoches, under No. 46, and to that report we beg to refer.

Being of opinion the claim ought to be confirmed, we have classed it with claims of the "first class." 181. Samuel Davenport; the heirs and representatives of Edward Murphy, deceased, of the parish of Natchitoches; the heirs and representatives of Luther Smith, of the State of New York; and the heirs and representatives of William Barr, of the State of Pennsylvania, filed their notice claiming a tract of land lying within the late neutral territory, situated on the east margin of the Sabine river, at a place called "Las Ornegas," having such marks and boundaries as are represented in a plat of survey made by William M. Lester, deputy surveyor of the United States lands, and containing six square leagues, equal to 207,360 acres; claimed by virtue of a concession signed by Bernardo Fernandez, lieutenant governor of the jurisdiction of Nacogdoches, dated December 15, 1795, in favor of Jacinto Mora, which land said Mora, by act of sale dated July 22, 1805, transferred to William Barr & Company, a firm composed of said William Barr, now deceased, Samuel Davenport, Edward Murphy, now deceased, and Luther Smith, now deceased. The claim is supported by an authentic copy of the original acts, of which the following are translations:

"NACOGDOCHES, November 14, 1795.

"Mr. LIEUTENANT GOVERNOR: Jacinto Mora, inhabitant of this village of our Lady of Pillar of Nacogdoches, with due respect appears by petition before you, and says that, on the east side of the river Sabine, at the place called 'Las Ornegas,' distant from the aforesaid village about twenty-five leagues, I have my stock of horses, and where it is my intention to establish a stock farm for the raising of mules, horses, horned cattle, sheep, and hogs, and likewise cultivate the soil; in virtue of which, I pray you will be pleased to grant me, for that purpose, a title of property for myself, my heirs, &c., six leagues square of land at the above-mentioned place of 'Las Ornegas,' the principal front or western boundary to extend north and south six leagues, so that the centre of the said line will be opposite the Indian crossing place on said river Sabine; the north line to begin at the northern extremity of the said front line on the east bank of said river, and extending six leagues east, forming with the front line a rectangle; the south line to commence at the southern extremity of the aforesaid front line, and extend six leagues east, forming, also, with the other, a rectangle; the line on the east side to commence at the extremity of the north line, and running parallel with the said river until it joins the extremity of the south line, so that the prairies and plains of the above Ornegas will be included in the square of the four fronts of six leagues in length each, formed by the expressed four lines. In consequence, I pray you will have the goodness to grant me the aforesaid six leagues square of land at said Ornegas, and in the manner prayed, for it being vacant, and no inhabitants near that such a grant can prejudice. And your petitioner, &c.

"JACINTO MORA."

"NACOGDOCHES, November 14, 1795.

"The syndic procuror of this jurisdiction, Don José Cayetano de Zepeda, will establish the petitioner in the aforesaid place, and in the manner asked for, if vacant, and not prejudicial to any inhabitant, proprietor of land, observing all the usual formalities of style, and extend the proceedings had in continuation for the more effectual confirmation of the title of property.

"BERNADO FERNANDEZ."

"On December 2, 1795, I, Don José Cayetano de Zepeda, syndic procuror of this district of our Lady of the Pillar of Nacogdoches, in conformity to the foregoing decree, accompanied by the assisting witnesses, Don José de la Bega and Julianio Grande, went to the place called 'Las Ornegas,' situated about twenty-five leagues from said town of Nacogdoches, and on the east side of the Sabine river, in order to establish the said Jacinto Mora, then present, and give him possession, in conformity to the foregoing order. In compliance with which, being on said premises, after having inquired if there were any inhabitants near in order to cite them to be present, and being assured that the nearest lived at least ten or twelve leagues off Las Ornegas, and that their possessions did not reach within three or four leagues of the boundaries pointed out by Jacinto Mora in his aforesaid petition, for which reason no injury could be sustained by the nearest neighbor from putting the said Jacinto Mora in possession of the vacant land he solicits, with all the extent and limits, I visited the boundaries and territory they embraced, with the assisting witnesses, and the said Jacinto Mora; and taking him by the right hand, walked with him a number of paces from the north to south, and same from east to west, and letting go his hand, he walked at pleasure on the said territory of 'Las Ornegas,' pulled up weeds, made holes in the ground, planted posts, cut bushes, took up clods of earth and threw them on the ground, and did many other acts and things in proof of the possession I had given him, in the name of his Majesty, of the said land, with its boundaries and extension, as prayed for by him; and in further demonstration of the rights and sovereignty he holds in it as the only proprietor by virtue of this act of possession, and for the more abundant proof of the property which he has acquired in said land of six leagues square, in the manner, place, and boundaries as expressed in his petition, with all the uses, privileges, and appurtenances thereunto belonging, and which he holds in said territory of 'Las Ornegas,' forming a square of six leagues each front in length, I have named it Santa Maria Adelaida, that said tract of land may, in perpetuity, be called Santa Maria Adelaida de las Ornegas. And the said Jacinto Mora being and remaining in entire and peaceable possession of all the aforesaid land according to law and right, I have, in testimony of which, signed this act of possession, with the aforesaid assisting witnesses, at this place of Santa Maria Adelaida, the day, month, and year before mentioned.

"JOSÉ LOUIS DE LA VEGA.  
"JULIANO GRANDE."

"JOSÉ CAYETANO DE ZEPEDA.

"Don Bernado Fernandez, lieutenant of cavalry and lieutenant governor of the village of our Lady of the Pillar of Nacogdoches and its jurisdiction, confirms this title in form and possession, in the name of his Majesty, (whom may God preserve,) to Jacinto Mora, for himself, his children, his heirs, and others representing his rights, in perpetuity, it appearing that from the foregoing act of possession given by the syndic of this jurisdiction that said tract of land was vacant and cannot prejudice his neighbors.

"Given in the aforesaid village December 15, 1795.

"BERNADO FERNANDEZ."

"This copy is in conformity to and with the original record in the archives under my care, to which I refer, and from which I, Du Dionisio Vallé, lieutenant of cavalry and military and civil commandant of this village and jurisdiction of Nacogdoches, had it copied, corrected, and compared. It is true and genuine; and at which act were present William Barr, Louis Roliquet, and Vicente del Rio. In testimony of which I, the aforesaid lieutenant of cavalry, have signed it, with two assisting witnesses, and with whom I proceeded for want of a public notary, June 27, 1805; to all of which I give faith.

"DIONISIO VALLÉ.

"JOSÉ PINEDA,  
"MANUEL BUSTAMANTE," } *Assisting witnesses.*"

Next follows a sale from Jacinto Mora to William Barr & Co. of the land above conceded to him, dated July 22, 1805, and passed in due form before the said lieutenant and commandant.

This claim is reported by the late board of commissioners, being No. 49 of the Natchitoches claims. By reference to that report a great body of further testimony will be found sustaining the claimant's pretensions. We have no hesitation in saying we are of opinion this claim ought to be confirmed, and in the abstract have classed it with the "first class" of claims.

182. The widow and heirs of Isaac Crow, deceased, of the parish of Natchitoches, filed their notice claiming a tract of land lying within the late neutral territory, situated on the east bank of the river Sabine, at a place where the present road from Natchitoches to Nacogdoches crosses the said river, one half of the said tract being above or north of the said road, and the other half south of it, containing 27,755 superficial arpents, to wit: four square leagues, claimed by virtue of a grant or concession from the commandant of Nacogdoches in favor of Vincente Michelli, dated June 17, 1797, for four leagues square on each side of the river, a part of which tract, to wit: that part lying on the east side of the river was, by authentic act, dated Nacogdoches, the ———, sold and transferred by the grantee to José Miguel Crow, (meaning the husband and father of the claimants.)

The grant on which the validity of this claim depends accompanied the notice of the same claimant, Isaac Crow, filed with the late register under the act of May 11, 1820; the land claimed in both cases is the same, and we think it more regular that the title should remain as at first filed, to be reported by the register under the provisions of the above-mentioned act. Therefore, we are of opinion this claim ought not be confirmed, and in the abstract have classed it with claims of the "fourth class."

183. Sarah Sheridan, now wife of William Carrell, of the parish of Natchitoches, filed her notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Le Bain, as is described in a plat of survey drawn by John Dinsmore, jr., deputy surveyor, dated September 1, 1823, filed with the notice, and containing 640 acres. The claim is supported by the following testimony:

"Latney Parrot, being duly sworn, says that he knows the land claimed by Sarah Sheridan in her above notice; that the same is situate and lying as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by her living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about forty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with the "third class" of claims.

184. Thomas Wallace, of the parish of Natchitoches, assignee of David Minsey, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the west side of the west branch of Red river, bounded on all sides by vacant land, and containing 400 acres. The claim is supported by the following testimony taken before the board:

"Remy Totam and John Armstrong, being duly sworn, say they know the land claimed by Thomas Wallace in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by David Minsey (under whom the claimant holds) by his, said David, living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by said David and the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

185. Thomas Wallace, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on a small creek called Terre Noir, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony:

"Athanasse Poissot and P. Laffitt, being duly sworn, say they know the land claimed by Thomas Wallace in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the year 1805; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about thirty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

186. The heirs and representatives of Bazil Gagnie, deceased, of the parish of Natchitoches, filed their notice claiming a tract of land lying within the late neutral territory, situated at a place called "La Royo Nabonchas," in the district of Bayou Pierre, bounded by the Bayou Nabonchas on one side, and on



the other by Silvestre Poissot and Bouett Laffitt, and containing one league square. Claimed by virtue of a grant in favor of said Bazil Gagnie, dated ———.

The claimant having suggested to the board that the title on which he relies had been put into the hands of a third person for security, we have kept this claim open until now for the purpose of giving him time to produce it; but nothing being exhibited, we are of opinion this claim ought *not* to be confirmed, and in the abstract have classed it with claims of the "fourth class."

187. Michael Chamard, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the Lake Fordache, which runs into the river Piscadare, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"André Adlé and Antoine Adlé, being sworn, say that they know the land claimed by Michael Chamard in his above notice; that the same is lying and situate as is therein described; that the said land was inhabited, occupied, and cultivated, by the claimant's living and growing corn, &c., thereon, on and previous to the year 1812; that said inhabitation, occupation, and cultivation has been interruptedly continued by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about thirteen acres."

Being of opinion this claim ought to be confirmed, we have in the abstract classed it with claims of the "third class."

188. Pavie and Noyrit, of the parish of Natchitoches, assignees of José Antonio Sepulveda, filed their notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Peidera, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Louis Procella and Jaques Herriér, being duly sworn, say they know the land claimed by Pavie and Noyrit in their above notice; that the same is lying and situate as is therein described; that said land was habited, occupied, and cultivated in the year 1813 by José Antonio Sepulveda, (under whom the claimant holds,) by his living and growing corn, &c., thereon; and that said inhabitation, occupation, and cultivation has been constantly and uninterruptedly continued by said Sepulveda and the claimant since that time to the present day; and that the claimant's improvements on the land claimed embrace about three acres."

Being of opinion this claim ought to be confirmed, we have in the abstract classed it with claims of the "third class."

189. Benjamin Bullitt, of the parish of Natchitoches, assignee of John Jamieson, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situate on the Bayou St. John, bounded above by the claim of John Freeman, and below, as is supposed, by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Freeman and Jeremiah Morrell, being sworn, say they know the land claimed by Benjamin Bullitt in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the lessee of John Jamieson, (under whom the claimant holds,) by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation was continued to the year 1820, in the fall of which year the house and buildings were burned; and that the improvements on the land claimed embrace about twelve acres."

Believing that the claimant, on February 22, 1819, would have been, according to the usages and customs of the Spanish government of Texas, entitled to a recognition of his title, and that his right, under the United States, has not become forfeited by his subsequent abandonment, we are of opinion this claim ought to be confirmed; and, accordingly, in the abstract it will be found with the third class of claims.—(See No. 100 of this report.)

190. Jas. Madden, of the parish of Natchitoches, assignee of Enos Withers, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on both sides of Bayou Kisatchie, bounded below by Joseph Grubb and above by vacant land, containing 640 acres. Which claim is supported by the following testimony taken before the board:

"Ethelred Smith and Edmund Smith, being sworn, say they know the land claimed by James Madden in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by Enos Withers, (under whom the claimant holds,) by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said land was inhabited, occupied, and cultivated by Withers and the claimant after that period, and during the years 1820 and 1821; and that the claimant's improvements on the land claimed embrace about seven acres."

The facts in this claim and the one reported under No. 189 are the same; and, accordingly, we are of opinion that such part of the tract claimed as may be found lying on the north or west of the Kisatchie be confirmed, and in the abstract have classed this claim with those of the "third class," to that extent only; and considering the residue as lying without the limits of the late neutral territory, we are of opinion the same ought *not* to be confirmed.

191. André Valentine, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on the Bayou Adaise, in the settlement of Bayou Pierre, bounded above by Pierre Dolet, deceased, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Pierre Laffitt and André Adlé, being sworn, say they know the land claimed by André Valentine in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the year 1814; that said inhabitation, occupation, and cultivation has been constantly and uninterruptedly continued by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about eighteen acres."

We have already recommended the confirmation of a claim in favor of the present applicant in his own right, founded on occupancy, (see No. 51,) and in conformity with the principles enforced in Nos. 46, 51, and 53, we are of opinion this claim ought *not* to be confirmed, and in the abstract have classed it with claims of the "fourth class."

192. François Rambin, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the north side of a large bayou, bounded on the east by Christian Hesser, and on all other sides by vacant



land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Christian Hesser and S. Poissot, being duly sworn, say they know the land claimed by François Rambin in his above notice; that said land is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the year 1813; that said inhabitation, occupation, and cultivation has been constantly and uninterruptedly continued by the claimant since that time to the present day; and that the claimant's improvement on the land claimed embraces about eighteen acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

193. André Rambin, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on a branch of Red river, bounded on the upper side by François Prudhomme, and on the lower side by Antoine Hesser, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Christian Hesser and Sylvester Poissot, being sworn, say that they know the land claimed by André Rambin in his above notice; that said land is lying and situate as is therein described; that said land was habited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the year 1810; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about thirty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

194. Christopher Hesser, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situate on the north side of a large bayou, bounded on the west by François Rambin, on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"François Rambin and Sylvester Poissot, being duly sworn, say they know the land claimed by Christian Hesser in his above notice; that said land is lying and situate as is therein described; that said land was habited, occupied, and cultivated by the claimant, by his living and growing corn, cotton, &c., thereon, in the year 1813; that said inhabitation, occupation, and cultivation has been constantly and uninterruptedly continued by the claimant since that time to the present day; and that the improvements on the land claimed embrace about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with the "third class" of claims.

195. Antoine Hesser, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on a branch of Red river, bounded on the lower side by John Sibley, and André Rambin on the upper side, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"François Rambin and Sylvester Poissot, being duly sworn, say they know the land claimed by Antoine Hesser in his above notice; that said land is lying and situate as is therein described; that said land was habited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the year 1817; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that his improvements on the land claimed embrace about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

196. Charles Myers and Joseph Robinson, of the parish of Natchitoches, assignees of John McLaughlin and one Baptiste, filed their notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the southwest bank of Red river, bounded on all sides by vacant land, and containing 376.31 acres. John McLaughlin, being sworn before the board in support of his claim, deposed as follows:

"That he knows the land claimed by Charles Myers and Joseph Robinson in their above notice; that said land is situate and lying as is therein described; that said land was habited, occupied, and cultivated by one Baptiste, (from whom the claimants hold through the witness,) by said Baptiste living on the land, and growing corn, &c., thereon, in the year 1816; that said occupation, inhabitation, and cultivation has been uninterruptedly continued since that year by Baptiste, the witness, and the claimants to the present day; and that the improvements on the land claimed embrace about eight acres."

The only witness here appears to be the immediate vendor of the claimants, and has such an interest in the claim as ought to have rendered him incompetent to testify. There being, then, no proof before us, we are bound to say, in our opinion, this claim ought *not* to be confirmed, and in the abstract have classed it with claims of the "fourth class."

197. Benjamin Biles, of the parish of Natchitoches, assignee of Tertise Henson, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on Bayou Harpoon, about two miles south of Fort Jesup, bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Raymond Daley and Henry Stoker, being duly sworn, say they know the land claimed by Benjamin Biles, assignee of Tertise Henson, in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by Tertise Henson, under whom the claimant holds, by her living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by said Henson and the claimant since that period to the present day; and that the improvements on the land claimed embrace about fifteen acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

198. Raymond Daley, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Harpoon, bounded on all sides by vacant lands, and containing 640 acres. The claim is supported by the following testimony:

"Henry Stoker and William Morgan, being sworn, say they know the land claimed by Raymond

Daley in his above notice; that said land is lying and situate as is therein described; that the same was habited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about twenty-five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

199. William Stafford, of the parish of Natchitoches, filed his notice, as assignee of Louis Warren, claiming a tract of land lying within the late neutral territory, situate on the east side of the river Sabine, at a place called the Saline Prairie, bounded, as is supposed, on the upper side by the heirs of Isaac Crow, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Raymond Daley and William Morgan, being sworn, say they know the land claimed by William Stafford in his above notice; that said land is lying and situate as is therein described; that the same was occupied, habited, and cultivated by William Dewitt, under whom the claimant holds, by said Dewitt's living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued since that time to the present day, by said Dewitt, by Louis Warren, to whom Dewitt sold, and by claimant, to whom Warren sold; and that the claimant's improvements on the land claimed embrace about twenty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

200. Sezare Laffitt and Louis Laffitt, of the parish of Natchitoches, filed their notice claiming a tract of land lying within the late neutral territory, situated at a place known by the name of "Las Ornegas," on the east side of the Sabine river, containing 52,390 acres, agreeably to, and having such marks and boundaries as are represented in, a plat of survey drawn by John Dinsmore, jun., deputy surveyor of the United States, dated September 12, 1823, and filed with the notice. Claimed by virtue of a concession in favor of the claimants, given and signed by Don Joachim Ougardus, commandant of Nacogdoches, dated, as is believed, twenty-four years past; which act of concession was deposited in the archives of that post, and carried off, as is alleged, by Governor Salcedo, so that the same cannot be found to file with this claim. Claimed also by virtue of occupation, habitation, and cultivation. The claim is supported by the following testimony taken before the board:

"André Valentine and Sylvestre Poissot, being duly sworn, say that they know the land claimed by Sezare and Louis Laffitt in their above notice; that possession of said land was taken by the claimants more than twenty-four years ago, when the claimants moved on the land claimed with their families, their cattle, horses, and slaves; that the claimants kept possession, lived on, and cultivated the land, and occupied the same from the said period of more than twenty-four years ago constantly until the present day. And the declarant, Sylvestre Poissot, says that he remembers having seen a concession signed by M. Ougardus, commandant of Nacogdoches; does not recollect the date, but thinks it was dated more than twenty-three years past; that said concession was in favor of the claimants, and was for all the land between the river Sabine and the Bayou San Patrice; and both the declarants say that it was the general belief and understanding among the inhabitants of the neighborhood that the claimants had a perfect grant, without any conditions, for the land claimed; that one of the claimants told these deponents, before and after the archives and papers at Nacogdoches were carried off by Governor Salcedo, that said grant was deposited therewith, and such was the belief and understanding of these deponents and of their neighbors, that all the papers and documents in the office of the commandant at Nacogdoches were carried off forcibly by Governor Salcedo in the year 1812; and that, since that time, said papers or documents have never been found or recovered by any individual interested therein." The claimants also filed two original letters, of which the following is a translation:

"NACOGDOCHES, September 8, 1806.

"Let it be known to you that, heretofore, Cesar Laffitt brought with him, and presented to me at this post, the grant which he has as a stock at the place called 'Las Ornegas,' and you will let me know what has come to your knowledge respecting it. God preserve you. Signed by the commandant.

"DIONISIO VALLE.

"Señor Sindico Don MARCELLO SOTO."

"I received the official letter which you sent me under date 8th instant, in which you tell me that I should send you Cesar Laffitt with the grant of the 'Rancho de las Ornegas.' You will know that Mr. Samuel has lost it three times, and it appears to me he cannot rely on a claim which he has lost so often. God, &c.

"MARCELLO DE SOTO."

The land claimed lies between the Sabine and Bayou San Patrice. We have abundant proof that the public documents of Nacogdoches were carried off during the revolutionary struggle in 1812; and we believe that it was seldom the practice of the inhabitants to take out copies of their grants; these considerations justify, in our opinion, a resort to parole proof to show that a grant once existed. The testimony relative to that fact is strong; and when the long and uninterrupted possession of the claimants is considered, joined to the expressions used in the letter of the commandant, we are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "first class."

201. The heirs of James Denny, of the parish of Natchitoches, assignees of José y Barvo, filed their notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the south side of the Bayou of the Three Prairies, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Raymond Daley and Marian Sanchez, being sworn, say they know the land claimed by the heirs of James Denny in their above notice; that the same is lying and situate as is therein described; that the same was habited, occupied, and cultivated by José y Barvo, (under whom the claimants hold,) by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued uninterruptedly by said José and the claimant's ancestor since that time to the present year; and that the claimant's improvement on the land claimed embraces about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."



202. André Chamard, of the parish of Natchitoches, assignee of Miguel Delgado, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated in a Spanish village known by the name of the Adaise, as is described in a plat of survey made by John Dinsmore, jr., deputy surveyor of the United States, dated September 23, 1823, and containing 57.68 acres. The claim is supported by the following testimony taken before the board:

"Pierre Royet, being sworn, says that he knows the land claimed by André Chamard in his notice No. 202; that the same is lying and situate as is therein described; that said land was habited, occupied, and cultivated by Miguel Delgado, (who sold to the claimant,) by his living and growing corn, &c., thereon, in the year 1812; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by said Delgado and the claimant since that time to the present day; and that the claimant's improvements on the land claimed embrace about fourteen acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

203. George McTier, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the left bank of Bayou Depont, containing 671.58 arpents, bounded on all sides by vacant land, as appears by a plat of survey dated December 11, 1819. The claim is supported by the following testimony:

"Laurent Mier and Jacques Herrier, being duly sworn, each say they know the land claimed by George McTier in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present day; and that the claimant's improvements on the land claimed embrace about three acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

204. The heirs of Gaspard Fiolle and of Therese Lama Bathey, his wife, of the parish of Natchitoches, filed their notice claiming a tract of land lying within the late neutral territory, situated at a place called "Bayou La Gloria," nine or ten leagues to the westward of the town of Nacogdoches, containing two leagues square, claimed in virtue of a concession given by Antonio Gil y Barvo, commandant of Nacogdoches, dated in 1790, in favor of the ancestor of the claimants for the land claimed; which title or concession the claimants represent as lost, the same having been filed in the archives of Nacogdoches, and forcibly carried off from thence by Governor Salcedo, in 1812, so that the same nor a copy thereof cannot now be had; claimed also by virtue of occupation, habitation, and cultivation for more than thirty years. In support of the claim the following testimony was taken before the board:

"Marian Sanchez and Dorothee Jarnac, being sworn, say they know the land claimed; that the same is lying and situate as is therein described; that the said land has been habited, occupied, and cultivated by Gaspard Fiolle and his descendants for upwards of twenty consecutive years; they both heard, some time in the year 1790 or 1791, a paper read by the father of Dorothee Jarnac, one of the deponents, purporting to be a grant of land signed by Antonio Gil y Barvo, commandant of Natchitoches, in favor of Gaspard Fiolle, for two leagues square of land, situated at a place called Bayou La Gloria; and Marian Sanchez further says, that it was the general belief among his neighbors that Mr. Fiolle had a perfect right from the Spanish government for the land claimed; and further, that he received a paper from the commandant of Nacogdoches to deliver to Madame Gaspard, which he did deliver to her; he did not know what the paper contained, but from what the commandant said at the time, and a remark of Mrs. Gaspard on the delivery, he understood it was the grant in question. Declarant knows that Governor Salcedo issued orders for all the holders of lands within the jurisdiction of Nacogdoches to produce their titles before him to be examined and verified; this was in the year 1809, as well as he recollects; that most of the holders complied with the order; that afterwards, a number of persons demanded of the officers of Nacogdoches their titles, which demand was always evaded until the year 1812, when they were all carried off with the archives and public papers of every description by Governor Salcedo, at the commencement, or during the revolution in that country."

We feel considerable difficulty in forming an opinion on this claim. The testimony is not entirely satisfactory, particularly the latter part, which we feel disposed to reject, knowing, as we do, that the original act of concession, together with the petition and other proceedings, forming the only record, were filed and kept in the office of the commandant, and copies thereof given to the persons interested; yet these copies, the only evidence of title in possession of the claimants, must have been loosely kept, considering they were given on application, and with no other expense than a trifling gratuity to the officers.

On the whole, we are of opinion the claim ought to be confirmed, and in the abstract have classed it with the claims of the "first class."

205. Mary Eliza Case, wife of William M. Rivers, of the parish of Natchitoches, assignee of William Stockman, filed her notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated as follows: bounded by the Spanish lake, and above by land claimed by George McTier, and known as Stockman's place, containing 640 acres. The claim is supported by the following testimony taken before the board:

"Laurent Maylieux and George McTier, being sworn, say they know the land claimed by Mary E. Case in her above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by William Stockman, under whom the claimant holds, by his living and growing corn, &c., thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the said Stockman, and others claiming under him, since that period to the present time; and that the claimant's improvements on the land embrace about 23 acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

206. George McTier, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on a Spanish lake, bounded below by land claimed by Mary E. Case, and above by vacant land, and containing 640 acres. The claim is supported by the following testimony:

"Laurent Mayreux and Jacques Heriet, being sworn, say they know the land claimed by George McTier in his above notice; that the same is lying and situate as is therein described; that said land was habited,



occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, twelve years ago; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land embrace about seven acres."

We have already recommended the confirmation of a claim (No. 203) in favor of the present applicant, founded on habitation, occupation, and cultivation in his own right. Therefore, in our opinion, this claim ought not to be confirmed, and in the abstract have classed it with claims of the "fourth class."—(See Nos. 46, 51, 174.)

207. Davis Case, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of Red river, about six or seven leagues above the town of Natchitoches, bounded below by land formerly of José Jeanis, and at present owned by William Murray, and above by the improvement of Moses Watts—the claimant holding under a sale from John Armon. The claim is supported by the following testimony:

"George McTier and Laurent Mailreux, being sworn, say they know the land claimed by David Case in his above notice; that said land is lying and situate as is therein described; that the same was habited, occupied, and cultivated by John Armon, under whom the claimant holds, by his living and growing corn, &c., thereon, about twelve years since; that said inhabitation, occupation, and cultivation were uninterruptedly continued by said Armon from that time until about three years since, when he left the place, but the fences, &c., have been kept up until the present time; that the claimant's improvements on the land claimed embrace about ten acres; that Armon never had an intention of abandoning the land, but quit it solely on the ground of his children's health, and always had an intention of returning thereto until his sale to the claimant."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."—(See No. 100.)

208. The heirs and representatives of John Dawson, of the parish of Rapide, filed their notice, claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on both sides of Bayou Piedra, and on the road leading from Natchitoches to Gaines' Ferry, on the Sabine, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Samuel Davenport and James McCracken, being duly sworn, say they know the land claimed by the heirs and representatives of John Dawson in their above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by John Dawson, the claimant's ancestor, by his living and growing corn, &c., thereon, in the year 1811; that said inhabitation, occupation, and cultivation was uninterruptedly continued by said Dawson until his death in 1816; that the occupation, cultivation, and inhabitation were uninterruptedly continued from that time for the claimants, by and through Marian Sanchez, James McCracken, and Henry Stoker, to the present day; and James McCracken further says that Sanchez, himself, and Stoker occupied the land in virtue of the permission of the claimants."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

209. The heirs and legal representatives of Gaspard Fiolle, of the parish of Natchitoches, filed their notice claiming a tract of land lying within the late neutral territory, situated on the Bayou Goutiere, about six leagues from the town of Natchitoches, and on the road to Opelousas, and containing two leagues all around said Bayou Goutiere, claimed by virtue of a grant signed by Estevan Miro, governor of the province of Louisiana, dated October 3, 1787, in favor of the said Fiolle; claimed also by virtue of occupation, habitation, and cultivation. The claimants filed the original documents, of which the following are translations in substance:

"The petition of Gaspard Fiolle, addressed to Pedro Rousseau, commandant of Natchitoches, praying for a piece of land situated at the Bayou Goutiere, on the road to Opelousas, and about six leagues from this post, it being the same land formerly established by Mr. Louis Cesare Borne, and by him abandoned for about twelve years. The petitioner prays to be permitted to establish himself on the land, and that there be conceded him two leagues round the Bayou Goutiere, to yield pasturage and support to the different kinds of stock and animals which he hopes soon to put upon it. Dated April 14, 1786. On September 20, 1787, the commandant says, considering, among other things, "that said land is not fit for cultivation, being pine woods, and only proper for a vacharie, it is permitted to the petitioner to establish his vacharie thereon until it shall please the government to accord a title in form."

"PIERRE ROUSSEAU."

"NEW ORLEANS, October 3, 1787.—The surveyor general of this province will give possession of the two leagues of land, with the short depth, 'corta profundidad,' expressed, and in the place solicited, the same being vacant, and prejudicial to no one, with this indispensable condition, of making the road, clearing and cutting the timber within the precise time of one year; and if not done in three years, and in case the land shall not then be settled, this grant to be null and void; and with the further restriction of not selling it under the same term of three years; and under these conditions he shall survey the land, and shall extend the evidence of his possession, which shall be remitted to me, that I may provide the interested party with his complete title."

"ESTEVAN MIRO."

No proof was adduced before us that the road was made and cleared within the year, or that the same was ever done, or that the land claimed was ever settled; consequently we must say that the essential conditions of the grant were never performed, and declare, in the language of the instrument itself, the same to be null and void. Therefore we are of opinion this claim ought not to be confirmed, and in the abstract have classed it with claims of the "fourth class."

210. Joseph T. Montgomery, of the parish of Natchitoches, assignee of Abn. Dinton, filed his notice claiming a tract of land lying within the late neutral territory, situate in the forks of the Nègreite bayou, adjoining the claim of Thomas Gray, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"James Gray and James Bridges, being sworn, say they know the land claimed by Joseph T. Montgomery in his above notice; that said land is lying and situate as is therein described; that the same

was habited, occupied, and cultivated by Abraham Dinton, under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation was continued by said Dinton until his sale to Thomas Gray, and by him and others claiming through him and the claimant, since the said February 22, 1819, until the present time; and that the claimant's improvements on the land claimed embrace about twenty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

211. Baptiste Adlé, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situate at a place called "Sacanarie," on the Bayou Cypre, bounded, as is supposed, on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Antoine Adlé and André Adlé, being duly sworn, say they know the land claimed by Baptiste Adlé in his above notice; that said land is lying and situate as is therein described; that the same was habited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that time to this day; and that the claimant's improvements on the land claimed embrace about five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

212. Thomas Gray, of the parish of Natchitoches, assignee of Domingo Gonzales, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situate on the Bayou Nègreite, bounded on the north by the claim of Davenport, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"James Bridges, being duly sworn, says he knows the land claimed by Thomas Gray in his above notice; that the same is lying and situate as is therein described; that said land was habited, occupied, and cultivated by Domingo Gonzales, under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by said Gonzales and the claimant since that time until this day; and that the claimant's improvements on the land claimed embrace about eight acres."

Domingo Gonzales, from whom the claimant derives his right, has, before this board, filed his notice, claiming in his own right, by virtue of occupation, habitation, and cultivation, on and prior to February 22, 1819, another tract, (see No. 147,) which claim we recommended for confirmation. This claim is precisely similar to the one reported under No. 53; and applying to this case the same reasons which we recognized in that, we give it as our opinion that this claim ought *not* to be confirmed, and in the abstract have classed it with claims of the "fourth class."

213. Jacques Lapiné, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou See, at the prairie called La Cabache; bounded, as is supposed, on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Jacques Herriet and Jean Leoné, being duly sworn, say that they know the land claimed by Jacques Lapiné in his above notice; that said land is lying and situate as is therein described; that the same was habited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the year 1812; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that year to the present time; and that the claimant's improvements on the land claimed embrace about six acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

214. Absalom J. Winfree, of the parish of Natchitoches, assignee of John Waddill, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Sabine river, bounded on all sides, as is supposed, by vacant land, and containing 640 acres. The claim is supported by the following testimony:

"Nicholas Jacks, being duly sworn, says that he knows the land claimed by Abraham J. Winfree in his above notice; that said land is lying and situate as is therein described; that the same was habited, occupied, and cultivated by John Waddill, under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation was continued during the years 1819 and 1820; and that the claimant's improvements on the land claimed embrace about two acres."

We have before recommended the confirmation of a claim (see No. 8) in favor of the claimant's assignor, John Waddill, in virtue, and in his own right of occupation, &c.; and according to our decisions in claims Nos. 46, 51, 53, we are of opinion this claim ought *not* to be confirmed, and in the abstract have classed it with claims of the "fourth class."

215. Nicholas Jacks, of the parish of Natchitoches, assignee of Nedum Alford, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on a branch of the Toreaux, and between lands claimed by Hugh McNeely and Benjamin Morris, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Thomas Gray and Abraham J. Winfree, being duly sworn, say they know the land claimed by Nicholas Jacks in his above notice; that said land is lying and situate as is therein described; that the same was habited, occupied, and cultivated by Nedum Alford, (through and by his hired man, one Miller,) under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been constantly continued since that period to the present time; and that the claimant's improvements on the land claimed embrace about five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

216. Manuel Flores, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situate on the right bank of the Bayou Terre Blanche in ascending, bounded below by Madame Louis Chamara, above by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"George McTier and L. Meileux, being duly sworn, say they know the land claimed by Manuel Flores



in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his growing corn, &c., and living thereon, on and prior to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that time to the present day; and that the claimant's improvements on the land claimed embrace about twenty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

217. The heirs of Andrew Franks, of the parish of Natchitoches, filed their notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Peidra, about twenty-one miles from Natchitoches, on the road to Nacogdoches, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"William Eltredge, being duly sworn, says he knows the land claimed by Andrew Franks' heirs in their above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant's ancestor in the year 1810; that said inhabitation, occupation, and cultivation was continued until the year 1812. Believes, and has reason to believe, that the ancestor of the claimants was expelled from his possession, or ordered off by the commander of the United States troops and Spanish forces in the year 1812; knows not whether the claimant or any other in his name, or by his authority, ever resumed the occupation."

We have decided (see Nos. 121 and 123,) that when it was shown that possession of the land claimed was abandoned prior to February 22, 1819, we could not recommend a confirmation of the title; but those cases and this are not similar; there the abandonment was voluntary; here it was coerced. We are to presume that the claimant would have continued his possession, and thus have brought himself within the letter of the law under which we are acting, had he not been prevented by the exercise of superior authority; and can the government oppose to the claim its own act, and one to which the claimant gave no assent? We think not. It is known that in the year 1812 the United States troops did expel and force off a number of settlers on the neutral ground, burning their houses, destroying their property, &c. We think that justice and equity sanctions the opinion that this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

218. John Yocum, of the parish of Natchitoches, assignee of Thomas Thompson, filed his notice claiming, by virtue of occupation and cultivation, a tract of land lying within the late neutral territory, situated in the lower end of the Ewamy Prairie about three miles from the Sabine, bounded on the south by land claimed by James Wilson, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"James Wilson and George Stewart, being duly sworn, say they know the land claimed by John Yocum in his above notice; that said land is lying and situate as is therein described; that the same was occupied and cultivated by John Yocum, the claimant, in the year 1817, by his growing corn, &c., thereon; that the same has been uninterruptedly occupied and cultivated by the claimant since that time to the present day; and that during the whole of the time above specified the claimant lived with his father about four hundred yards off from the land claimed."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."—(See Nos. 23, 44.)

219. Thomas D. Yocum, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated near the Ewamy Prairie, bounded on the south by land claimed by John Yocum, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"George Stewart and James Wilson, being duly sworn, say they know the land claimed by Thomas D. Yocum in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about three acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

220. John Yocum, of the parish of Natchitoches, assignee of Jesse Yocum, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated in and near the Prairie Ewamy, bounded on the south by land claimed by Thomas D. Yocum, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"George Stewart and James Wilson, being duly sworn, say that they know the land claimed by John Yocum, assignee, &c., in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by Jesse Yocum, under whom the claimant holds, by his living and growing corn, &c., thereon, in the year 1817; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the said Jesse Yocum, and the claimant holding under him, since that time to the present day; and that the claimant's improvements on the land claimed embrace about twelve acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

221. Mathias Yocum, of the parish of Natchitoches, assignee of Louis Chabineaud, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated in the Prairie Ewamy, bounded on the south and west by John Yocum, assignee of Jesse Yocum, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"George Stewart and James Wilson, being duly sworn, say that they know the land claimed by Mathias Yocum in his above notice; that said land is lying and situate as is therein described; that the same was occupied and cultivated by the claimant, by his growing corn, &c., thereon, in the year 1817; that said occupation and cultivation has been uninterruptedly continued by the claimant since that time until the present; and that the claimant's improvements on the land claimed embrace about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

222. Samuel S. Carnes, of the parish of Natchitoches, assignee of Richard Simms, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral



territory, situated on a branch of the Bayou Toreaux, in the upper settlement of the Hickory Woods, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Jesse Yocum and Thomas D. Yocum, being duly sworn, say that they know the land claimed by Samuel S. Carnes in his above notice; that the same is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by Richard Simms, under whom the claimant holds, by his living and growing corn, &c., thereon, in the years 1814 and 1815; that said inhabitation, occupation, and cultivation was uninterruptedly continued by said Simms during four or five years thereafter; that the claimant, under his purchase from said Simms, has occupied, inhabited, and cultivated the land for about one or two years; and that the claimant's improvements on the land claimed embrace about nine acres."

The testimony brings the occupation and cultivation, at least, up to February 22, 1819. The establishment of this fact we have heretofore thought entitled the claimant to recover.—(See Nos. 100, 189.)

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

223. John Palvadore, of the parish of Natchitoches, filed his notice claiming a tract of land lying within the late neutral territory, situated on the Bayou "La Bonne Chassé," bounded by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"John Bte. Plaisance, being duly sworn, says that he knows the land claimed by John Palvadore in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present day; and that the claimant's improvements on the land embrace about seven acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

224. The heirs of Edward Murphy, of the parish of Natchitoches, filed their notice claiming a tract of land lying within the late neutral territory, situated near the Lake Juan de Mora, having two leagues front to each cardinal point, or four square leagues, claimed by virtue of a concession given and signed by the commandant of Nacogdoches, and dated —, for said tract of land, in favor of John Quinilty, who, afterwards, as the notice alleges, on or about June 15, 1799, sold to the claimants' ancestor; which concession, as is further alleged, is lost, and cannot, or a copy thereof, be found to file herewith, the same having been returned to the commandant of Nacogdoches agreeably to orders, and from thence carried off forcibly by Governor Salcedo in 1812, with all the papers and archives of that post; claimed also by virtue of habitation, occupation, and cultivation for more than thirty years. The claim is supported only by the following testimony taken before the board:

"John Sibley, being duly sworn, says that he knows the land claimed by the heirs of Edward Murphy in their above notice; that the same is lying and situate as is therein described. Deponent knew the sons of the grantee, John Quinilty, about six years past, at which time one of them, James, told this deponent that his father had a concession for the land claimed. Deponent has known the land claimed for twenty years, and that it was always called Quinilty's place."

"Bertrand Plaisance, being duly sworn, says he knows the land claimed by the heirs of Edward Murphy in their above notice; that the same is lying and situate as is therein described; that said land was habited, occupied, and cultivated by John Quinilty, under whom the claimants hold, by his living and growing corn, &c., keeping his vacharies, horses, &c., thereon, more than thirty-five years past; that said inhabitation, occupation, and cultivation was uninterruptedly continued for more than ten years, and until his sale to the claimants' ancestor; that said occupation, inhabitation, and cultivation was continued by the claimants' ancestor until the year 1806, when the buildings and houses were burned by Captain Turner, of the United States army. Deponent has always understood and believed, and it was the understanding and belief among his neighbors and the inhabitants generally, that the said John Quinilty had a written grant for the land claimed, emitted by the Spanish government, though he never saw the grant, nor knows the quantity conceded."

"Theodore Grilliet, being duly sworn, says that he has heard the preceding declaration of Bertrand Plaisance, and that the facts therein stated are true, with the exception that this deponent does not know that the land claimed was settled previous to thirty years past."

This testimony does not clearly prove the pre-existence of the grant; but, if stronger was required, would not this description of claimants, in every case, be precluded from establishing their rights? Facts similar to the one here attempted to be shown among an illiterate people, with few exceptions knowing not how to read or write, can only be substantiated by a sort of traditional belief—a general understanding among themselves. We think the early settlement of the land, and the fact that grants were seldom denied by the Spanish authorities, are considerations that may correctly be brought forward in aid of the testimony. See further answers to the general interrogatories preceding this report.

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "first class."

225. Bernard Pantalton's representatives, of the parish of Natchitoches, filed their notice claiming, by virtue of a concession signed by the commandant of Nacogdoches, dated April 20, 1798, in favor of the claimants' ancestor, a tract of land lying within the late neutral territory, bounded east by the Spanish lake, south by the Bayou Terre Blanche, north by the Bayou Durasmus, extending from said lake two leagues west.

No document of title or testimony of any kind accompanies this notice; but we were referred generally to a notice of the same claimants, filed November 11, 1820, with the late register, under the act of May 11, 1820, and with which the concession here relied on is to be found. No particular benefit can result to the claimants from an examination of their pretensions by the board, and we think it more regular that the title should remain as at first filed, to be reported by the present register under the above-mentioned act; consequently this claim must be rejected, and in the abstract we have classed it under claims of the "fourth class."—(See Nos. 118, 120.)

226. François Robin, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, and situated on the west bank of Old river, bounded above by land of James Bloodworth and below by the heirs of Orizème Buard, containing 640 acres. The claim is supported by the following testimony taken before the board:

"Gaspard Boudin, being duly sworn, says that he knows the land claimed by François Robin in his

above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period up to last spring, when his houses, &c., were burned; that the inhabitation has not been abandoned, and that the claimant is now preparing buildings, &c. for the purpose of renewing his cultivation.

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

227. Remy Totan, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, habitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Tapaleat, bounded, as is supposed, all round by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Laurient Maylieux, being duly sworn, says that he knows the land claimed by Remy Totan in his above notice; that said land is lying and situated as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, fifteen years since; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period until the present time; and that the claimant's improvements on the land claimed embrace about forty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of "third class."

228. Mary Routh Booker, of the parish of Natchitoches, filed her notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on a branch running into the Bayou Provencal, about half a mile below the Ewamy trace, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Peter Sydieck and John Baptiste Sydieck, being duly sworn, say that they know the land claimed by Mary Routh Booker in her above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by John Self, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said Self raised one crop on the land, and sold the same to Thomas Villars, who continued said inhabitation, occupation, and cultivation one year, and then sold the land to the claimant, who has uninterruptedly continued said inhabitation, occupation, and cultivation from that time to this day; and that the claimant's improvement on the land claimed embrace about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

229. Ambroise Lecomte, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situate in the Prairie Lianacenu, fronting on the Bayou Lianacenu, bounded by lands of John Baptiste Lecomte, containing twenty arpents front by forty in depth, being equal to 677 American acres. The claim is supported by the following testimony taken before the board:

"Gaspard Boudin, being duly sworn, says that he knows the land claimed by Ambroise Lecomte in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by and through his agents and others holding under him, living and growing corn, &c., thereon, in the year 1808; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that time to the present day; and that the claimant's improvements on the land claimed embrace about forty-five acres."

We are of opinion, on this testimony, the claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

230. John Baptiste Lecomte, of the parish of Natchitoches, filed his notice claiming a tract of land lying within the late neutral territory, situated at a place called Lianacenu, and containing, agreeably to a plat of survey filed in the claim, drawn by Joseph Irwin, then a deputy surveyor of the United States, dated in 1813, two leagues square, or 23,507 acres, claimed by virtue of a request or concession signed by the commandant of Nacogdoches, and dated July 31, 1797, in favor of Juan Baptiste D'Artigueau for the land claimed; transferred by the said D'Artigueau to Marie Louise Lecomte Dame Porter, by act of exchange, dated —, and by said Dame Porter transferred to the claimant by act of sale, dated June 19, 1813; claimed also in virtue of habitation, occupation, and cultivation for more than thirty-three years.

"Dr. Juan Baptiste D'Artigueau communicates to you, with due respect, that he desires to establish a stock farm in the place called the Anacenu, of this jurisdiction, in consequence of which he prays you to grant him two leagues of land square in said place, in such a manner that it shall contain the whole of the plains of Lianacenu, *todo el nano de Lianacenu*, as well for himself as for his heirs and descendants. Should you grant this request, &c. Nacogdoches, July 31, 1797. Signed Baptiste D'Artigueau." "Nacogdoches, July 31, 1797. Let this request pass to the procurador of this jurisdiction, provided no prejudice shall accrue to third persons. Guadiana."

The claim is further supported by the following testimony taken before the board:

"Gaspard Boudin, being sworn, says that he is a creole of this country, and fifty-eight years of age; that he knows the land claimed by Jean Baptiste Lecomte in his above notice; that the same is lying and situate as is therein described; that said land has been constantly and uninterruptedly inhabited, occupied, and cultivated by those under whom the claimant holds, by the claimant, and for his use by others, for more than thirty-three years preceding this date."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of "second class."

231. Emanuel Trichel, of the parish of Natchitoches, filed his notice claiming, by virtue of habitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situate in the Prairie Matidana, bounded on all sides by vacant lands, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Alexander Gernieul, being duly sworn, says that he knows the land claimed by Emanuel Trichel in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about six acres."



We are of opinion this claim ought to be confirmed, and in the abstract have classed it with the "third class of claims."

232. James Bludworth, of the parish of Natchitoches, assignee of John Bennett, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Lac Pitite Embarras at its junction with Old river, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Alfred Bludworth, being duly sworn, says that he knows the land claimed; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by John Bennett, under whom the claimant holds, by his living and growing corn, &c., thereon, in the year 1812; that Bennett continued said inhabitation, occupation, and cultivation, until his death, in 1815; that a few months afterwards the land was inhabited, occupied, and cultivated by Bradburn and Jacobson, who lived thereon about two years, under a permission from the claimant, after which the land was not inhabited nor occupied until August 1, 1823, when the claimant recommenced the inhabitation, occupation, and cultivation, and has uninterruptedly continued the same until the present time. Claimant has at all times had his hogs on the land, and has cut timber and wood thereon."

We have already said that rights or claims to land resulting from possession and occupancy became, under the usages and customs of the Spanish government, lost by subsequent relinquishment or voluntary abandonment of such possession and occupancy. If we are correct, it results that, at the date of the treaty between the United States and Spain, the land now claimed was fully reannexed to the domain.—(See Nos. 121 and 123.)

We are of opinion this claim ought not to be confirmed, and in the abstract have classed it with claims of the "fourth class."

233. Asa Hickman, of the parish of Natchitoches, assignee of John Mayhaw, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Santaburb, bounded above by other land claimed by the claimant, on other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Wm. Hickman and Theo. Hickman, being duly sworn, say they know the land claimed by Asa Hickman in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by John Mayhaw, (who sold to the claimant,) by his living and growing corn and peas, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the said Mayhaw and by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about thirty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

234. The heirs of François Rouquier, of the parish of Natchitoches, filed their notice claiming, by virtue of an order of survey, signed by Estevan Miro, governor of the province of Louisiana, in favor of Dominique Prudhomme, and dated October 5, 1786, a tract of land lying within the late neutral territory, situated on the west bank of that branch of Red river, called Old river, at the place called "La Petit Ecor," and adjoining below by land claimed by Jean Marie François Rouquier, containing forty arpents front by forty arpents in depth.

The claimant filed in support of his claim the original requete of Dominique Prudhomme, dated July 18, 1786, praying for the land claimed; on which the governor, in the usual form, under date of October 5, 1786, orders the surveyor general to put the party in possession. An authentic sale from the grantee, Dominique Prudhomme, dated December 20, 1786, is also filed. These documents are so mutilated by the ravages of time and insects that we can only give their substance.

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "second class."

235. Jean Marie François Rouquier, of the parish of Natchitoches, filed his notice claiming, by virtue of an order of survey, signed by Estevan Miro, then governor of the province of Louisiana, in favor of the claimant, dated October 4, 1786, a tract of land lying within the late neutral territory, situated on the west bank of that branch of Red river, called Old river, immediately below the place called "Petit Ecor," to adjoin the next preceding tract, and containing forty arpents front by forty arpents in depth.

The claimant filed in support of his claim his original petition, dated July 18, 1786, praying for the land claimed, on which the governor, in the usual form, October 4, 1786, orders the surveyor general to put the party in possession. This document is so torn by the ravages of time and insects that we can only give its substance.

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "second class."

236. James Kirkham, of the parish of Natchitoches, assignee of Juan Segine, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situate on the Bayou Piedra, or Piedro, bounded on the upper side by other land of the claimant, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Robert Sharp and John Sheridan, being duly sworn, say they know the land claimed by James Kirkham in his notice No. 236; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by Juan Segine, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by said Segine, under whom the claimant holds, since that period to the present time, with the exception of last summer, of which the declarants do not know, not having seen the land during that year; and that the claimant's improvements on the land claimed embrace about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

237. Michel Rambin, of the parish of Natchitoches, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Pierre settlement, bounded on the northeast by land of Pierre Laffitt, southwest by Madame Prudhomme, southeast by Mrs. Rucky, and other sides by vacant land, containing two hundred and eighty-one acres and seventy-one hundredths of an acre. The claim is supported by the following testimony taken before the board:

"Louis Procella and Remy De Soto, being duly sworn, say they know the land claimed by Michel



Rambin in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the year 1812; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that year to the present time; and that the claimant's improvements on the land claimed embrace about three acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

238. Marcel De Soto, of the parish of Natchitoches, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the east side of Bayou Pierre, bounded north by vacant land, by Michel Rambin and Madame Baptiste Bastine partly on the east, and containing one thousand thirteen acres and twenty-six-hundredths of an acre. The claim is supported by the following testimony:

"Christian Hesser, (before the board,) being duly sworn, says he knows the land claimed by Marcel De Soto in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, for more than twenty-three years last past; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty acres. And Louis Vacou, being sworn, says the above facts are all within his own knowledge, except that he does not know that the land claimed has been cultivated and inhabited more than ten years past."

We are of opinion this claim ought to be confirmed to the extent of six hundred and forty acres, and in the abstract have classed it with claims of the "third class."

239. Louis Procella, of the parish of Natchitoches, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the east side of Bayou Pierre, bounded below by Marcel De Soto, and on all other sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Christian Hesser and Remy De Soto, being duly sworn, say they know the land claimed by Louis Procella in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the year 1814; that said inhabitation, occupation, and cultivation has been uninterruptedly continued since that year by the claimant, and by his father and mother under him, to the present time; and that the claimant's improvement on the land claimed embraces about four acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

240. Pavie and Noyrit, of the parish of Natchitoches, filed their notice claiming a tract of land lying within the late neutral territory, situated at a place called "Las res Llanos," being the tract on which Louis Latham lately resided, and containing one league square, claimed by virtue of a Spanish concession in favor of José Sanchez, who sold and transferred the same by act dated June 2, 1818, to José Antonio Sepulveda, and by him sold and transferred to the claimant on November 18, 1820.

No document of title, or testimony of any kind, was filed with this notice, but we were referred generally to the proof accompanying the notice for the land here prayed for, filed with the late register, No. 64, under the act of May 11, 1820. No particular benefit can result to the claimants from an examination of their claim here, and we think it more regular that the testimony should remain as at first filed, to be examined and reported by the register under the above-mentioned act.—(See Nos. 118, 120.) Therefore, we are of opinion this claim ought not to be confirmed, and in the abstract have classed it with claims of the "fourth class."

241. Vincent Jackson, of the parish of Natchitoches, assignee of William Ash, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the east bank of the Sabine river, about two miles below the Cashata village, bounded on all sides by vacant land, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Morris McLaughlin, being duly sworn, says that he knows the land claimed by Vincent Jackson in his above notice; that said land is lying and situated as is therein described; that the same was inhabited, occupied, and cultivated by William Ash, by his living and growing potatoes, peach trees, &c., thereon, some time about the year 1810; that at that time said Ash had about seven acres cleared. Witness has never seen the place since."

The rights of the claimant were lost by non-continuation of occupancy.—(See Nos. 121, 123, and 232.)

We are of opinion this claim ought not to be confirmed, and in the abstract have classed it with claims of the "fourth class."

242. Pierre Roblot, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Na Bon Chassé, bounded above by land claimed by Philip Flores, below by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Jacob Nord and Remy Totan, being duly sworn, say that they know the land claimed by Pierre Roblot in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the year 1810; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that year to the present time; and that the claimant's improvement on the land claimed embraces about twenty-five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

243. Philip Flores, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the waters of Bayou "Na Bon Chassé," bounded on the lower side by Pierre Roblot, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Jacob Nord and Remy Totan, being duly sworn, say they know the land claimed by Philip Flores in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly

continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces about twenty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

244. Claude Antoine Choppin, of the parish of Natchitoches, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated at "L'Isle a Bolieu," in the settlement of Bayou Pierre, bounded, as is supposed, by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Pierre Bolieu and Edward Bolieu, fils, being duly sworn, say they know the land claimed by Claude Antoine Choppin in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by Baptiste Soline, the hiring of the claimant, and for his benefit, by his living, and growing corn, &c., thereon, on and previous to February 22, 1819; and that the claimant's improvements on the land claimed embrace about four acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

245. Pierre Bolieu, of the parish of Natchitoches, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situate at the "Isle a Bolieu," in the settlement of Bayou Pierre, bounded below by vacant land, and above by Charles Noyrit, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Laurent Meillieu, being duly sworn, says that he knows the land claimed by Pierre Bolieu in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the year 1810; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that year to the present day; and that the claimant's improvement on the land claimed embraces about twenty-four acres. And C. A. Choppin, being also sworn, says that the land claimed was in a high state of cultivation by the claimant in 1819."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

246. Laurent Meillieu, of the parish of Natchitoches, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated in "L'Isle a Bolieu," bounded above by Michel Rambin, and below by Pierre Caillieu, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Pierre Bolieu and Edward Bolieu, being duly sworn, say that they know the land claimed by Laurent Meillieu in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by Pierre Caillieu, on account and for the benefit of the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present time; and that the claimant's improvements on the land claimed embrace about five acres."

On this testimony we are of opinion the claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

247. Edward Bolieu, fils, of the parish of Natchitoches, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated at "L'Isle a Bolieu," in the settlement of Bayou Pierre, bounded by Pierre Bolieu above and François Serpentine below, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Laurent Meillieu, being duly sworn, says that he knows the land claimed by Edward Bolieu, fils, in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, in the year 1810; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that year to the present time; and that the claimant's improvement on the land claimed embraces about eight acres."

On this proof we are of opinion the claim ought to be confirmed, and in the abstract have classed it with the claims of the "third class."

248. The heirs of Louis Souligne, of the parish of Natchitoches, filed their notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated in "L'Isle a Bolieu," bounded on all sides by vacant land, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Laurent Meillieu and E. Bolieu, fils, being duly sworn, say that they know the land claimed by the heirs of Louis Souligne in their above notice; and that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimants' ancestor, by his living and growing corn, &c., thereon, in the year 1813; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by him and the claimants since that year to the present time; and that the claimants' improvements on the land embrace ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

249. Pierre Roblot, of the parish of Natchitoches, assignee of José Antonio Skiewell, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the Bayou Na Bon Chassé, bounded on the lower side by Rosimo Gammie, on other sides by vacant land, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Jacob Nord, being duly sworn, says that he knows the land claimed by Pierre Roblot in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by José Antonio Skiewell, (from whom the claimant holds,) by his living and growing corn, &c., thereon, on and before February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by said Skiewell from that period until about eight months since; and that the claimant's improvement on the land claimed embraces about thirty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

250. Jacques Grappe, of the parish of Natchitoches, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the



Sicacacha bayou, bounded on all sides by vacant land, and containing six hundred and forty acres. The claim is supported by the following testimony:

"Francisco Ronas and Pierre Moran, being severally sworn, say they know the land claimed by Jacques Grappe in his above notice; that the same is situated as is therein described; that said tract was occupied, inhabited, and cultivated by the claimant, by his living and growing corn thereon, on and previous to February 22, 1819; that said occupation, inhabitation, and cultivation has been continued by the claimant since that period to the present time; and that the improvement on the tract claimed embraces about fifty acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

251. Martha Andrus, of the parish of St. Landry, filed her notice claiming, by virtue of settlement and occupation, a tract of land in the late neutral territory, situated on the west side of the river Quelqueshue, bounded above by John Henderson, and below by Michel Neal, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Thomas Stewart, being duly sworn, deposes and says that the land claimed was, to his knowledge, settled and cleared to the extent of two acres by John Clark, (who sold to Sally Andrus, the deceased daughter of the claimant, and from whom she heirs,) about the year 1814. Deponent does not know that the settlement continued till about three years, when one Arsene Le Blue, for the claimant, entered on the land, and has cultivated it ever since."

We are of opinion that this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

252. Dempsey Isles, of the parish of St. Landry, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land, situated on the west bank of the river Quelqueshue, north of the Bayou Dan, bounded by H. Coward above, and below by vacant land, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"In the claim of Dempsey Isles, William Smith, being sworn, says that he knows the land since the year 1818 to the present time; that from that time to the present it has been cultivated to the extent of sixteen acres, in corn and potatoes—first by James Ashworth, (who sold his right to the claimant, as appears by a sale on file,) and then by the present claimant ever since; that it is situated on the ancient bed of the Quelqueshue river, and that James Ashworth is about fifty years of age."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

253. Elias Blunt, of the parish of St. Landry, assignee of Archibald Smith, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land, situated on the west bank of the Quelqueshue river, at a place called Blunt's Ferry, bounded below by William and George Smith, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Burrell Franks, being sworn, says that he has known the land since the year 1818; that from that time to the present it has been settled and cultivated to the extent of about thirty acres—first by Archibald Smith, from whom the claimant holds, until the year 1821; that the land is situated on the right bank of the Quelqueshue river, at a place called Blunt's Ferry."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

254. Hardy Coward, of the parish of St. Landry, assignee of Aaron Cherry, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land, situated on the west bank of the river Quelqueshue, bounded on one side by McKee's bayou, and on the other by the claim of George Smith, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"William Smith, being sworn, says that he has known the land since the year 1818 to the present time, and that from that time to the present it has been constantly inhabited and cultivated to the extent of about ten acres, in corn, pumpkins, &c.—first by Aaron Cherry, (from whom the claimant holds,) till the last year; it is situated on the right bank of the Quelqueshue river, bounded on one side by McKee's bayou; and that the said Cherry is about forty years of age, and the head of a family."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

255. Archibald Thompson, of the parish of St. Landry, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land, situated in the late neutral territory, on the east prong of Bayou Dinde, (which is a west branch of the Quelqueshue river,) fronting on the west side of said prong, bounded on all sides by vacant land, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"William Smith, being sworn, says that he knows the land since the year 1818 to the present time, and that during this space it has been constantly inhabited and cultivated by the claimant to the extent of four acres, in corn, potatoes, &c.; that it is situated as mentioned in the foregoing notice, and that the claimant is about thirty years of age, and the head of a family."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

256. George Fogleman, of the parish of St. Landry, filed his notice claiming, by virtue of settlement and occupancy prior to February 22, 1819, a tract of land, lying within the late neutral territory, situated on the west side of the Quelqueshue river, on the Spanish trace, about two miles above Charles' lake, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"John Hooser and David Hooser, being sworn, say that they know the land in question, and have known it since the year 1817; that in the spring of that year the claimant cleared and cultivated about five acres of the land in corn, &c.; and that the land in question is situated as mentioned in the preceding notice."

From the notice and testimony it appears that the land was voluntarily abandoned on February 22, 1819; therefore, we must say, in our opinion, this claim ought not to be confirmed, and in the abstract have classed it with claims of the "fourth class." (See No. 232, and the Nos. there referred to.)

257. James Going, of the parish of St. Landry, filed his notice claiming, by virtue of settlement and occupancy, a tract of land in the late neutral territory, situated on the west side of the Quelqueshue river,



on the east bank of the Bayou Show Pique, opposite the claim of James Ashworth, and containing three hundred and twenty acres. The claim is supported by the following testimony taken before the board:

"James Ashworth, being sworn, says that he has known the land since the month of January, 1819; that from that time to the present the claimant had settled, resided on, and cultivated it to the extent of about six acres, in corn, potatoes, &c.; that it is situated as mentioned in the foregoing notice."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

258. James Ashworth, jr., of the parish of St. Landry, filed his notice claiming, by virtue of settlement and occupancy, a tract of land lying within the late neutral territory, situated on the west side of the Quelqueshue river, and on the west side of the Show Pique bayou, about fifteen miles above the entrance of said bayou into the Quelqueshue river, at a crossing of said bayou, which is about two miles south of the Spanish trace, and containing three hundred and twenty acres. The claim is supported by the following testimony taken before the board:

"James Going, being sworn, says that he has known the land claimed since the month of January, 1819; that at that time it was settled and cultivated by the claimant to the extent of about five acres, in corn, potatoes, &c.; that the claimant has continued to reside on said land, and to cultivate it from that time to the present; and that it is situated as mentioned in the foregoing notice of the claimant."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

259. James Barnett, of the parish of St. Landry, assignee of George Orr and Abel Terrell, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land situated on the river Sabine, at the old Spanish crossing, having a cabin on each side of the road, containing 640 acres. In support of the claim the following testimony was taken before the board:

"Burrell Franks states on oath that the land was settled and cultivated by George Orr and Abel Terrell, from whom the claimant holds, in the year 1818, and for three years since; since that time deponent has not seen the land." "William Smith, on oath, in the same claim, confirms the testimony of Franks, and adds, that he saw the place about eighteen months since, and it was then inhabited and under good fence, as the property of said Orr and Terrell."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

260. Jacob E. Self, of the parish of St. Landry, assignee of Rezin Bowie, sen., who was assignee of William Andrus, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the west side of the Quelqueshue river, about six miles above Lake Charles, bounded above by lands of Isaac Foster, and containing 640 acres. In support of this claim the following testimony was taken before the board:

"James Simmons, being duly sworn, deposes and saith that he is well acquainted with the land of the claimant; that it is situated about six miles above Lake Charles, on the west side of the Quelqueshue river, at or near the junction of the west fork with the main river; that the land in question has been inhabited and cultivated for about ten years, in regular succession, to the extent of about ten acres, in corn, potatoes, and the like—first by William Andrus, and afterwards by others under him, including the claimant, who has occupied it for several years, and has made continual improvements thereon."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

261. Rees Perkins, of the parish of St. Landry, assignee of Gibson Johnson, (who purchased of Devers, who purchased of Burrell Franks,) filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the north side of the west branch of the Quelqueshue river, about four miles above the improvement made by John Gilchris, and containing 640 acres. In support of this claim the following testimony was taken before the board:

"Burrell Franks, being sworn, deposes that he knows the land since the year 1818; that about that time, and before February, 1819, Charles Savoyard made a settlement and improvement of about two acres, planted in corn, &c.; that said Savoyard made a verbal transfer of said settlement to this deponent, who sold to Devers, who sold to Gibson Johnson, who sold to the claimant; that the said land is situated on the north side of the west branch of the Quelqueshue river, and about four miles above the improvement made by John Gilchris, at the first fork of the west branch."

It is not shown that the land claimed was either occupied or cultivated February 22, 1819, by the claimant, or those under whom he holds. We are, therefore, of opinion that this claim ought not to be confirmed, and in the abstract have classed it with claims of the "fourth class."—(See No. 256.)

262. Rees Perkins, of the parish of St. Landry, assignee of David Choat, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the right bank of the Quelqueshue river, about a mile above Blunt's Ferry, and the same distance below Devers' Ferry, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Burrell Franks, being duly sworn, says he has known the land since the year 1818, and that since that time to the present it has been constantly inhabited and cultivated by David Choat; that about twenty-five acres were under fence and cultivation in corn, potatoes, &c., during the greater part of the time, and previous to February, 1819; that the land is situated as described in claimant's notice."

We are of opinion this claim ought to be confirmed; and in the abstract have classed it with claims of the "third class."

263. Rees Perkins, of the parish of St. Landry, assignee of John Gilchris, filed his notice claiming, by virtue of occupation, inhabitation, and cultivation, a tract of land lying within the late neutral territory, situated on the right bank of the west branch of the Quelqueshue river, at a pine bluff about three miles from the mouth of said branch, and containing six hundred and forty acres. The following testimony was taken before the board in support of this claim:

"Burrell Franks, being sworn, says he has known the land since the year 1818, and from that time to the present it has been constantly inhabited and cultivated by John Gilchris, (till about a year past,) and by others under him ever since; that about thirteen acres have been cleared on said land, and cultivated in corn, potatoes, &c., before and since the year 1818, and up to this time; is situated on a west branch of the Quelqueshue river, and on the right bank, about three miles from the mouth of the branch by water, and at a pine bluff."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

264. Drury Bunch, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of the river Quelqueshue, about ten miles above John Henderson's, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"John Stewart, being duly sworn, says that he knows the land claimed by Drury Bunch in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by said Drury Bunch, by his living and growing corn, &c., thereon, on and previous to February 22, 1819."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

265. James Barnett, of the parish of St. Landry, assignee of Joshua Johnson, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of the Quelqueshue river, adjoining below to the claim of David Choat, and on which Mrs. Coleman now lives, containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"William Smith and Burrell Franks, being both duly sworn, say they know the land claimed by James Barnett in his foregoing notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by Joshua Johnson, (under whom the claimant holds,) by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation, has been uninterruptedly continued by the claimant and those under whom he holds, since that period to the present time; and that the claimant's improvement on the land claimed embraces about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

266. Hardy Coward, of the parish of St. Landry, assignee of William Isles, who purchased of Moses Ashworth, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west side of the river Quelqueshue, on the south bank of McKee's bayou, and the same on which the claimant now lives, bounded below by the claim of Dempsey Isles, and containing six hundred and forty acres. The claim is supported by the following testimony taken before the board:

"Burrell Franks, being duly sworn, says he knows the land claimed by Hardy Coward in his foregoing notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by Moses Ashworth, (who sold to William Isles,) by his living and growing corn, &c., thereon, in the year 1816; that said inhabitation, occupation, and cultivation, has been uninterruptedly continued since that time, by said Ashworth, and by William Isles, and the claimant holding under him, to the present day; and that the claimant's improvement on the land claimed embraces about thirty-five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

267. Michel Neil, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of the Bayou Quelqueshue, bounded above by Arsen le Blue, below by Jos. Clark, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"William Smith, being duly sworn, says he knows the land claimed by Michel Neil in his above notice; that the same is lying and situated as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present day; and that the claimant's improvement on the land claimed embraces about twelve acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

268. John Henderson, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of the river Quelqueshue, about one and a half mile below the claim of Martin Carmesac on the east side, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"William Smith, being duly sworn, says he knows the land claimed by John Henderson in his above notice; that the same is lying and situated as is therein described; that said tract was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that the said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present day; and that his improvements on the land embrace about 45 acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

269. Burrell Franks, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of Quelqueshue lake, at a place called Haekberry island, it being a small island surrounded by sea marsh, containing 640 acres. The claim is supported by the following testimony taken before the board:

"William V. Smith, being duly sworn, says he knows the land claimed by Burrell Franks in his above notice; that the same is lying and situated as is therein described; that the same was occupied and cultivated by the claimant, by his growing vegetables thereon, on and previous to February 22, 1819; that said occupation and cultivation has been uninterruptedly continued by the claimant since that period to the present day; and that his improvements on the land embrace about one quarter of an acre."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

270. Jacob Ryan, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west

bank of the Bayou Quelqueshue, about six miles above the Little lake, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Henry Moss, being duly sworn, says he knows the land claimed by Jacob Ryan in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, cotton, and potatoes, thereon, in the year 1817, though he commenced the improvement in 1816; that said inhabitation, occupation, and cultivation has been constantly continued by the claimant since that period to the present time; and that the claimant's improvement on the land claimed embraces sixteen acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

271. Hiram Ours, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land (through a chain of transfers from Jourdan Perkins) lying within the late neutral territory, situated on the west side of Bayou Quelqueshue, being on the north side of Bayou d'Inde, about one mile and a half from its mouth, and at the first bluff, containing 640 acres. The claim is supported by the following testimony:

"Henry Moss and Isaac Ryan, being both duly sworn, say that they know the land claimed by Hiram Ours in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by Jourdan Perkins, (under whom the claimant holds,) by his living and growing corn, &c., thereon, in the year 1818, or the year preceding; that the same has been constantly inhabited, occupied, and cultivated by the claimant, and by those under whom he holds, since that period to the present time, with the exception of the year 1820, when the place laid idle; and that the claimant's improvement on the land claimed embraces about eight acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

272. Henry Moss, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situate west of the Bayou Quelqueshue, on the waters of the Bayou d'Inde, about two miles below and south of the old Spanish trace to the Sabine, containing 640 acres. The claim is supported by the following testimony taken before the board:

"Isaac Ryan, being sworn, says that he knows the land claimed by Henry Moss in his above notice; that the same is lying and situate as is therein described; that said land was occupied and cultivated by the claimant, by his growing corn, &c., thereon, in the year 1818; that said cultivation and occupation has been uninterruptedly continued since that period to the present time; that the claimant, in consequence of the unsettled state of the country, did not actually live on the land until the year 1821, since which he has constantly inhabited the land claimed; and that his improvements may embrace about fifteen acres."

The facts in this claim are similar to those in claim No. 23, and for the reasons therein given we are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

273. Jacob Ryan, of the parish of Natchitoches, (meaning St. Landry,) assignee of Joseph Cornow, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of the Bayou Quelqueshue, bounded above by the claimant, at a bluff about five miles above the Little lake, containing 640 acres. The claim is supported by the following testimony taken before the board:

"Henry Moss, being duly sworn, says he knows the land claimed by Jacob Ryan in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by Joseph Cornow, (under whom the claimant holds,) by his living and growing corn, &c., thereon, in the year 1818; that said inhabitation, occupation, and cultivation was continued constantly by said Cornow for about two or three years, or until he sold to the claimant; that afterwards one Nathaniel Clifton occupied, inhabited, and cultivated the land; and that the claimant's improvements on the land claimed embrace about six acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

274. George King and John B. Hamilton, of the parish of St. Landry, filed their notice claiming, by virtue of settlement and occupancy, a tract of land situated on the east branch of the Quelqueshue river, called Bayou Darbon, and on the west side thereof, located on a creek called Mill creek, bounded on all sides by vacant land, containing 640 acres. The claim is supported by the following testimony taken before the board:

"James Simmons, being duly sworn, deposes and saith that he is well acquainted with the land of the aforesaid claimant; that it is situated on the west side of the eastern branch of the Quelqueshue river, called the Darbon, and on a small water-course called Mill creek, about a mile from the Darbon; that it was settled and cultivated by the claimants, and by them occupied from the fall of the year 1818 to the present time, in regular succession, to the extent of about twenty or twenty-five acres, in corn, potatoes, and the like."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

275. Joseph Clark, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of Bayou Quelqueshue, bounded above by Michel Neil, and below by Isaac Foster, containing 640 acres. The claim is supported by the following testimony taken before the board:

"William Smith, being duly sworn, says he knows the land claimed by Joseph Clark in his above notice; that the same is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, through William Isles, his agent or lessee, by his living and cultivating corn, &c., thereon, on and previous to February 22, 1819. Deponent does not know that said inhabitation, occupation, and cultivation, has been continued since that period, but knows that some of the fences are yet standing, together with peach trees; he supposes there are about twelve acres improved on the land claimed."

This claim is similar to others before recommended, (see Nos. 100, 189,) therefore,

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

276. Rees Perkins, of the parish of St. Landry, assignee of Philip P. Devers, filed his notice claiming,



by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of the Bayou Quelqueshue, at a place called 'Devers' Ferry, about a mile above David Choat's settlement, containing 640 acres. The claim is supported by the following testimony taken before the board:

"Burrell Franks, being duly sworn, says that he knows the land claimed by Rees Perkins in his above notice; that the same is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by Philip P. Devers, under whom the claimant holds, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been constantly continued since that period by said Devers, and others by his permission, to the present time; and that the improvements on the land claimed embrace about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

277. Isaac Foster, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of the Quelqueshue river, bounded below by Jacob E. Self, and above by Ogden, being the same on which the claimant now resides, containing 640 acres. The claim is supported by the following testimony taken before the board:

"William Smith, being duly sworn, says he knows the land claimed by Isaac Foster in his above notice; that the same is lying and situate as is therein described; that the same was occupied, inhabited, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present day; and that his improvement on the land claimed embraces about twenty-five acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

278. William Smith, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of the Bayou Quelqueshue, bounded above by Elias Blunt, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Burrell Franks, being duly sworn, says he knows the land claimed by William Smith in his above notice; that said land is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued by the claimant since that period to the present day; and that his improvement on the land claimed embraces about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

279. George Smith, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west side of the Bayou Quelqueshue, bounded by land of William Smith, and containing 640 acres. The claim is supported by the following testimony taken before the board:

"Burrell Franks, being duly sworn, says he knows the land claimed by George Smith in his above notice; that the same is lying and situate as is therein described; that the same was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been uninterruptedly continued since that period to the present day; and that the claimant's improvements on the land claimed embrace about ten acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the "third class."

280. George Orr, of the parish of St. Landry, filed his notice claiming, by virtue of inhabitation, occupation, and cultivation, a tract of land lying within the late neutral territory, situated on the west bank of the Bayou Quelqueshue, bounded above by the claim of Jacob E. Self, and below by vacant land, containing 640 acres. The claim is supported by the following testimony taken before the board:

"Burrell Franks, being duly sworn, says that he knows the land claimed by George Orr in his above notice; that the same is lying and situate as is therein described; that said land was inhabited, occupied, and cultivated by the claimant, by his living and growing corn, &c., thereon, on and previous to February 22, 1819; that said inhabitation, occupation, and cultivation has been continued since that period until a few months since; and that the claimant's improvements on the land claimed embrace about four acres."

We are of opinion this claim ought to be confirmed, and in the abstract have classed it with claims of the third class.

In closing this report we are under the necessity of remarking that it has been represented to us that the tract of land claimed by Henry Stoker, assignee of Alexander Calhoun, by virtue of occupancy, and recommended for confirmation under No. 42, embraces the same ground on which the United States military works and buildings at Cantonment Jesup now stand, and there may be other claims similarly situated. In order to guard, therefore, against conflicting interests, we would recommend, should Congress affirm our decisions, the insertion of a restrictive clause in the act.

All which is respectfully submitted by your most obedient servants,

VALENTINE KING, Register.  
DAVID L. TODD, Receiver.

*Abstract containing the whole number of claims embraced in the foregoing report.*

## FIRST CLASS.

No.	Name of claimant, nature of title, and by whom issued.	Titles—when issued.	Titles—to whom issued.	Date of transfer, person transferring, and to whom.	Extent.	Quantity.
	<i>Complete grants by lieutenant governor of Nacogdoches.</i>					<i>Acres.</i>
87	Joseph Valentine.....	August 30, 1791....	Claimant.....	.....	1½ mile square..	.....
108	George Schamp and Pelag. Schamp..	May 14, 1796.....	John Adley.....	Jan. 21, 1821, from grantee to claimant.	¼ league square.	5,760
110	Emanuel Prudhomme.....	Title lost.....	Claimant.....	.....	1 league square.	.....
113	Legal representatives of Pierre Dolet.	January 14, 1796....	Claimants' ancestor.....	.....	2 leagues square	.....
143	Heirs and representatives of Ed. Murphy.	October 18, 1791...	.....do.....	.....	Special.....	2,222.84
180	Samuel Davenport; heirs and representatives of Ed. Murphy, deceased; heirs and representatives of Luther Smith, deceased; and heirs and representatives of W. Barr, deceased.	August 14, 1793....	Edward Murphy.....	November 3, 1798, from grantee to claimant.	4 leagues square	.....
181	Same.....	December 15, 1795.	Jacinta Mora.....	July 22, 1805, from grantee to claimant.	6 leagues square	207,360
200	Cezare Lafitt and Louis Lafitt.....	Title lost.....	Claimants.....	.....	.....	53,390
204	Widow and heirs of Gasp. Fiolle....	.....do.....	Claimants' ancestor.....	.....	2 leagues square	.....
224	Heirs of Ed. Murphy, by commandant of Nacogdoches.	.....do.....	John Quinity.....	Grantee to claimants' ancestors.	4 leagues square	.....

## SECOND CLASS.

82	Pierre Lafitt, conditional grant, by commandant of Nacogdoches.	June 12, 1784.....	Claimant.....	.....	Special.....	11,393.89
230	John Baptiste Lecomte, incomplete grant by ditto.	July 31, 1797.....	J. B. D'Artigeau.....	Grantee to Dame Porter, and by her to claimant.	2 leagues square	23,507
234	Heirs of Francis Rouquier, order of survey, by governor of Louisiana.	October 5, 1786....	Dominique Prudhomme.	December 20, 1786, grantee to claimant.	40 arpents front by 40 arpents deep.	.....
235	Jean Marie Franc. Rouquier, ditto ..	October 4, 1786....	Claimant.....	.....	40 arpents front by 40 arpents deep.	.....

## THIRD CLASS.

No.	Names of claimants.	Situation of the claim.	Acres.
1	Henry Quirk.....	Bayou of Three Prairies.....	640
2	Louis Latham.....	do.....do.....	640
3	Antonio Le Rue.....	Bayou Sie.....	1
4	Francisco Grammon.....	do.....	640
5	Henry Stoker.....	Bayou Pedro.....	640
6	Latney Parrot.....	Bayou Buena Vista.....	640
7	John Lum.....	Bayou Pedro and Buena Vista.....	640
8	John Waddill.....	East side river Sabine.....	640
9	Joel Leskey.....	Bayou Négreit.....	640
10	Samuel Norris.....	Red river.....	489
11	Hugh McNeley.....	Bayou Toro.....	640
12	Christopher Anthony.....	Bayou Négreit.....	640
13	Samuel Norris, assignee of Peter Murphy.	Red river.....	996.66
14	Leonard Dyson, assignee of Edward McGlaughlin.	do.....	640
15	Nathaniel Norris.....	Peach Tree bayou.....	640
16	Nathaniel Norris and brothers.....	do.....	640
17	Thomas Hicks.....	Hickory Woods.....	640
18	Leonard Dyson.....	Red river.....	575
19	Baptiste Poirat, brothers and sisters	do.....	640
20	Baptiste Poirat, sr.....	Lake of Red river.....	351.80
21	Moses Robison.....	Red river.....	435.50
22	Peter Stockman.....	do.....	640
23	Jacob Winfree.....	Hickory Woods.....	640
24	James Pharis.....	Red river.....	640
25	José Rues.....	Bayou Santa Barbara.....	640
26	Antonio Debasorda.....	Bayou Sie.....	640
27	José Estrader.....	do.....	640
28	Peter Patterson.....	do.....	640
29	David Waltman.....	do.....	640
30	John Maximilien.....	do.....	640
31	Henry Stockman.....	Red river.....	500

## Abstract containing the whole number of claims, &amp;c.—Continued.

## THIRD CLASS—Continued.

No.	Names of claimants.	Situation of the claim.	Acres.
32	John Gordon.....	River Sabine.....	640
33	John Armstrong, assignee of Charles Curtis.....	Cassa lake.....	640
34	Cezare Wallace.....	do.....	640
35	James Kirkham.....	Waters of Petrovo.....	640
36	John Laplace.....	Road to Gaines' Ferry.....	640
37	James Kirkham, assignee of Thomas Cartwright.....	Bayou Chacon.....	640
38	Benjamin Winfree.....	Bayou Négreit.....	640
39	Marian Sanchez.....	Bayou Piedro.....	640
40	Benjamin Morris.....	Hickory Woods.....	640
41	Abselem J. Winfree.....	do.....	640
42	Henry Stoker, assignee of Alexander Calloun.....	Dividing Ridge.....	640
43	Radio Flores.....	Town of Adais.....	63
44	Thomas Arliur.....	Bayou Négreit.....	640
45	Andres Galindo.....	Bayou Sie.....	640
46	François Poirot.....	Red river.....	330
47	Michael Early.....	Bayou San Miguel.....	640
48	John Armstrong, assignee of James Anderson.....	Red river.....	640
49	David Case, assignee of John Eunev.....	Bayou Sie.....	640
50	Henry Berger.....	Cane bayou.....	640
51	Firmin Poissot.....	Bayou Lapoint.....	640
52	Andre Adley, Baptiste Prudhomme, and José Locabeach.....	Bayou Sie.....	640
53	Cezare Wallace, assignee of Pierre Wallace, deceased.....	A small bayou.....	640
54	Andre Valentine.....	Bayou Sie.....	640
55	Edmund Quirk.....	Bayou la Nan.....	640
56	William Quirk.....	Road to Gaines' Ferry.....	640
57	Manuel Chierino.....	Bayou Pedro.....	640
58	Guillaume Bébé.....	Bayou Sie.....	640
59	Widow Laleno Padca.....	do.....	640
60	John Freeman.....	Bayou St. Jean.....	640
61	Rostmo Gagné.....	Bayou la Bonne Chasse.....	640
62	James Shackelford, assignee of John Stein.....	Laurel Springs.....	640
63	Eli Smith.....	Bayou Kiatchie.....	640
64	David Winkles.....	do.....	640
65	John Montgomery, Jr.....	do.....	640
66	Eli Smith, assignee of Archibald Thompson.....	Bayou Centerburb.....	640
67	John Sheridan, assignee of Pedro Guaiardo.....	A Spanish village.....	226.40
68	James Tate, assignee of Cubaza.....	do.....	640
69	James Tate, assignee of Maria Mora.....	do.....	640
70	James Tate, assignee of Pablo Libras.....	do.....	640
71	Maria Concepcion de Lion, assignee of M. Rodrigues.....	do.....	640
72	Antonio Rodrigues.....	do.....	640
73	Asa Beckum, assignee of Maria San Miguel.....	Near do.....	00
74	James M. Gilson, assignee of J. Montgomery.....	McKimm's creek.....	640
75	Charles Noyrit.....	Isle a Boileu.....	640
76	François Prudhomme.....	Bayou of Prairie Winsey.....	640
77	Alexander Gernieul.....	Isle of Boileu.....	640
78	Hugh McGuffin.....	Bayou Pedro.....	640
79	Harriet W. M. Cable, assignee of J. Cable.....	Young's bayou.....	640
80	Athanasse Poissot.....	Bayou Cantanman.....	640
81	Mary E. Case, wife of William M. Rivers.....	On road to Gaines' Ferry.....	640
82	John Baptiste Trezzeni, assignee of F. Serpentine.....	Settlement of Bayou Pierre.....	640
83	José Maria Procella.....	Tres y Llanos.....	640
84	James Wilson.....	Spring Branch.....	640
85	Philip Winfree.....	Near Sabine river.....	640
86	Abraham Winfree.....	do.....	640
87	James Walker, assignee of James Dollolide.....	Bayou Toro.....	640
88	Joseph Grubb, assignee of G. Johnson.....	Bayou Kiatchie.....	640
89	Joseph Grubb, assignee of Thomas Nash.....	do.....	640
90	Manuel Gonzales.....	Road to the Ornegas.....	640
91	Azor Mathis.....	Mill creek.....	640
92	Henry Sheridan.....	Near Spanish village.....	640
93	James McKim, elder.....	Bayou Provincial.....	640
94	Asa Hickman, assignee of Theodore Hickman.....	Bayou Santaburb.....	640
95	James McKim, Jr.....	Bayou Provincial.....	640
96	Ethelred Smith.....	Bayou Santaburb.....	640
97	James Hickman.....	do.....	640
98	William Cummings.....	do.....	640
99	William Hickman.....	do.....	640
100	Santiago Ruiz.....	Near Spanish village.....	640
101	Augustin T. San Miguel.....	Spanish village.....	11.87
102	John Cortes, (merchant,) assignee of Trenk Tarwin.....	Bayou Terre Blanche.....	640
103	John Litton.....	Bayou San Miguel.....	640
104	Asa Beckum.....	do.....	640
105	Nancy R. Hays.....	Bayou Provincial.....	640
106	Heirs of Michael Quinn.....	Bayou Bain.....	640
107	John Sibley.....	Bayou Adais.....	640



*Abstract containing the whole number of claims, &c.—Continued.*

THIRD CLASS—Continued.

No.	Names of claimants.	Situation of the claim.	Acres.
135	John Baptiste Perot.....	Tres y Llanos.....	640
136	Green Cook, assignee of Henry Sabine.....	River Sabine.....	640
137	George Slaughter, assignee of Louis Warren.....	Saline bayou.....	640
138	Remy Christie.....	Bayou Sie.....	640
139	William P. Davidson, assignee of John Humphreys.....	Bayou of Three Prairies.....	640
139	Thomas Wilson.....	do.....	640
131	Thomas Wilson, assignee of Poudio Morales.....	do.....	640
132	Thomas Gray, assignee of James Bridges.....	Bayou Négroït.....	640
133	Thomas Gray, assignee of John Macky.....	do.....	640
134	Polly Lemmons.....	Cow bayou.....	640
135	Macedonia Grammon.....	Bayou Sie.....	640
136	John Cortes, of Bayou Sie.....	do.....	640
137	Létreux Airio.....	do.....	640
138	Simon Montalbo.....	do.....	640
139	Widow Ganasien Pariris.....	do.....	640
140	John Grammon.....	do.....	640
141	Widow Interesse Toval.....	do.....	640
142	Estevan Bascus.....	do.....	640
144	Maria Flores.....	do.....	640
145	Malchore Mountsoul.....	do.....	640
146	Manuel Grammon.....	do.....	640
147	Domingo Gonzales.....	do.....	640
148	Ignatio Curtinas.....	do.....	640
149	John Burdan.....	do.....	640
150	John Pierre Burdan.....	do.....	640
151	John Baptiste Burdan.....	do.....	640
152	Thomas McNelly, assignee of John Gardner.....	Bayou Mill Creek.....	640
153	John Dinsmore, jr., assignee of S. Laffitt.....	Bayou Grand Canes.....	640
154	Robert McDonald, assignee of Stephen Moore.....	Bayou of Three Prairies.....	640
155	Andrew Bassum.....	do.....	640
156	Juan Colass Burdan.....	Bayou Sie.....	640
157	José Arriole.....	do.....	640
158	Regoria Shernack.....	do.....	640
159	Felecian Gonzales.....	Cany bayou.....	640
160	Francisco Rosales.....	Bayou Sie.....	640
161	José Bascus.....	do.....	640
162	Portevet Bludworth.....	Bayou Kinsatchie.....	640
163	John Warrick.....	do.....	640
165	Humphrey Yarborough.....	do.....	640
166	José Antonio Manchac.....	Bayou Sie.....	640
167	Martin Dios.....	Bayou of Three Prairies.....	640
168	José Antonio Rodrigues.....	Bayou Sie.....	640
169	Trinidado Candada.....	Village of Adais.....	640
170	Manuel Bustamente.....	do.....	640
171	Miguel Fugar.....	do.....	640
172	Sylvestre Poissot.....	On a chain of lakes.....	122.16
173	Sylvestre Poissot, assignee of A. Poissot, deceased.....	do.....	203.74
176	Denise Dios.....	Lake Juan de Mori.....	640
177	José Derolins.....	Bayou of Three Prairies.....	640
178	Domingo Santa Cruz.....	Adais.....	640
179	José Maria Soto, assignee of Baptiste Chérino.....	do.....	640
183	Sarah Sheridan, now wife of William Carrel.....	Bayou le Bain.....	640
184	Thomas Wallace, assignee of David Minsey.....	Red river.....	400
185	Thomas Wallace.....	Terre Noir creek.....	640
187	Michael Chamard.....	Lake Fordache.....	640
188	Pavie and Noyrit, assignees of José An. Sepulvado.....	Bayou Piedra.....	640
189	Benjamin Bullitt, assignee of John Jameson.....	Bayou St. John.....	640
190	James Madden, assignee of Enos Withers.....	Bayou Kinsatchie.....	Special.
192	François Rambin.....	A large bayou.....	640
193	André Rambin.....	Branch of Red river.....	640
194	Christian Hesser.....	A large bayou.....	640
195	Antoine Hesser.....	Branch of Red river.....	640
197	Benjamin Biles, assignee of Tertise Henson.....	Bayou Harpoon.....	640
198	Raimond Dalley.....	do.....	640
199	William Stafford, assignee of Louis Warren.....	Saline Prairie.....	640
201	Heirs of James Denny, who was assignee of J. y Barvo.....	Bayou of Three Prairies.....	640
202	André Chamard, assignee of Miguel Delgado.....	Village of Adais.....	57.68
203	George McTier.....	Bayou Depont.....	671.58
205	Mary E. Case, wife of W. M. Rivers, assignee of W. Stockman.....	Spanish lake.....	640
207	David Case, assignee of John Armor.....	Red river.....	640
208	Heirs and representatives of George Dawson.....	Bayou Piedra.....	640
210	Joseph T. Montgomery, assignee of Abram Dinton.....	Bayou Négroït.....	640
211	Baptiste Adley.....	Sacenario Bayou Cypre.....	640
213	Jacques Lapine.....	Bayou Sie.....	640
215	Nicholas Jacks, assignee of Needum Alford.....	Branch of Bayou Toro.....	640
216	Manuel Flores.....	Bayou Terre Blanche.....	640
217	The heirs of Andrew Franks.....	Bayou Piedra.....	640

*Abstract containing the whole number of claims, &c.—Continued.*

## THIRD CLASS—Continued.

No.	Names of claimants.	Situation of the claim.	Acres.
218	John Yocum, assignee of Thomas Thompson.....	Ewary Prairie.....	640
219	Thomas D. Yocum.....	do.....	640
220	John Yocum, assignee of Jesse Yocum.....	do.....	640
221	Mathias Yocum, assignee of Louis Chabinaud.....	do.....	640
222	Samuel S. Carnes, assignee of Richard Simms.....	Branch of Bayou Toro.....	640
223	John Palvadore.....	Bayou la Bonne Chasse.....	640
226	François Robin.....	Old river.....	640
227	Remy Totan.....	Bayou Tapalcac.....	640
228	Mary Routh Hooker.....	Bayou Provincial.....	640
229	Ambroise Lecomte.....	Bayou Linacucu.....	677
231	Emanuel Triche.....	Praine Chatidana.....	640
233	Asa Hickman, assignee of John Mayhew.....	Bayou Santaburb.....	640
236	James Kirkham, assignee of Juan Seginé.....	Bayou Piedra, or Piedro.....	640
237	Michel Rambin.....	Bayou Pierre settlements.....	281, 71
238	Marcel de Soto.....	Bayou Pierre.....	640
239	Louis Procella.....	do.....	640
242	Pierre Roblot.....	Bayou La Bonne Chasse.....	640
243	Philip Flores.....	do.....	640
244	Claude Antoine Choppin.....	L'Isle a Boileu.....	640
245	Pierre Boileu.....	do.....	640
246	Laurent Meilleu.....	do.....	640
247	Edward Boileu.....	do.....	640
248	Heirs of Louis Soligne.....	do.....	640
249	Pierre Roblot, assignee of José Antonio Skiewell.....	Bayou la Bonne Chasse.....	640
250	Jacques Grappe.....	Bayou Siciencachia.....	640
251	Martha Andrus.....	River Quelqueshue.....	640
252	Dempsey Isles.....	do.....	640
253	Elias Blunt, assignee of Archibald Smith.....	do.....	640
254	Hardy Coward, assignee of Aaron Cherry.....	do.....	640
255	Archibald Thompson.....	Bayou d'Inde.....	640
257	James Guing.....	Bayou Chou Pique.....	640
258	James Ashworth, Jr.....	do.....	640
259	James Barnett, assignee of G. Orr and A. Terill.....	River Sabine.....	640
260	Jacob E. Self, assignee of Rezin Bowie, sr.....	River Quelqueshue.....	640
262	Rees Perkins, assignee of David Choat.....	do.....	640
263	Rees Perkins, assignee of John Gilchrist.....	do.....	640
264	Drury Bunch.....	do.....	640
265	James Barnett, assignee of Joshua Johnson.....	do.....	640
266	Hardy Coward, assignee of William Isles.....	do.....	640
267	Michel Nell.....	do.....	640
268	John Henderson.....	do.....	640
269	Burrell Franks.....	Hackberry island.....	640
270	Jacob Ryan.....	River Quelqueshue.....	640
271	Hiram Ours.....	Bayou d'Inde.....	640
272	Henry Moss.....	do.....	640
273	Jacob Ryan, assignee of Joseph Cornow.....	River Quelqueshue.....	640
274	George King and John B. Hamilton.....	Mill creek.....	640
275	Joseph Clark.....	River Quelqueshue.....	640
276	Rees Perkins, assignee of Philip P. Dever.....	do.....	640
277	Isaac Foster.....	do.....	640
278	William Smith.....	do.....	640
279	George Smith.....	do.....	640
280	George Orr.....	do.....	640

## FOURTH CLASS.

No. 51. Henry Berger.....	No. 182. Widow and heirs of Isaac Crow, deceased.
52. Rebecca McLaughlin.....	186. Heirs and representatives of Basil Gagnic.
53. Andrea Valentine, assignee of Marian Sanchez.....	191. Andre Valentine.
56. James Shackelford, assignee of Henry Stockman.....	196. Charles Myers and Joseph Robinson.
93. John Waddill.....	206. George McTier.
103. Abraham Wrinkles.....	209. Heirs and representatives of Gaspard Fiolle.
116. Hannah McKimm.....	212. Thomas Gray, assignee of Domingo Gonzales.
118. John Sibley.....	214. Absolem Winfree, assignee of John Waddill.
120. John Sibley.....	225. Representatives of Bernard Pantalions.
121. John Sibley, assignee of Ounette Boudin.....	232. James Bludworth, assignee of John Bennett.
122. John Sibley, assignee of Littlepage Robinson.....	240. Pavis and Noyrit.
123. John Sibley, assignee of John L. Petit.....	241. Vincent Jackson, assignee of William Ash.
164. John Wrinkles.....	256. George Fogelman.
174. Firmin Poisot.....	261. Rees Perkins, assignee of G. Johnson.
175. Cesare Laffitt.....	

18TH CONGRESS.]

No. 446.

[2D SESSION.]

## VALIDITY OF CLAIMS TO LAND IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 31, 1825.

Mr. GURLEY, from the Committee on Public Lands, who were instructed by a resolution of this House of the 15th December last to inquire into the expediency of authorizing claimants to lands in the Territory of Arkansas, of a larger amount than one league square, to institute proceedings in the United States district court at Nashville, in the State of Tennessee, to try the validity of their claims, reported:

That Congress, at the last session, passed an act authorizing claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims; the former in the district court of the United States for the district of Missouri, and the latter in the superior court of the Territory of Arkansas, but limiting its operations to claims to land in said Territory not exceeding in extent one league square. The object of the resolution is to do away the restrictive provision of said act, and to authorize suits to be instituted against the United States without regard to the extent of the claim, and to substitute for the superior court of the Territory of Arkansas the district court of the United States for the district of Tennessee.

Your committee would here remark, that the law of the last session, before referred to, is a departure from the ordinary and long-established legislation of the government in similar cases, and ought to be viewed rather as an experiment of a doubtful policy, in reference to a class of cases of great magnitude and difficulty, than received as evidencing, on the part of Congress, full confidence in its wisdom or practical utility.

The time for instituting suits under the provisions of this act is limited to two years from its passage, within which period its practical operations will be known, and will furnish a safe guide for future legislation on the subject. Your committee are therefore of opinion that it is inexpedient at this time to enlarge or extend the provisions of said act by granting the authorization contemplated in the resolution aforesaid. In recommending this course they are unable to perceive any peculiar hardship that can result to those claimants. The courts of the United States are now open to them. If the lands are unoccupied, they may enter thereon, possess, enjoy, and dispose of them, and, in case of adverse possession, they have the means of obtaining a judicial decision of title in the ordinary mode, without the aid of further legislation. Wherefore, your committee recommend the adoption of the following resolution:

*Resolved*, That the Committee on Public Lands be discharged from the further consideration of the subject of said resolution.

18TH CONGRESS.]

No. 447.

[2D SESSION.]

## TO POSTPONE SALE OF RELINQUISHED LANDS IN ALABAMA.

COMMUNICATED TO THE SENATE JANUARY 31, 1825.

*To the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the general assembly of the State of Alabama most respectfully represents: That the people of this State entertain a just and grateful sense of the munificence and liberality of the general government, and especially for the passage of laws extending relief when they were in circumstances in which, if relief had been withheld, consequences the most disastrous to their interests would have taken place. Among these, not the least beneficial has been the act of Congress of the last session, entitled "An act to provide for the extinguishment of the public debt." Many had not availed themselves of the benefit of former acts, who were in hopes that more prosperous times and a vigorous prosecution of business would have put it in their power to retain a greater quantity of land. These are enabled still to provide against eventual loss, and, at the same time, close their account with the government for the purchase of land. Your memorialists beg leave to represent that, should the relinquished land, except such relinquished lands as are now advertised for sale, be kept back from sale for one year, or until the proceeds of a crop be realized, it will prove highly beneficial to those who may have relinquished, and, at the same time, promote the interest of the general government. By such delay the people of this State will be better prepared to purchase again, and a more general competition and a more extensive sale take place. The land market will not be so exclusively occupied by a few capitalists, who will purchase land with the view of making a speedy sale, at an advanced price, to the cultivators of the soil. This advance will, in general, show the loss which the government will sustain by ordering a sale at a time when the great body of agriculturists will not be in funds to buy. Relinquishment of lands will be induced by various causes; the inability of some to retain as much as they designed at the time of the purchase; the high price which was given for it; and the fear that should a scarcity of money continue, there would be a final loss by its forfeiture. But, from whatever cause it may be relinquished, those who relinquish will be anxious to purchase again; and it cannot, as we suppose, be otherwise than to the interest of the United States to give them an opportunity of being in the market when the land is offered for sale. Your memorialists make these suggestions, impressed with the belief that, by extending a benefit to the people of this State in the present instance, the lands of the United States will become more productive. The premises are submitted to the wisdom and consideration of your honorable body. And your memorialists, as in duty bound, will ever pray.



*Resolved by the senate and house of representatives of the State of Alabama in general assembly convened,*  
That his excellency the governor cause to be transmitted to our senators and representatives in Congress  
certified copies of the foregoing memorial, to be by them submitted to the Congress of the United States.  
SAMUEL WALKER, *Speaker of the House of Representatives.*  
NICH'S DAVIS, *President of the Senate.*

Approved December 25, 1824.

ISRAEL PICKENS.

I do certify that this is a true copy of an act filed in my office. In testimony of which I put my name  
and affix the seal of the State this 30th of December, 1824.

JAMES I. THORNTON, *Secretary of State.*

18TH CONGRESS.]

No 448.

[2D SESSION.]

# APPLICATION OF ILLINOIS FOR A REDUCTION IN THE PRICE OF CERTAIN LANDS.

COMMUNICATED TO THE SENATE FEBRUARY 3, 1825.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the people of the State of Illinois, represented in the general assembly, respectfully shows: That your memorialists, believing that the existing laws relating to public lands are unequal in their operation, and injurious in their tendency both to the national interest and to the welfare of large portions of the western country, beg leave to submit the following observations: The present price of public lands, so far as it relates to those districts of country which have been recently offered for sale, affords no grounds of complaint, but your memorialists believe that a distinction ought to be made between land thus situated and such as has been longer in market. In the latter case the most choice selections having been made by the bidders at public sale, by non-residents who have purchased on speculation, or by early settlers, the land remaining is either of inferior quality, or subject to some local disadvantages, and it would seem reasonable that its price should be reduced in proportion to its actual value. The value of such land will naturally be ascertained by comparing its quality with that of adjacent tracts, and the purchaser would reluctantly pay for it the same price which has been given for superior soil and better situations. The natural consequence of such a state of things is, that the emigrant is driven to new and distant settlements where few have preceded him, and where the inconvenience of which we complain does not operate upon his choice. The tide of population is thus diverted into a thousand channels, and suffered to roll over immense regions, creating feeble and thinly scattered settlements, and leaving extensive tracts of wilderness behind. Under a government like ours, cemented only by the mutual affection of the people, it is to be doubted whether a policy should be pursued which, by diffusing the population, weakens the political strength of the national and State confederacies, and loosens the ties which should bind the people together. In a scattered population public institutions are seldom established; systems of education cannot be matured; moral restraints are tardily enforced; laws are feebly executed; and revenue raised with difficulty.

To concentrate the daily accumulating population of the western States would not only add to the character of the American people, by promoting the progress of civilization in a large section of the Union, but would give strength and stability to the newly created States. To the State governments in the west the contemplated change is particularly desirable on account of the important addition which it would afford to their revenues. Possessing a country of great extent and fertility, we want only the means of improvement to bring its great natural resources into useful operation. The increase of physical strength which would be derived by alluring the emigrant to the settlements already made, and thus filling up the country and producing a denser population than now exists, would be one step towards this important object, and the consequent improvement of revenue which is anticipated would be another. Should these hopes be realized, it is believed that the great work of internal improvement, which now appears to engage the attention of a large portion of the American people, might be commenced among us, new sources of wealth would be opened, and that friendly intercourse which should subsist among the members of the great political family would be facilitated to the benefit and convenience of all. We might also look forward to the day when the liberal and useful arts might be cherished by the fostering hand of governments, and when the new States might prove as fertile in mental as they are now in natural productions. The pecuniary embarrassments under which the western people have long labored, and which still press them with a heavy hand, are too well known, and have been too often urged upon the consideration of Congress, to need further illustrations. This cause alone, if no other existed, would be sufficient to retard the sale of public lands; but its operation is greater in respect to the lands in question in proportion to the allurements held out to purchasers in the newly formed districts. How far this fact will be considered as affording us additional claims upon the justice and liberality of Congress is not for us to determine. For all these reasons your memorialists respectfully pray that the present laws relating to the sale of public lands be so modified as to authorize the sale of all such lands as have been offered for sale five years or more at fifty cents per acre. And your memorialists, as in duty bound, will ever pray.

THOMAS MATHER, *Speaker of the House of Representatives.*  
ADOLPHUS F. HUBBARD, *Speaker of the Senate.*

December 14, 1824. Adopted by the house of representatives.

CHARLES DUNN, *Clerk.*

December 14, 1824. Adopted by the senate.

EMANUEL J. WEST, *Secretary.*

18TH CONGRESS.]

No. 449.

[2D SESSION.]

## APPLICATION FOR THE REMISSION OF A FORFEITURE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 15, 1825.

Mr. VINTON, from the Committee on Public Lands, to whom was referred the petition of David Chambers, of Jefferson county, in the State of Ohio, reported:

The petitioner states that he, on February 25, 1806, purchased of the United States a quarter section of land, situate in the Steubenville district, in the State of Ohio, at the rate of \$8 per acre, on account of which he paid the sum of \$320, being the amount of the first instalment; that owing to certain losses, the nature of which are not set forth by the petitioner, he was unable to complete the payment of the purchase money, and, in consequence of his failure to pay, the land reverted to the United States in the year 1812. The petitioner prays that he may be permitted to enter other lands, and that the sum of money paid by him in the year 1806 may be applied to his credit towards the payment of the same.

The committee have been able to perceive nothing in the case of the petitioner that distinguishes it from other cases of purchasers whose lands have been forfeited for non-payment of the purchase money; and they are of opinion that any principle upon which the relief prayed for in this instance could be granted would be equally applicable, and ought to be extended to all such purchasers. The case of the petitioner, then, resolves itself into an inquiry into the propriety of granting relief to this class of purchasers. Under the credit system, forfeiture of the land for non-payment of the purchase money was one of the conditions of the sale, and essentially necessary to give efficiency to that mode of disposing of the public lands. The purchaser entered into the contract with a full knowledge of its character and consequences, and cannot therefore ask for relief, or, in other words, to be exonerated from his contract, as a claim of strict right or justice. In respect to the policy of granting to this class of purchasers the relief prayed for in the present case, the committee are of opinion that to grant it would be injudicious in itself, and mischievous in its tendency. That aside from the difficulties it might throw upon the officers of the land department, it would have the effect of giving countenance to the idea that contracts entered into with the government were less sacred than those made between individuals, and hence operate to lessen the anxiety and exertion to comply with them according to the terms of the engagement. And when it is recollected that the debt now due to the government for lands amounts to about \$10,000,000, and that the present debtors might ask for the same relief, after having permitted their lands to become forfeited, it is but too obvious that such a measure would furnish to many a powerful motive to make no further exertion to meet their engagements to the government. Nor do the committee perceive any circumstance of equity or peculiar hardship in the case of the petitioner to exempt it from the influence of the foregoing general considerations, and, if there were any to be found, the committee would still pause before they set an example that would necessarily lead them into an endless investigation of the misfortunes, miscalculations, and pecuniary ability of a numerous class of public debtors whose contracts have terminated by the operation of law. Your committee therefore recommend the adoption of the following resolution:

*Resolved,* That it is inexpedient to grant the prayer of the petitioner.

18TH CONGRESS.]

No. 450.

[2D SESSION.]

## ENCOURAGEMENT OF THE CULTIVATION OF THE VINE AND OLIVE WITH THE ALLOTMENT OF LAND FOR THE PURPOSE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 16, 1825.

TREASURY DEPARTMENT, February 15, 1825.

SIR: In obedience to a resolution of the House of Representatives, I have the honor to enclose a list of the names of the persons who entered into contract with this department for the cultivation of the vine and olive, and of the tracts of land allotted to each.

This department is not in possession of any evidence that any one of the persons on the enclosed list have complied with the terms of the contract, nor has it received any definite or authentic evidence of the non-compliance of any of those persons.

I have the honor to be your obedient servant,

WM. H. CRAWFORD.

HON. HENRY CLAY, *Speaker of the House of Representatives.*

*A list of the names of the persons who entered into contract with the Treasury Department for the culture of the vine and olive, and of the tracts of land allotted to each.*

No. of sections.	No. or marks of the tracts.	Names.	Quantity of land to each.	No. of sections.	No. or marks of the tracts.	Names.	Quantity of land to each.	
1	1	Mealier, Bazile .....	480	25	65	Drouet, Pierre.....	240	
	2	Lauret, Louis .....	160		66	Baizeau .....	60	
2	3	Comte, Honore .....	120			Fagot .....	60	
	4	Reudet, Cornelle Cadet.....	120			Delpit.....	60	
	5	Vial, Antoine.....	120			Lapeyre .....	60	
	6	Bujey, Antoine.....	120		67	Boutiere, François Gaspard.....	120	
	7	Godemar, Jean Baptiste.....	120			K. Miot.....	40	
Reserve	A.	Colonel.....	40	26	68	Robin, Thomas .....	240	
3	8	Jennet, Louis Rene.....	320		69	Narrigue, J. Justin .....	240	
	9	Ve, Julie Pastol.....	320		70	Gerard, Hyacinthe .....	160	
4	10	Allard, Henry.....	120	27	71	Follin, Auguste Firmin.....	480	
	11	Combes, Germain .....	120		72	Follin, freres .....	160	
	12	Combes, Vincent .....	120	28	73	Chapron, J. M. ....	480	
	13	Sibenthal, freres .....	240		74	Weill, James .....	160	
Reserve	B.	Latapie .....	40	29	75	Dupony, Nicolas Alex'r .....	480	
5	14	Perdrauville, Rene .....	240		76	Manoury, P. Max .....	160	
	15	Alma, Anselme.....	120	30	77	Madame, George.....	480	
	16	Salmon, François .....	120		78	Tournel, Jacques .....	160	
	17	Lintroy .....	120	31	79	Martin, Piquet, L. I. F.....	480	
Reserve	C.	Payen, freres.....	40		80	Moucravie, Jacques .....	160	
6	18	Shults, Colonel Jean .....	320	32	81	Emely .....	480	
	19	Comb, Colonel Michael .....	320		82	Martin, Piquet, pere.....	120	
7	20	Martin, Francis.....	480		L.	Mangon and Martial.....	40	
	21	Pelagot, Antoine Zacharie.....	160	33	83	Auze, freres .....	240	
8	22	George, Edward.....	480		84	Brugiere, Charles .....	240	
	23	Viole .....	120		85	Barrau .....	160	
9	24	Lacombe, Pierre.....	480	34	86	Lecampion, François .....	240	
	25	Latapie, Antoine.....	160		87	Brechemin, Lewis .....	240	
10	26	Richard, Etienne.....	480		88	Humbert, Jacques Etienne.....	160	
	27	Papillot, Etienne.....	160	35	89	Jamet .....	480	
11	28	Frenage, Jean Pierre .....	480		90	Rigau, Narcisse Pericles .....	160	
	29	Rivet, George.....	160	36	91	Promis, Guillaume.....	480	
12	30	Boutiere, J. Claude Benoit.....	240		92	Desmares.....	160	
	31	Ve, Louise David .....	120	37	93	Durand, Jean Baptiste.....	480	
	32	Delaporte, Louis.....	120		94	Robaglia, Joseph .....	160	
	33	Meynie, Jean Ulysse .....	120	38	95	Garnier, fils.....	240	
Reserve	D.	Barthelemy .....	40		96	Peniere, fils, Emile .....	240	
13	34	Metais, Et. J. B. ....	240		97	Ve, Audibert .....	120	
	35	Mansuis, Luillier .....	120		Reserve	M.	Mignon.....	40
	36	Jouny, Louis Michel.....	120	39	98	Nidelet, E. F. ....	480	
	37	Vernhes, Jean Vincent.....	120		99	Cousin, David .....	120	
Reserve	E.	Bistos .....	40		100	Roudel .....	40	
14	38	Marchaud, Louis Pre. Th .....	480	40	N.	Galabert, Colonel Louis .....	320	
	39	Martin, Amedee .....	160		101	Petitval, J. B. ....	320	
15	40	Butaud, Isaac .....	240	41	102	Anduze, Mathew Bernard .....	480	
	41	Keller, Jonas .....	240		103	Frederick, Louis Auguste .....	160	
	42	Menou, Dieu Donne .....	120	42	104	Gubert, J. H. ....	480	
Reserve	F.	Fouquet, J. and Moulin .....	40		105	Moynier, Jos. Ariste Theo .....	160	
16	43	Jordan, Colonel Ambroise .....	320	43	106	Colonel Douarce .....	320	
	44	Vorster, Colonel Emile .....	320		107	Cruchet, Louis.....	320	
17	45	Cadet, Bergache .....	240	44	108	Villar, Charles .....	480	
	46	Gallard, Pierre .....	240		109	Pagniere, J. Alexandre .....	160	
	47	Lefeuve, Claude Joseph .....	120	45	110	Ditot, Louis M. ....	480	
Reserve	G.	(Not appropriated) .....	40		111	Mondin .....	160	
18	48	Paguenaud, Edward .....	240	46	112	Pagaud, Pierre .....	480	
	49	Transon, Jean .....	240		113	Fallot, Eugene Hyacinthe .....	160	
	50	Gaunay, Nicolas .....	120	47	114	Frenage, Marc Antoine .....	480	
Reserve	H.	Glenville .....	40		115	Laurent, Clement .....	120	
19	51	Astolphi, Laurent .....	480		Reserve	O.	Dalaunay .....	40
	52	Knappe, Philippe .....	160	48	116	Vandame, Gl. ....	480	
20	53	Grouche, Colonel Alphonso .....	320		117	Angeli, Hyacinthe .....	120	
	54	Grouchy, Captain Victor .....	160		Reserve	P.	Fouquet, aisé.....	40
	55	Pillero .....	160	49	118	Poculo, Benoit .....	320	
21	56	Drouet, Pierre .....	480		119	Baltar .....	160	
	57	Bailly, Michel .....	120		120	Moquart .....	160	
Reserve	I.	Dupui and Ragon .....	40	50	121	Besson, Louis An. ....	480	
22	58	Lemaiguen, Pierre Paul .....	480		122	Lemeunier, J. Joseph .....	160	
	59	Lerouyer, François .....	160	51	123	Mesnier .....	240	
23	60	Gavesche, Pierre .....	480		(Not appropriated) .....	(Not appropriated) .....	240	
	61	Formento, Felix .....	160	52	124	Henry, Germain.....	160	
24	62	Gavesche, Pierre.....	240		125	Colonel Rigau .....	480	
	63	Burckle, Emanuel .....	120		126	Mariano, Pompee .....	160	
	64	Coquillon, freres .....	240	53	127	Texier, Lepomeny .....	320	
Reserve	J.	Parat, R. ....	40		128	Harrander, Charles.....	160	



*A list of the names of the persons who entered into contract with the Treasury Department, &c.—Continued.*

Nos. of sections.	Nos. or marks of the tracts.	Names.	Quantity of land to each.	Nos. of sections.	Nos. or marks of the tracts.	Names.	Quantity of land to each.
53	129	Metaye, Jean Pierre.....	130	81	198	Mane .....	160
54	Reserve Q.	Penard and Amedee .....	40	82	199	Richard, George .....	160
	130	Martin J. Du Colombier .....	480		200	Nardel, Francois .....	160
	131	Campardon, Bte.....	160		201	Chauvot, Charles .....	160
55	132	Ravesies, F.....	480		202	Piadaut, Francois.....	160
	133	Bordas, Elie .....	160	83	203	Bono, Charles .....	240
56	134	Debrosse, Charles.....	480		204	Tascha .....	120
	135	Merle, Etienne .....	160		205	Blandin, Jean .....	120
57	136	Ladurelle, M. F. Aug .....	480		206	Azan .....	120
	137	Canobio, Francois .....	160	Reserve X.		Devencon .....	40
58	138	Davis, L. A. ....	240		84	207	Victoire, Delunay Jos .....
	139	Charles, Firmin B. ....	240		208	Castan, Etienne .....	160
	140	Montalegri, Hiacinthe.....	160	85	209	Lefrançois, freres .....	480
59	141	Duval, Jacques S .....	480		210	Groning .....	160
	142	Bacie, Alexis, fils, aine.....	160	86	211	Pothier, Simon .....	240
60	143	Lakana.....	480		212	Shubart, Henry .....	240
Reserve R.	144	Desportes, Leconte.....	120		213	Fisler .....	120
	C. Desafae .....	40				Soulas .....	40
61	145	Tulane, freres .....	240	87	214	Beyle, Joseph .....	480
146 and 147	Antoine .....	240			215	Malozewsky, Const. Paul.....	160
	148	Boitau, Francois .....	120	88	216	Teterel, Francois .....	480
Reserve S.	Pueek .....	40			217	Pagniere .....	160
62	149	Lebottellier, Michel .....	480	89	218	Dubosq .....	120
	150	Plantevigne .....	160		219	George, fils, aine, Edward .....	120
63	151	Moncravie, Jacques.....	240		220	Lesueur .....	120
	152	Bringier .....	240		221	Dor .....	120
	153	Monot, Charles .....	160		222	Maillet, Henry Pre. A. As.....	160
64	154	Cluis, J. Jerome .....	480	90	223	Stallenwerek, freres .....	480
	155	Ruffier, Ferdinand.....	160		224	Vallot, Joseph .....	160
65	156	Garnier, frere .....	480	91	225	Matthieu, Dr. Joseph.....	480
	157	Simon .....	160		226	Allain, Joseph .....	120
66	158	Terrier, R. A. ....	240	Reserve Y.		Mayer .....	40
	159	Macre, Jean M. ....	120		92	227	Jeandrau, Jenn .....
	160	Dumas, Antoine.....	120		228	Carlebaux, Guillaume.....	240
	161	Dalmazau, J. ....	120		229	Buttaud .....	120
Reserve T.	St. David .....	40		Reserve Z.	Constantin and Dechoule .....	40	
67		Foutanges, P. F. ....	480	93	230	Col. Taillade .....	320
		Godon, Victoire, (N) .....	120		231	Olivieri, Joseph .....	160
Reserve U.		Blancan and Taverly .....	40		232	Luciani, Pascal.....	160
68	164	Belaire, Louis .....	480	94	233	Mal, Grouchy .....	480
	165	Sagnier, Henri Antoine.....	160		234	Deschamps, Francois Me. ....	160
69	166	Lallemand, General Charles.....	480	95	235	Baumier, Cesar .....	160
	167	Valcourt, Aime .....	160		236	Barbe, Antoine .....	160
70	168	Claudel, General Bertrand.....	480		237	Stribaud, Charles .....	160
	169	Blaqueroille.....	160		238	Decorme, Charles.....	160
71	170	Sary, Jean M. Alex .....	160	96	239	Chaudron, Edward .....	480
	171	Gatly, Antoine .....	160		240	Gilbal, Antoine .....	160
	172	Ilari, Benoit .....	160	97	241	Martin, Prosper .....	480
	173	Milton, Solidor .....	160		242	Desplan, Samuel .....	160
72	174	Ducommun, Joseph.....	480	98	243	Melizet, Francois .....	480
	175	Genin, Charles Franc .....	160		244	Corso, Francois .....	160
73	176	Colonel Charassin.....	320	99	245	Hamel, Victor .....	480
	177	Vasques, Jean .....	320		246	Havard .....	160
74	178	Roland, Jean Francois.....	320	100	247	Peniere, pere, J. A. ....	480
	179	Pichon, Claude Charles .....	320		248	Fauchon, Hoe .....	160
75	180	Claretton, Joseph Louis .....	480	101	249	Lecoq du Marcelay .....	480
	181	Grillet, Francois .....	160		250	Godat .....	120
76	182	Texier, Jean .....	240	Reserve A.A.		Morin .....	40
	183	Martinet, Pierre Louis .....	240		102	251	Defourni, Col. Fabius .....
	184	Vitalba, Jean Baptiste.....	160		252	Guillot .....	320
77	185	Jogan, Antonin .....	240	103	253	Badarque, Thomas.....	480
	186	Cavoroc, Charles .....	120		254	Conte, Marius .....	160
	187	Brugiere, Charles .....	120	104	255	Derfouch, Charles.....	160
	188	Chapon .....	120		256	Pascal, Paul .....	160
Reserve V.	Mahe .....	40			257	Fouasche, Pierre.....	160
78	189	Dubarry, John.....	480		258	Bernard, Henry .....	160
	190	Salsaignac, Louis .....	120	105	259	Rapin, Joseph .....	480
Reserve W.	Lebrusse .....	40			260	Contardi, Lewis .....	160
79	191	Descourt, Leonard Alex.....	240	106	261	St. Guiron, Jeanne .....	480
	192	Onfray, Jean Baptiste.....	120		262	Demony, Dominique Victor .....	160
	193	Pochard, Aug. Francois.....	120	107	263	Ravesies, Ea.....	240
	194	Fux, Louis .....	160		264	Fournier, Honore.....	240
80	195	Colonel Raoul.....	320		265	Farcy .....	160
	Neel, J. B. ....	160	108		266	Champenois, P. J. ....	240
	196	Gilbert.....	160		267	Savary, Joseph .....	240
81	197	Seveligne.....	480		268	Belmer, pere, and fils .....	160

*A list of the names of the persons who entered into contract with the Treasury Department, &c.—Continued.*

Nos. of sections.	Nos. or marks of the tracts.	Names.	Quantity of land to each.	Nos. of sections.	Nos. or marks of the tracts.	Names.	Quantity of land to each.
109	969	Gen. Lallemand, Hy.....	480	196	310	Legras .....	240
	970	Prompt.....	160		311	Bulliard, Etienne.....	160
110	271	Bayal, Honore.....	480	197	312	Follin, George.....	480
	272	Duriere, François.....	160		313	Fauquier.....	160
111	273	Conde, Charles.....	240	198	314	Emery and Dutesle.....	480
	274	Conde.....	240		315	Vogeslang, Daniel.....	120
	275	Laurent, Maurice.....	160	Reserve II.		Chapotin.....	40
112	276	Chaudron, Simon.....	480			Haex.....	120
	277	Bollandry, Eugene.....	120	199	316	Prudhomme.....	120
Reserve BB.		Darembert.....	40			Morel.....	240
		Arnaut, Camille.....	240		317	Murat, Jean Baptiste.....	160
113	279	Deprest, Rene, freres, and Zach.....	240	130	318	Mestayer, Michel.....	480
	280	Batre, Charles.....	120		319	Rieger, Gabriel V.....	160
Reserve CC.		Lagay.....	40	131	320	Parmentier, Nicolas Sim.....	480
		Belange, Mal. Denis.....	320		321	Bauzan, Pierre.....	160
114	282	Chasserian, Benoit.....	320	132	322	Villemont.....	240
	283	Real, Pierre François.....	480			Guilleault.....	120
115	284	Penazi, Louis.....	160			Quepart.....	60
	285	Bujac, Mathew and Alfd, freres.....	240			Verrier.....	60
116	286	Germond and Riviere.....	240		323	Fisher.....	160
	287	Guybert, H'y.....	120	133	324	Dufourg, Jean Jaques.....	240
Reserve DD.		Payen, fre.....	40		325	Dufourg, D. V.....	120
		Ducoing, Pre.....	480		326	Dufourg, F.....	120
117	289	Stephens, Samuel J.....	160		327	Laclois, Rene François.....	160
	290	Fourrestier, Elie.....	480	134	328	St. Guiron, Pre Pascal, aine.....	240
118	291	Groigoire, Etienne.....	160		329	Farrouilh, A.....	120
	292	Manfredi, Math. Ferd.....	160		330	St. Felix, Jean R.....	120
119	293	Dupont.....	96		331	Decave, Marc Lewis.....	120
Reserve EE.		Hurtel, J.....	384	Reserve JJ.		Rapin.....	40
		Lefebvre, Gen. Deanouettes.....	480			Barbaroux, Joseph.....	240
120	294	Lefebvre, Gen. Deanouettes.....	480	135	332	Cirode, William.....	120
	295	Desroures.....	160		333	Shoen, Sebastian.....	120
121	296	Jeannot, George.....	480		334	Gouiran, Joseph Michel.....	120
	297	Jeannot, Je.....	160		335	Allouard and Achard.....	40
122	298	Dumenil.....	240	136	Reserve KK.	Lajonie.....	480
	299	Ducommun, Joseph.....	120		336	Truck.....	160
	300	Parat, F. Romain.....	120	137	337	Coloma, Dornano B.....	320
	301	Burgues, Jn. Bernard.....	120		338	Peraldi, Toussaint.....	160
Reserve FF.		Cuchet.....	40		339	Scasso, Vincent.....	160
		Ve, Demerest.....	240	138	340	Laroderie, Alphonso.....	240
123	302	Bourlon, E.....	160		341	Savournin, Joseph.....	240
	303	Lapeyre, Jn. Bte.....	240		342	Balbuens, Joseph.....	160
124	304	Lapeyre, Jn. Bte.....	480		343	Canonge, Pierre Auguste.....	480
	305	Thouren, pere and fils.....	120	139	344	Lucine.....	160
	306	Larau, Sully.....	40		345	Vaugine.....	240
Reserve GG.		Janin.....	480	140	346	Bogy.....	240
		Bonno, J.....	120		347	Torta, Jean.....	160
125	307	Landerin, François.....	40				
	308	Bonneau.....	40				
Reserve HH.		Legrix, Bellisle.....	240				
126	309						

NOTE.—In addition to the above tracts, four sections, of 640 acres each, were reserved for the use of a town, to be distributed as follows:

To each grantee having 480 acres a lot of 12 acres, and a city lot, 100 feet front and 200 deep.

Do. 320 do. 6 do. 100 do. 100 deep.

Do. 240 do. 6 do. 100 do. 100 deep.

Do. 160 do. 3 do. 50 do. 100 deep.

Do. 120 do. 3 do. 50 do. 100 deep.

18TH CONGRESS.]

No. 451.

[2D SESSION.]

## VIRGINIA MILITARY LAND WARRANTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 17, 1825.

Mr. VINTON, from the Committee on Public lands, to whom was referred the resolution of the 13th of December, instructing them to inquire into the expediency of prolonging the time for locating lands within the Virginia military district, and for obtaining patents, which resolution was accompanied by the petition of sundry persons praying for the same objects, reported:

That the first act of Congress permitting locations to be made in the Virginia military district passed in the year 1790; that in the year 1803 the further time of three years was given for making locations; and various acts of Congress have since been passed prolonging the time for making locations until January 4, 1825, [and for obtaining patents until January 4, 1827,] making in the whole a period of between thirty-four and thirty-five years, during which *locations* might be made, and the further period of near two years, yet to come, in which to return surveys and obtain patents. The claimants to land in that district were numerous, and the committee are aware that many casualties would be likely to occur to protract the final and complete location of all their claims; but, at the same time, they can hardly conceive a case of a claim still unlocated, after so great a lapse of time, where due diligence has been used. The committee feel no disposition to withhold from any just claimants, if any such there be, the means of making their locations and obtaining patents for their lands; but, after the ample opportunity already afforded for locating, no further time ought, in their opinion, to be given, unless the claimants can furnish satisfactory reasons for not having availed themselves of some of the many laws heretofore passed, extending to them the same indulgence now prayed for. The petition accompanying the resolution does not show that those, if any, who may still be entitled, have been in any way prevented from making their locations, or have used due diligence to make them. The committee are further of opinion that the existing law, prolonging the time for obtaining patents until January 4, 1827, at present requires no further extension. The foregoing facts and considerations are conclusive in the mind of the committee. But another consideration, having relation to the rights of third persons, other than the Virginia military claimants, has also its weight in deciding upon this question.

Although the committee have been able to obtain no certain information, they nevertheless think themselves justified in the suspicion that, if further time was granted for making locations, warrants would be laid upon lands now belonging to or heretofore sold by the United States in that tract of country lying between Ludlow's and Roberts' lines under pretence of its being within the Virginia military district. Much of the lands situate between these lines have been sold by the United States and valuable improvements made by the purchasers. The committee are fully satisfied that such locations, if made, would not be valid; yet, in their opinion, bona fide purchasers under the United States ought not to be disturbed in their lawful possession by any pretences whatsoever, from which, however fallacious, they would probably be subjected to much inquietude and inconvenience. Much less ought the government, by its legislation, to expose them to the cunning and cupidity of speculation, which never fails to alarm its object by exciting fear, even where no real danger is to be apprehended. The committee are therefore of opinion it is not, at this time, expedient to prolong the time for making locations and granting patents, as proposed by the resolution, and recommend the adoption of the following resolution:

*Resolved*, That it is inexpedient, at this time, further to extend the time for making locations and obtaining patents in the Virginia military district, as proposed by the aforesaid resolution.

18TH CONGRESS.]

No. 452.

[2D SESSION.]

## EMOLUMENTS OF REGISTERS AND RECEIVERS OF LAND OFFICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 18, 1825.

TREASURY DEPARTMENT, *February 17, 1825.*

SIR: In obedience to a resolution of the House of Representatives of the 31st of January last, I have the honor to submit a report and statement from the Commissioner of the General Land Office, showing the emoluments of the registers and receivers of the several land offices for a year ending on the 30th of September last. By these it appears that not only has the compensation of those officers fallen far short of the maximum allowed by law, but that at only one office has it amounted to \$2,000, and that, including the allowance for attending public sales, it has averaged but about \$850. Hence the House will perceive that those officers are not sufficiently compensated. I would, therefore, respectfully recommend that the commission to which the registers and receivers are now entitled be increased one-half per cent. upon the amount of public money received at the several land offices. This would make the commission the same as was allowed from the establishment of land offices to the year 1818, when, in consideration of the great amount of sales, it was reduced.

I would also recommend that authority be given to make a reasonable allowance to the receivers for the transportation of the public money to the places of deposit, in those cases where the banks in which they are directed to make their deposits are at a distance from the land office. This expense is now



defrayed by the receivers. The allowance might be regulated by the Secretary of the Treasury, and should in no case exceed one-half per cent. upon the amount deposited.

I have the honor to be, with great respect, sir, your obedient servant,

WM. H. CRAWFORD.

Hon. the SPEAKER of the House of Representatives.

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TREASURY DEPARTMENT, *General Land Office, February 5, 1825.*

Sir: Agreeably to your instructions in the endorsement which accompanied the enclosed resolution of the House of Representatives of the 31st ultimo, I have the honor to transmit herewith a statement exhibiting the emoluments of the registers of the several land offices during the year ending September 30, 1824. The emoluments of the receivers will be precisely the same as that of the registers when they shall have accounted for the moneys received by them during the period referred to.

With great respect,

GEORGE GRAHAM.

Hon. WM. H. CRAWFORD, *Secretary of the Treasury.*

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*Statement exhibiting the emoluments of the registers of the several land offices for the year ending September 30, 1824.*

State or Territory.	Land district.	Salary and commis- sion.	Allowance for su- perintending public sales.	Aggregate.	Remarks.
Ohio.....	Marietta ..	\$511 59	\$40 00	\$551 59	To June 30, 1824; the returns for the 3d quarter of 1824 not received.
	Zanesville ..	860 46	60 00	920 46	
	Steubenville ..	895 43	60 00	955 42	
	Chillicothe ..	749 76	60 00	809 76	
	Cincinnati ..	732 09	40 00	772 09	
	Wooster.....	948 46	.....	948 46	
	Piqua.....	534 83	.....	534 83	
	Delaware.....	881 38	.....	881 38	
	Jeffersonville ..	756 39	60 00	816 39	
	Vincennes.....	737 79	.....	737 79	
Indiana.....	Brookville ..	1,393 65	.....	1,393 65	
	Terre Haute, now Crawfordsville.....	1,088 83	.....	1,088 83	
	Fort Wayne ..	600 00	120 00	720 00	
	Kaskaskia.....	531 34	60 00	591 34	
	Shawneetown ..	530 95	60 00	590 95	
Illinois.....	Edwardsville..	631 68	130 00	761 68	
	Palestine.....	583 32	.....	583 32	
	Vandalia ..	507 67	.....	507 67	
	Springfield, or Sangamon.....	1,060 54	60 00	1,120 54	
	St. Louis.....	950 63	180 00	1,130 63	
Missouri.....	Franklin.....	1,243 55	180 00	1,423 55	
	Cape Girardeau, (Jackson) ..	652 34	300 00	952 34	
	Lexington.....	278 80	.....	278 80	
Louisiana.....	Ouachita.....	506 76	.....	506 76	No sales. Do.
	Opelousas.....	503 75	.....	503 75	
	New Orleans.....	500 00	.....	500 00	
	St. Helena Court-House.....	500 00	.....	500 00	
Mississippi.....	Washington.....	651 26	60 00	711 26	
	Jackson Court-House.....	500 00	.....	500 00	
	Choctaw.....	1,371 86	60 00	1,431 86	
Alabama.....	Huntsville.....	651 36	.....	651 36	
	Cahaba.....	1,672 36	120 00	1,792 36	
	St. Stephen's.....	1,941 75	190 00	2,131 75	
	Tuscaloosa.....	709 19	.....	709 19	
	Sparta.....	915 00	180 00	1,095 00	
Michigan.....	Detroit.....	1,171 30	120 00	1,291 30	
	Monroe.....	645 01	.....	645 01	
Arkansas.....	Batesville.....	504 13	.....	504 13	No moneys entered in the last three quarters. Salary charged. No moneys entered in the last two quarters. Salary charged.
	Little Rock.....	510 92	120 00	630 92	

18TH CONGRESS.]

No. 453.

[2D SESSION.]

## GRANTS OF LAND TO PEOPLE OF NEW MADRID COUNTY, MISSOURI, WHO SUFFERED BY EARTHQUAKES.

COMMUNICATED TO THE SENATE FEBRUARY 21, 1825.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the general assembly of the State of Missouri respectfully sheweth: That by an act of Congress for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes, approved February 17, 1815, it is, among other things, provided, that any person who owned land in that county, and which had been materially injured by earthquakes, was authorized to locate the like quantity on any of the public land of that Territory the sale of which was authorized by law, with certain exceptions provided in that act, provided that no person should be permitted under said act to locate a greater quantity than that confirmed to him, except the owners of lots of ground and tracts of land of less quantity than one hundred and sixty acres, who were authorized to obtain a quantity not exceeding one hundred and sixty acres; nor should any person be entitled to locate more than six hundred and forty acres.

Your memorialists respectfully represent that the recorder of land titles of said Territory had certain powers granted to him by said act of Congress, the exercise of which was enjoined upon him as a duty; that in pursuance of said powers he did issue certificates as provided for by said act, upon evidence existing in his office and that which was adduced before him, for various tracts of land of six hundred and forty acres and under, and town lots, or lots of ground and tracts of land of less quantity than one hundred and sixty acres; upon which latter class he granted certificates for the quantity of one hundred and sixty acres each; but in no case, it is believed, did he grant certificates to any one person for a greater quantity than six hundred and forty acres, being in his opinion the maximum quantity any one person was entitled to receive under the law.

Whether the construction of the act of Congress, as given and acted upon by the recorder of land titles was correct or not, your memorialists forbear to give an opinion; but so it is, that, by means of the confidence placed in his opinion, both as a man and as an officer of the United States government by the people of this State, those certificates have been sold and transferred for a valuable consideration from one person to another, until they have passed through the hands of many individuals of the most worthy and respectable class of our citizens, from the time of their first being issued until they were all located; and since that period the lands located in virtue of said certificates have been in like manner transferred, even up to the present time, in the full expectation and confidence that, after the certificates were located and the land surveyed, patents would be issued therefor as a matter of right, according to the provisions of the third section of said act of Congress.

Your memorialists further beg leave to represent that most of these certificates were granted prior to the sale of public lands within this State; that they were purchased with great eagerness (and when lands were high) by the new settlers coming to this State at a great price, who have located them on lands which they have chosen for permanent places of residence; that they have built houses, made large improvements, and opened extensive plantations upon the tracts thus located; and should the patents for the land be withheld, and they deprived of their titles, it will be the means of breaking up many families, and cause the ruin of many of our most worthy and respectable citizens. It is with regret and surprise that your memorialists are informed that the Commissioner of the General Land Office, under an opinion of the Attorney General of the United States, refuses to issue patents upon many of these land claims, as is required of him to do by the third section of the above recited act.

Your memorialists, therefore, pray that your honorable body will be pleased to take the case of the claimants under consideration, and grant unto them such relief as justice, expediency, and good policy may dictate; and, as in duty bound, your memorialists cannot cease to pray, &c.

*Resolved*, That the executive of this State be required to forward one copy of the foregoing memorial to the Speaker of the House of Representatives of the United States, with a request that he lay the same before Congress, and one to each of our senators and representative in Congress.

H. S. GEYER, *Speaker of the House of Representatives.*  
B. H. REEVES, *President of the Senate.*

Approved December 22, 1824.

FREDERICK BATES.

18TH CONGRESS.]

No. 454.

[2D SESSION.]

## CLAIMS TO LANDS IN EAST AND WEST FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 22, 1825.

TREASURY DEPARTMENT, February 21, 1825.

SIR: I have the honor to transmit a copy of a report from the commissioners of land claims in East Florida, dated January 1, 1824\*. It shows the progress made by that board in performing the duties assigned to them by law, and contains other information which may be useful to Congress when legislating on the subject of the Florida lands.

\* Should be 1825.

I have the honor also to transmit copies of two reports from the commissioners of land claims in West Florida, dated the 12th November and 20th January last.

The papers which accompanied these several reports are voluminous. Copies of them are now in preparation, and shall be transmitted to Congress as soon as they are completed.

I have the honor to be, with great respect, sir, your obedient servant,

WILLIAM H. CRAWFORD.

HON. the SPEAKER of the House of Representatives.

COMMISSIONERS' OFFICE, Pensacola, November 12, 1824.

SIR: In obedience to the several laws organizing the board of commissioners "for ascertaining claims and titles to land within the district of West Florida," and regulating their duties, the undersigned have deemed it expedient to report, at this time, all claims of every description cast of Pensacola, with a number of others in this vicinity, about which there is no difficulty or conflicting interest. The reasons for the adoption of this course are more fully explained in a letter to the honorable Speaker of the House of Representatives, upon their application for an extension of the term. We have the honor herewith to transmit—

*First.* A general report upon Spanish claims.

*Second.* A general report upon large claims.

*Third.* A special report on claims undefined in quantity, and those exceeding three thousand five hundred acres, with the opinions of the commissioners, numbered from 1 to 9.

*Fourth.* Abstracts from A to H, containing the list of claims confirmed and rejected, with the reasons "for their admission and rejection," together with the reports upon each class, respectively lettered, and made in conformity with laws above mentioned. All which is respectfully submitted.

We have the honor to be, respectfully, your obedient servants,

SAMUEL R. OVERTON.

JOSEPH M. WHITE.

CRAVEN P. LUCKETT.

HON. WM. H. CRAWFORD, *Secretary of the Treasury.*

#### GENERAL REPORT UPON SPANISH CLAIMS.

The general regulations of Morales, dated July 17, 1799, agreeably to which lands were almost entirely granted in West Florida, only provide for *three* descriptions of claims, viz: 1. GRATUITIES, which were *conditional* grants, or concessions made to "each newly arrived family possessed of the necessary qualifications to be admitted among the number of the cultivators of these provinces;" 2. LANDS SOLD, "as demanded, to those who wish to purchase, for the price they shall be taxed;" and 3. CASES OF COMPROMISE, where individuals had occupied lands for more than *ten* years, and were, it is understood, permitted to obtain titles for the same upon their making such claim known within six months from the publication of Morales' regulations at the different posts, and paying a just and moderate retribution into the public treasury. As the latter necessarily partakes of the character of either a *sale* or *gratuity*, we have proposed to make a general report upon these two classes, in order that Congress may the more readily understand the whole subject, not only as it relates to the titles we have confirmed, but those also which are submitted to them for their consideration.

##### I. GRATUITOUS CONCESSIONS.

These grants were made for pasturage, or upon condition that the grantee should *clear and cultivate* a portion of land within *three* years from the time at which it was dated. The tract could not be alienated during the above period, nor afterwards, until all the conditions attached to the grant were fulfilled.

The first step in obtaining a *gratuitous* concession was the presentment of a petition to the sub-delegate or authority vested with the power of disposing of lands. This petition was referred to the surveyor, who was required to report whether the tract solicited was vacant and royal domain. The subject was next submitted to the fiscal or King's attorney, whose province it was to state whether or not there were any objections to a compliance with the petition. When those reports were found to be favorable, the sub-delegate, &c., made the concession, fixed the terms, and passed the decretal order of survey. After all which had been fulfilled and executed, it was forwarded to the office of intendency for confirmation. Where any doubts existed as to the land being vacant and royal domain, the order of survey preceded the concession. There are, also, some cases where the sub-delegate made grants without a reference to the surveyor and fiscal, but it was understood to have been done upon his own responsibility.

In conformity with the provisions of a decree of royal treasury, dated November 22, 1806, adopted in pursuance of an ordinance of his Catholic Majesty of 30th March of same year, making *gratuitous* concessions, was reserved to the intendant, and were confined exclusively to the *meritorious* subjects of Spain. It was evidently the object of this decree, so far as we can collect its meaning from the title papers, to restrain such grants within narrow limits, and to sell as much land as possible for the purpose of replenishing the exhausted coffers of the crown. Strangers and foreigners, until naturalized by long residence, &c., were entirely excluded, as may be seen by an examination of Morales' regulations and the oath imposed upon the petitioner. He was required to swear that no stranger was interested in the petition, and that he or she would not convey the land to any such persons at a subsequent period; that he or she would fulfil the conditions contained in the regulations of Morales of July 17, 1799; and that they had received no anterior grant.

The quantity of land granted to each petitioner was regulated by the number of his *beasts to be pastured*, as well as of his family *capable of cultivation*; understanding that the concession was never to exceed 800 arpents in superficies. This is the limit to a single gratuitous grant; but it is not to be inferred from this, or from the oath imposed by the decree of November 22, 1806, that an individual could obtain only one



concession of this description. An additional concession of 800 arpents may be made to the same person if he can prove, as required by 13th Morales, "that he had possessed the first during three years and fulfilled all the conditions prescribed." If more were solicited it was to be purchased.

Exceptions to the above limit were, however, made in favor of Opelousas and Attakapas, where lands were mostly suited to the purposes of pasturage alone. Even in these cases the quantity to be obtained in a grant was governed by the same rule and determined by the number of grantee's "*family and flocks.*" Here it was established as a general rule, that, to obtain half a league in front by the same measure in depth, the petitioner must be owner of "one hundred head of cattle, some horses and sheep, and two slaves," and in the same proportion for a larger tract, without the power of exceeding a league square. Although the article providing for the disposal of lands in these two sections of Louisiana are not extended to West Florida, yet it is clearly apparent that there are many cases here presented which are entirely within the reason of it, as in these parishes most of the country contiguous to Pensacola is only fitted to the purposes of pasturage and rearing of cattle, &c. Under these circumstances, it is nothing but reasonable that an equal latitude should have been allowed as to the number of arpents granted, and such has been the practice on several occasions. Whenever the applicant was recommended by a *large family and numerous stock*, the sub-delegates felt themselves authorized to depart from the *general rules* prescribed in 1st and 13th Morales, and adopt that which was provided for Opelousas and Attakapas. In consequence of the wealth and resources of the new settler, it is understood that the Spanish authorities have sometimes conceded to the same individual several thousand arpents.

By requiring that the number of arpents to be granted should be proportioned to the petitioner's "*family and flocks,*" it is apparent that the object of the Spanish government was to patronize the rearing of cattle and the cultivation of the earth. Their policy was to strengthen the country by allowing new settlers and increasing their number and resources. A consequence resulting from the adoption of this rule, and which the Spanish government seems always to have had in view, was never to dispose of their domain in large tracts, so as to enable individuals or the subordinate officers to sell them again upon speculation. So much only was to be granted as was necessary for the purposes above mentioned, and no more. A departure from the general rule, and an adoption of that in Opelousas and Attakapas, has not been frequent in West Florida; and, in these cases, it has occurred where the land was poor and but a small portion fit for cultivation. This power of modifying the regulations of Morales, or extending the articles framed for one section of country to another, it is understood, has been exercised by the intendant, as also by his sub-delegates, when reasons sufficiently potent existed to prove that the case formed an exception to the general rule. By what authority the sub-delegates were empowered to act on such occasions we are not satisfactorily advised; but such has been the practice, and the grants made have been recognized as valid.

## II. SALES.

It is provided in the regulations of Morales that the vacant lands belonging to the royal domain were ordered to be sold by auction by the law 15th, book 4th, of the collection of the laws of the Indies. The sale was to have been made as the land was demanded, with the intervention of the fiscal or King's attorney for the board of finances, *for the price they shall be taxed to those who wish to purchase.*

By the decree of royal treasury, dated November 22, 1806, adopted in pursuance of an ordinance of his Catholic Majesty of 30th March of the same year, the public domain was directed to be sold at auction for the purpose of replenishing the exhausted coffers of the Spanish treasury. The price taxed was sometimes ascertained by *appraisers* with the intervention of the King's attorney, which proceedings are believed to have been within the purview of the above decree as well as the 24th article of Morales' regulations. These grants were also to be reported to the intendant, from whom complete titles were to be obtained. We also take occasion to remark, in this place, that grants of land sold and those made gratuitously were required to be recorded in the office of finances.

With regard to the *quantity* which could be sold to a single individual, the same general rules seem to have been adopted as prevailed in *gratuities*. The policy of Spain was in both cases the same. It was the intention of the government to concede lands for pasturage and cultivation, and not as an object of speculation, as is expressly announced in the instructions of Gayoso. To prevent this amongst individuals as well as the subordinate authorities, and allure settlers to the country, by which it would be populated and strengthened, constituted the great aim of the Spanish regulations upon the subject of lands. This was the only restriction, it is believed, upon sales; and, consequently, where the grantee owned *many slaves, a large family capable of cultivation, and a numerous stock to be pastured*, several thousand arpents were sometimes disposed of to a single purchaser.

Ramon de Lopez y Angula, who appears to have officiated as secretary of intendency at New Orleans in the year 1800, refused to sell one hundred thousand arpents of crown lands, as solicited in a letter of Henry Peroux, commandant at New Madrid, and as set forth in the petition of the inhabitants accompanying it, upon the ground that the purchase was intended as a "*speculation hurtful to poor people.*" "*It never was,*" he says, "*the intention of the King to dispose of the lands in such large quantities, and under such circumstances.*" It is admitted by Angula that the new regulations (Morales') provided for the sale of lands in the manner referred to in Peroux's letter, but it was only under the *previous formalities there specified, and with a reference to the ability and forces of the person desirous of purchasing.* The reason given for this rule, and the refusal to grant lands in such large quantities, is certainly sound and incontrovertible, and is in accordance with the spirit of the whole system of Spanish jurisprudence upon the subject of lands. The reason as stated was, "because it would not be just that, for a small consideration, one or more speculators should make themselves masters of a great extent of lands to the prejudice of others coming to settle, and who, consequently, find themselves driven to purchase those lands which they might otherwise have obtained free from expense." This is a striking illustration of the rule, and may be considered as entirely conclusive.

## REMARKS.

From the above exposition of Spanish claims, it would appear that *sales* and *gratuities* are the only kinds contemplated by the regulations of Morales. There are, however, a few cases of grants, both to lands and lots, made expressly as a remuneration for public services. These are easily distinguished from those of every other description. In relation to *sales* and *gratuities*, we shall subjoin a few additional observations with a view to a more correct understanding of these classes of claims.

1. A SALE embraces all cases where the land has been disposed of *at auction* or by *appraisal*, and none others. Where the petitioner states that he has *sustained losses, been in the public service, and that the government is in arrears to him*, to constitute the grant a *sale* it appears to us that it ought to be shown by the evidence of title that an account had been authenticated, preferred against the government, and acknowledged to be just; that the land had been conceded by valuation or otherwise, as an indemnity or liquidation of the debt, and that the claim of the party had been thereby entirely extinguished. It is not only necessary that this should be set forth, but it should be apparent that the losses, public services, or arrears due, constituted the *consideration* and not the *inducement* to make the grant. In some cases where public services have been rendered, it seems to have been the practice to *extend the grant under the fiction of a sale*, so as to include a larger number of arpents, but the usual conditions of a *gratuity* are exacted from the claimant.

In most cases where there are petitions and grants in which public services are stated and acknowledged to have been rendered, losses sustained, and arrears due from the government; yet they appear to have been set forth for the purpose of bringing them within the decree of November 22, 1806, as they almost invariably refer to the conditions contained in the ordinance of Morales, dated July 17, 1799, and are subjected to all the formalities and restrictions of *gratuitous* concessions.

2. A *GRATUITY* includes all grants made upon conditions of *pasturage, and clearing, and cultivation*. When there is neither a *sale at auction* nor a price taxed and fixed by *appraisers*, there is every reason for believing it a claim of this description. If a reference is expressly made to the conditions contained in the ordinance or regulations of Morales, of July 17, 1799, its character as a *gratuity* is established beyond the reach of question. Either or both these features identify the claim as belonging to this class. Possessing either of these characteristics, if losses, public services, and arrears due from the government are recited in the petition or grant, it is done as already observed, barely to prove that the petitioner is a *meritorious* subject and entitled to the land as contemplated by the decree of November 22, 1806. The public services, &c., are mentioned as the *inducement* and not as the *consideration* of the grant or concession.

All of which is respectfully submitted by the undersigned commissioners.

SAM'L R. OVERTON.  
JOS. M. WHITE.  
GRAVEN P. LUCKETT.

#### GENERAL REPORT UPON LARGE GRANTS.

We have already shown that it was never the intention of the King of Spain to dispose of his royal domain in large quantities, agreeably to the rules prescribed to his subordinate agents in his transmarine provinces. The object was to populate and improve the country, so as to enable it to defend and protect itself in case of invasion; and the rule observed in relation to the quantity granted, both in *sales* and *gratuities*, was the number of the *grantee's* *beasts to be pastured, and of his slaves and family capable of cultivating the land*. This, as we have formerly remarked, was intended to prevent speculation amongst individuals and the subordinate authorities. There are grants for public services, *military and civil*, such as exploring and discovery of mines. Although *gratuities* have sometimes been extended under the *fiction of a sale*, yet Intendant Morales, in the case of Santiago Coleman, declares that all grants of this description appertain to his Catholic Majesty. Both the intendant and sub-delegates have, in some cases, made grants of this description, but they were probably subject to the confirmation of the King, &c.

But there appears to have been another species of *gratuitous* grant, differing in some particulars from those we have already considered. They consisted of concessions of many thousand acres, and were made to individuals upon the condition that a large number of families were to be settled thereon within a given period, for the purpose of promoting the population and cultivation of the country. Such were the claims of Baron Bastrop and Maison Rouge, in Louisiana, and probably Arredondo's, in East Florida. None have been presented to this board, and they do not appear to come within the purview of any of Morales' regulations. They seem to have been in the nature of *special contracts* which were made with the intendant, and in which it was absolutely necessary that the assent of the King himself should be obtained to give them validity. In the case of Baron Bastrop, the execution of the contract was suspended until the decision of his Catholic Majesty could be obtained; and that made with Maison Rouge was laid before the King by Mr. Gardoqui, who procured his approval of all its parts with an order for its completion. There are other large claims the grants of which are made *immediately* by the King, such as those of the Duke of Alegon, De Vargas, and Count Punon Rostro.

The extent of the powers of the intendant general, and governors, and commandants of posts, the last of whom were denominated sub-delegates, are not perfectly understood. The ordinance of Ferdinand the Sixth, dated in 1754, forms the basis of all regulations upon the subject of lands, but we have been unable to procure it. We regret the scarcity of our materials, arising from the fact that there are very few who will frankly aid one's inquiries into the municipal and political jurisprudence of Spain, and that the records have been removed from the country in violation of the solemn stipulation of the treaty. That their powers were limited is proved by the reference made to the King in the cases of Bastrop, Maison Rouge, and many others. In consequence of our being at a loss for a guide in determining the exact limitation of power by which large grants were made, where they are not embraced by the instructions of Gayoso or the regulations of Morales, such claims should be ratified with great caution.

It is in grants of the greatest magnitude, and whose titles are made out with unusual exactness, that apprehensions of fraud are to be most seriously entertained. The poor and limited claimant is very rarely found guilty of this crime.

The amount in controversy is not a sufficient inducement, and the conditions which he is required to perform, and which must be established by proof, is in most cases an effectual preventive of imposition. We would, therefore, respectfully suggest that large claimants should be required to produce the law or ordinance which authorized such a grant to be made. They are bound to make out a legal or equitable title, and such a one as would have been recognized as valid by the Spanish government. Where the power for making the grant is not to be found in the instructions of Gayoso or the regulations of Morales, and the claimant is unable to produce it, it is believed then to become a matter of discretion with Congress whether they will reject such claims, or to what extent they shall be confirmed. Even in cases where the grant purports to be a complete one, and to have received the ratification of the intendant, the law or ordinance authorizing it to be made ought to be produced.



Under the Spanish government the intendant himself could not have made a grant contrary to law which would have been regarded; for it is a principle of the civil law that all "patents, orders, &c., contrary to right and law, shall not be executed, and the judges are directed to disregard them." Had the intendant issued such a grant, it would have been acting without the pale of his powers, and the error would have been corrected. He was denominated "*a sub-delegate of the King*;" had, no doubt, special and limited powers conferred on him when acting in that subordinate capacity, and was responsible to him for the fidelity of his official conduct. This principle of responsibility in subordinate tribunals is observed and enforced in all governments.

At the expiration of his term of service it is understood that the intendant was bound to give what was called a *residencia*, or an account of his administration. This was received by a law officer appointed by the crown, and was finally determined by the council of the Indies. On these occasions all abuses of authority were corrected and grievances redressed. If the intendant, governor, &c., had disregarded the laws and ordinances, the appropriate remedy, it is believed, was administered.

The agents of Spain being under the control of the law, with limited and restricted powers, any act done by them in violation of laws and ordinances must, upon every principle of reasoning, be void for want of power and jurisdiction. If the local authorities have mistaken the laws and ordinances, or, regardless of responsibility, in consequence of their great distance from the parent State, have transcended their powers, such acts are null and void, and they could not be legally executed, for the same reason that a sheriff could not be justified for carrying into effect an *illegal* mandate. This position is sustained upon the ground that there is a want of authority on the part of those agents, and demonstrates that such acts are void as to Spain, no matter with what good faith they may have been executed. The United States have now a right to say upon this subject whatever Spain *could have said*, not what she *would say* by possibility. They are entitled to all the rights which could have been exercised by the King of Spain. Unless the grant has been made or ratified by the intendant, if the claimant cannot show the law under which it was made, and it is evidently contrary to the laws and ordinances to which we have access, it is a fair inference that the grantor exceeded his authority, and that it was such a case as would not have been approved by the higher and superintending tribunals. As the United States have only stipulated to ratify all grants of a particular date, made by "his Catholic Majesty or his lawful authorities" in the Floridas, Congress, it is conceived, can reject those which are not of that character, as would have been done, no doubt, by the government of Spain.

All of which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

#### No. 1.

A report of a claim of John Forbes & Co., in their own right, and as surviving partners and successors of Pantón, Leslie & Co., to a tract of land east of Apalachicola river, in the district of West Florida; filed by Octavius Mitchell, in behalf of the present proprietors, commonly called "Forbes & Co.'s purchase," by title emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provision of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the territories of Florida," by the undersigned commissioners, to wit:

A copy of a letter dated New Orleans, February 21, 1799, from Governor Gayoso de Lemos to John Forbes, (of the house of Pantón, Leslie & Co.,) sympathizing with them on account of the large sums of money due the house from the Talapuche Indians, and the little hope there remains of recovering the same, unless by extraordinary means, the most probable of which would be the purchase of certain lands from said Indians *within the limits of the United States*; desires Mr. F. to gather on this important subject some information about the ultimate views of that government; from his residence of ten years in Louisiana, and his knowledge of public transactions, is witness to the honorable conduct of said house, and the repeated sacrifices they have made and are ever ready to make to the interests of his Catholic Majesty; that his predecessors had in consequence obtained for it *several valuable mercantile privileges*, which would have been of much advantage to the house, but that the vicissitudes of the times called for *new indulgences from his Majesty*; that matters being in this state, and confident that that house would never engage in anything prejudicial to the interest of his royal master, he would not oppose any purchase the said house might make in the Talapuche nation *north of the boundary line between his Catholic Majesty and the United States, thinking it the only way to be repaid for their outstanding debts, which would otherwise be lost in the nation*, and would augment their difficulties; and that the said house had no other views than to sell the lands so purchased in the usual way for the purpose of being so repaid. Also, a copy of a certificate of the foregoing original letter, by Andres Fernandez, public interpreter, dated Pensacola, November 20, 1806. Also, a copy of a letter from the Marquis of Caso Calvo, dated New Orleans, February 4, 1801, to Mr. John Forbes, acknowledging the reception of his of 19th January, which mentions that the Seminole Indians had offered the house lands upon the river Apalachicola, as those they had formerly offered were not judged acceptable. The letter concludes thus: "I do not know to what to attribute the failure of the order of the intendency for the payment of the \$17,000, relative to which I have transmitted an official letter, showing the irreparable injury which must accrue, as well to the royal treasury as to your house, if this affair be not settled with due brevity." Also, a copy of a petition from James Inncrarity, agent of the house of Pantón, Leslie & Co., begging that, in consequence of offers made by several chiefs of the Seminole Indians, at a meeting held by them on the 4th of June last, to John Forbes, principal partner and director of the house, to cede to it a portion of lands *occupied by said Indians* in the district of Apalachy and Apalachicola, in payment of the debts contracted and robberies committed by them in the store of said house, established in the neighborhood of St. Mark's, he intends to send an agent to said tribe to endeavor to procure a cession of a portion of said lands equivalent to the said losses. The petitioner shows the benefit that would result from the said cession, not only to the said house, but also to the province in general, *by having the said lands occupied by industrious people who will be interested in cultivating them, and in a great measure superseding the necessity of having recourse to the United States, as at*



present happens, for the supply of his Catholic Majesty's troops, and even of the inhabitants of Pensacola and Mobile—almost all the good lands belonging to the Indians. The petitioner, therefore, requests permission to establish a talk on this business with the Indians, and, upon a cession being made, that the same may be confirmed and secured to the said house, for it to dispose of them to its advantage; dated Pensacola, January 5, 1804. Also, a copy of Governor Folch's permission, granted on condition that the lands so ceded be not disposed of without the knowledge and consent of the government; Pensacola, January 7, 1804. Also, a copy of a certificate of Governor Folch, stating that the chiefs of the Seminole nation who had signed the above appeared before him on the 20th of June last, and they having taken him by the hand in sign of friendship, among other things, said, that one of their motives for their journeying hither was to declare to him that they had ceded to the house of Pantón, Leslie & Co., in consequence of the great debts they had contracted in that house's store, lately opened in Apalachy, and the robberies they had committed therein, a tract of land, the limits of which are designated in the preceding act of cession and sale; that they had done so with the entire knowledge of the nation, in whose name they signed it. This certificate, signed and sealed by Folch June 24, 1804, and countersigned by his secretary, Francisco Morejou. Also, a copy of a certificate of Governor Folch, stating that in a full assembly of the principal chiefs of the Tallapoosa and Seminole Indian nations, held in this place on the 3d of December instant, King Manso, or Hopothle Micco, being chief orator, he declared that, with the general consent of their nations, they had confirmed the cession of land made in May last to Pantón, Leslie & Co.; that they had done so in payment of the debts and robberies aforementioned, and had put Mr. James Innerarity in possession of the land, as agent of the said house, to which they had ceded forever all right they formerly held in said lands, agreeably to the tenor of the preceding act, which they had signed at Achackweithle August 22, 1804. This certificate, signed and sealed by Folch December 5, 1804, and countersigned by his secretary, Francisco Morejou; also, a copy of the act of cession referred to above. The preamble states the heavy debts they (the subscribing chiefs of the Seminole nation met in junta) owe to the house of Pantón, Leslie & Co. for goods supplied them and their people from the store in Apalachy, and the robberies and depredations they committed on two occasions on the store of said house in Apalachy, headed by William Augustus Bowles—the first robbery committed in January, 1792, and the second in May, 1800; and they having no means whatever of paying said losses, except by ceding to said house a portion of the lands they occupy, they have determined to give, sell, and cede to said house of Pantón, Leslie & Co., by way of compensation, &c., a district of land of which they are at present owners and proprietors, and contained within the following limits: leaving the Apalachicola river five miles above Estefamulgee, the line runs through the hammock of said river and the adjacent pine barren, in a direction E. and E.S.E. more than three miles, till it meets with the principal path from Estefamulgee to the nation; then follow said path N. and N.N.E. eleven miles and a half or twelve miles to the spot where the path from Micasuky to Estefamulgee separates from the other; thence the line runs along the same path of Micasuky E. three miles and a half to a ravine; thence along the same path E. and NE. by E. two miles and a half to another ravine; thence still along the same path NE. and E. above a mile, till the junction with the path of Ocheese, alias that of John Mealy, to Apalachy; thence running the same in a direction SE. about three-quarters of a mile to the river Tologie; thence still along the same E. four miles and three-quarters, till the spot where the path of John Mealy to Apalachy separates; thence the line follows the path of Micasuky (which might more properly be called the path of Ocheese to Anacheeler) E. by N. one mile and a quarter to the extremity of a hammock; thence along the same path NE. and E.N.E. one mile and a half to four pine trees marked with crosses; here leaving the path the line runs through the hammock, and crosses two ravines NE. by E. one mile and thirty-six chains, till it meets with a path from Anacheela to the south; crossing said path for fifty-eight chains, it follows the same direction through the hammock, and crosses another ravine till it meets with another path leading from Anacheela to Micasuky, at a distance of one measured mile from Anacheela; thence following said path, whose directions vary between SE. and NE., three miles, till a spot where a path separates leading to the south; leaving this last path, and still following the former along which we came, the line runs through it in a direction E. and E.N.E. a mile and a half to a ravine; thence running in the same path NE. by N. one mile, till its junction with Thompson's path, which comes from the NW.; thence following the same path, here called Thompson's path, SE. by S. one mile and a quarter, till Little river; thence following the same path NE. by E., E.N.E., and E. one mile, till the spot where the path of Micasuky separates; thence it follows always the same path of Thompson's SE. by E. one-third of a mile to a ravine; thence always in the same path in various directions between SE. and NE. two miles and a half to another ravine; crossing which, it goes in a direction S. still along the same path one mile and a half to the river Ocklockney; thence along the same path in various directions between S. and E. eighteen miles to the extremity of the hammock on the river Wakhulla, where two pine trees are marked with crosses at one mile distance from the house of John Keimaire; thence crossing the hammock and a ravine, it runs S. by E. sixty-four chains; thence S.S.E. to a pine marked with a cross, sixteen chains; thence E.S.E. sixty-four chains, and thence E.N.E. ninety-six chains, to the road which leads from the house of Keimaire to Fort St. Mark's; thence it runs crossing the road forty-six chains N.N.E. to the river Wakhulla, the channel of which forms the boundary as far as the sea to the east in the same manner as the great channel of the river Apalachicola, from its mouth to five miles above Estefamulgee, forms, with a part of the above line, the limits to the west, and the high seas beyond all the islands on the coast, from the limits to the south throughout all its course by land, except a spot one-third of a mile adjacent to the hammock of the river Apalachicola, which, being a thick swamp and full of water and mud, was impenetrable; the line is very visible, the trees being all marked. "And by these presents we cede, concede, give, sell, and transfer to the said house of Pantón, Leslie & Co., their heirs, executors, assigns, and administrators, in our name and in that of all our people, the aforesaid district of land contained within the limits aforesaid, to be by them, their heirs, executors, assigns, and administrators, held and possessed in full right and entire property; and we, the undersigned chiefs, in our name, and in that of our heirs and descendants, in our name, and in that of our people of the before-mentioned Seminole nation, renounce and abandon all and every right which we have till now held or possessed in the said district of lands to the said Pantón, Leslie & Co., their heirs, executors, administrators, and assigns; and we will maintain and defend the said Pantón, Leslie & Co., their heirs, &c., in the full and complete dominion and possession of the aforesaid district of land, contained within the aforesaid limits at this time by us ceded, given, bestowed, sold, and transferred, against all and whatsoever person or persons from henceforth and forever. In witness whereof, we hereby sign this instrument in the town of Cheeskatalofa, May 25, 1804.—(Here follows the marks of twenty-two chiefs, and the signature of William Hamby, "interpreter.") Also, a copy of the act of confirmation. It states, that whereas the chiefs and principal men of the Seminole Indians met at Cheeskatalofa,

May 25, 1804, and agreed unanimously to cede to the house of Panton, Leslie & Co., in compensation for sundry robberies, (as aforementioned,) a tract of land, bounded, &c., &c.; and whereas an instrument of concession, sale, and cession of the same was, on the 25th of May aforesaid, signed by the following chiefs of the said nation.—(Here follows the names of twenty-two chiefs who signed.) And whereas, on the 20th of June following, the same was ratified and declared by the said chiefs before Don Vincente Folch, governor, &c., to be their unanimous and spontaneous act, in virtue of which they, in their own name and that of the Seminole nation, whom they represented, and their descendants, renounced entirely in favor of Panton, Leslie & Co., on account of the aforementioned motives, all their right and pretensions to the said land, &c. And whereas Mr. James Innerarity, one of the partners of said house, has come, in virtue of said cession, personally to this place in the name of and representing said house, to take possession of said lands; and in order to do so with more notoriety and solemnity, and that said concession may be more amply confirmed and finally relieved from all altercation and dispute, he has convoked a meeting of the chiefs of the Lower Creeks and Seminole nations to meet him at this place for the aforementioned object. Be it therefore known, to all to whom it may or doth concern, that we, the undersigned chiefs and principal men of the Lower Creek and Seminole nations, having in consequence met in full assembly at this place, have unanimously agreed, and by this instrument of writing solemnly confirm in every sense and manner, and in all its parts, the aforesaid donation and cession of the said lands, &c.; and that the same may remain and be maintained valid to Panton, Leslie & Co. from henceforth and forever, we have this day solemnly ceded and granted possession of them to their partner, Mr. James Innerarity, deputed to that effect; and we bind and oblige ourselves and our descendants to maintain and defend him and them in full and pacific possession of the said lands against all persons whatsoever, from henceforth and forever. In witness whereof, we set our marks. Done at Achackweithle, on the river Apalachicola, this 22d day of August, 1804, in presence of William Hambly and Thomas Miller, interpreters.—(Here follows the marks of thirty-three chiefs.) Also, a copy of a statement of losses sustained by the robberies of the Indians in Apalachee, January 16, 1792, viz:

Amount of inventory of goods existing in Apalachee November 1, 1791, including one-quarter per cent. on the goods.....	£5,550 16 9	
Amount of invoice of November 1, 1791, with four per cent. to cover charges.....	1,239 15 3	
		£6,790 12 0
Sold from the store from November 1, 1791, to January 16, 1792, by account taken from the books by R. Leslie, with four per cent., in order to agree with the inventory and invoice.....	564 11 8½	
Preserved since the robbers were expelled, according to inventory taken the 16th of March by R. Leslie, with four per cent.....	623 1 10½	
		1,187 13 7

In the inventory of November, 1791, were included the cattle, horses, hogs, poultry, negroes, &c., of which were preserved—

60 head of cattle, at 64s.....	£192 0 0	
10 hogs, at 40s.....	20 0 0	
2 dozen hens, at 11s. 3d.....	1 2 6	
18 horses, at 90s.....	81 0 0	
Negroes, according to inventory.....	857 0 0	
15 old trunks and a press filled with peltry, according to invoice.....	42 10 0	
Perogue, boat chalan, &c., per invoice.....	29 1 0	
All the peltry, per invoice.....	1,486 12 0	
House furniture, per invoice.....	5 0 0	
Plate and silks charged to Perryman's wife, with four per cent.....	74 14 1	
H. Smith charged to Barnet this sum, recovered according to day-book....	135 14 8	
Omissions, &c.....	4 3 2	
		£4,116 11 0

Loss in pounds sterling..... 2,674 1 0

By amount of actual loss by the preceding statement.....	£2,674 1 0	
100 bushels of corn omitted, bought between the 1st of November and the 16th of January.....	30 0 0	
Expenses incurred at the fort for provisions for Indians and others assisting us, and our own living.....	100 0 0	
		2,804 1 0

We certify that the preceding account is a true statement of the loss sustained by Panton, Leslie & Company from the robber Bowles and his followers. Apalachee, June 24, 1792.

ROBERT LESLIE.  
EDWARD FOSTER.  
JOHN INNERARITY.

Pensacola, West Florida, June 2, 1799. Before me, Don Vincente Folch y Juan, governor, &c., appeared William Panton, partner of the house of Panton, Leslie & Company, who, having been duly sworn, declared that the preceding is a true and just statement of the loss sustained by him and his partners, (at that time,) John Leslie and Thomas Forbes, by a party of freebooting Indians, at whose head was the notorious William Angustus Bowles, and a number of the chiefs of the villages of Cowetas, Broken Arrow, Hitchetas, Ufales, Chichas, and inhabitants of the point named Ousutches; which robbery was committed on or about January 16, 1792. And the deponent further declared—

April 27, 1792. For 14 head of cattle more than was included in the statement seen and counted this day by R. Leslie, 64s. per cent.....	£44 16
For 12 horses, ditto, at 90s.....	54 00
For 12 head of cattle seen at Micasuky, 64s.....	12 16
For 2 head of cattle seen at Burgess' house, of which we have received one.....	6 08
For a mare and a saddle recovered of H. Smith.....	5 00
	<hr/> 123 00
Loss actually sustained this day in pounds sterling.....	2,681 01
	<hr/> 2,804 01

That the foregoing statement was made by the clerks residing on the spot at the time the robbery was committed, and that it was certified by them on June 24, 1792, as above. And he further declares that the said sum of £2,681 01s. was really lost by him and his said partners on account of the said robberies, and that no part thereof has since then been recovered.

WILLIAM PANTON.  
VINCENTE FOLCH.

Witnesses: MATIAS CERVERA.  
FELIPE PRIETO.

Also, a copy of a statement of the loss sustained by the robbery committed on the store in Apalachy in May, 1800, by the Indians under the conduct of Bowles:

Value of goods, houses, negroes, cattle, &c., existing in our possession at the time of the robbery, including the brig Sheerwater, which transported them from Pensacola.....	\$16,549 06½
Expenses in repairing the Sheerwater for the damage done to her while in possession of Bowles and his Indians.....	\$672 07
Detention of said brig from May 18 until November 11, 1800, during which time it was either in Bowles' possession or detained at Pensacola for repairing its damages, five months and twenty-four days, at \$500 per month.....	2,900 00
A mulatto and a negro boy belonging to said brig, carried off by Bowles....	800 00
	<hr/> 4,372 07
	20,922 05½
To deduct the value of goods and negroes recovered at the retaking of Fort St. Mark's.....	4,868 02½
Loss.....	<hr/> 16,054 03

Pensacola, West Florida, August 25, 1802. Before me, Don Vincente Folch y Juan, governor, &c., and two assisting witnesses, appeared John Forbes, a partner of the house of Panton Leslie & Co., and James Innerarity, a clerk in the same house, who, having been duly sworn, declared that the foregoing is a true and just statement of the loss sustained by the house of Panton, Leslie & Co. in a robbery committed on their stores in the months of April and May, 1800, by a party of freebooting Indians, at whose head was the notorious William Augustus Bowles, and a number of the chiefs of the Oakfuskie, Otassies, Cowetas, Casitas, Chickas, Talassess, Eanckeeches, and Micasukies, and that no part of said loss has been since recovered.

JOHN FORBES.  
JAMES INNERARITY.  
VINCENTE FOLCH.

Witnesses: FRANCISCO MOREJOU.  
ESTEVEAN FOLCH.

Translation of the above documents by Andres Fernandez, public interpreter. Also, a copy of a detailed statement of sums due by various Indian dealers and factors of the Seminoles to the house of Panton, Leslie & Company, in Apalachy, until the end of the year 1800, exclusive of interest, which sums never were paid: \$19,157 01.

Errors and omissions excepted.

PANTON, LESLIE & CO.

Also, a copy of a detailed statement of the expenses incurred by the house of Panton, Leslie & Co. during and on account of the proceedings held with the Indians (Seminoles) in Pensacola, as well as in Apalachicola, for the cession and sale of a tract of land in payment of the robberies committed on their store by said Indians, and other matters therein contained, amount to \$2,136 04½.

Errors and omissions excepted.

PANTON, LESLIE & CO.

Also, a copy of a recapitulation of the loss experienced by the house of Panton, Leslie & Company, (as above detailed):

Amount of the robbery committed on the store in Apalachy, January 16, 1792, as appeared by the statement on oath of Wm. Panton, before Don Vincente Folch, June 2, 1799, £2,681 01s., at 4s. 6d. per dollar.....	\$11,915 06½
Interest on said amount, at six per cent. yearly, from January 16, 1792, to August 22, 1804, at which date the chiefs agreed to sell and concede the lands to the house, twelve years seven months and six days.....	9,000 02½
Carried forward.....	<hr/> 20,924 00½



	Brought forward.....	\$20,924 00½
Amount of the robbery on the store in Apalachy, in May, 1800, as appears by the statement made on oath by John Forbes and James Innerarity before Don Vincente Folch and two assistant witnesses, August 25, 1802.....		16,054 03
Interest on this sum, at six per cent. per annum, from May 31, 1800, until August 22, 1804.....		4,072 03½
Amount of debts due by different Indian dealers to the store, to the end of the year 1800, as appears by the statement taken from the books of said stores by James Innerarity, resident clerk at that time in Apalachy.....	\$19,157 01	
Interest on this sum, at six per cent. per annum, from December 31, 1800, until the said August 22, 1804, three years seven months and twenty-two days.....	4,189 00	23,346 01
Expenses incurred on account of the different congresses held by the Seminole, relative to the cession and sale of said land, &c.....		2,136 04½
		66,533 05
Errors and omissions excepted.		
	PANTON, LESLIE & CO.	

Also, a copy of the act of ascertaining the boundary line, which states that, whereas at a meeting of the chiefs and warriors of the Seminole nations, held at Chickatalofa, May 25, 1804, it was unanimously agreed by the same to cede a certain portion of land belonging to said nation to the house of Pantón, Leslie & Co., in compensation for the losses, &c., the limits of which land are described in the instrument of writing signed and delivered by the kings and chiefs assembled in junto at Achackweithle, on the river Apalachicola, August 22, 1804, to the said house of Pantón, Leslie & Co.; the said cession of land was resolved, decreed, and confirmed, and possession given of them, in the name of the said nations, to James Innerarity, partner of said house, with a few variations and restrictions in the limits to the north and east only added, and which are detailed according to the best information about said lands which was at that time to be had in the instrument of writing which on that occasion they signed and delivered to James Innerarity.

And whereas, in a full junto of said nations, held at Pensacola December 3, 1804, the said cession was before the governor, Don Vincente Folch, solemnly confirmed by a large concourse of kings, chiefs, and warriors then present; and whereas it was then resolved to send a certain number of chiefs to accompany Mr. James Innerarity, when they should think proper, for the better ascertaining and marking the boundary line of said cession, so as to be seen and distinguished by all: be it therefore known, that we, the undersigned, kings, chiefs, and warriors named by the aforesaid nations, and our own towns, have, at the citation of Mr. James Innerarity, accompanied him along said line, which we have distinctly ascertained, according to the order of said junto of Achackweithle and Pensacola, and have marked the same in such a visible manner that it may be easily seen by all, and is as follows: (See limits copied in first and second sheet.) And this line, so marked and thus described, we declare, in the name of our nations, to be the true boundary line of the land ceded in the aforementioned junto to the house of Pantón, Leslie & Co., and consequently the limits between our nations and the white people in these parts. As such, we order that it may be by all our people held and respected henceforth and forever. Given at St. Mark's, Apalachy, in the presence of the commandant of said post, Don Ignacio Balderas, and the subscribing witnesses, August 2, 1806. (Marks of eleven chiefs.) Certified by Don Ignacio Balderas. Interpreters: Thomas Miller, Juan Antonio Sandobal. Witnesses: Felipe Prieto, Diego de Barrios, Lorenzo Vitrian. We, the undersigned, declare that, although we were not present at the running of this boundary, we acknowledge and agree to its exactness and accuracy, and therefore sign the present before the commandant of this fort and three assistant witnesses. (Four marks of chiefs.) Certified by Ignacio Balderas; witness, Diego de Barrios.

Also, a copy of a petition of John Forbes to Governor Folch, dated November 28, 1806, stating that, in consequence of all the formalities of the cession, and ascertaining the boundaries of the land having been gone through, if his excellency finds the documents conformable to law, he begs that he will interpose his authority in due form, in order to ratify the said cession, and, making use of the authority which the King has conferred on him, put the petitioner in possession of said land in his royal name, on the conditions expressed in the decree of January 7, 1804, depositing the original documents in the archives of the general government of this province, and giving him a summary extract of the pieces composing the same, to serve him at all times as a title in form. Also, a decree of Governor Folch, dated at Mobile, November 28, 1806, granting the prayer of the petitioner; all which foregoing documents are certified by Don Francisco Maximiliano de San Maxent, political and military governor, *ad interim*, of West Florida, to be true copies of the original proceedings, followed up by Don James Innerarity and John Forbes, agents of the house of Pantón, Leslie & Co., in order to obtain the confirmation of the cession of lands made to them by the Creek and Seminole nations of Indians in compensation for debts they had contracted with said house. In witness whereof, the present is signed by me, sealed with my arms, and countersigned (and countersigned) by the secretary of this government, at Pensacola, December 20, 1811. Francisco Maximo de San Maxent, Pablo de Larin. Also, an original confirmation, or title in form, given by Governor Folch, countersigned by the secretary of the government, and dated December 3, 1806, at Mobile, which reads in the words following, to wit: "Whereas Mr. James Innerarity, agent of the house of Pantón, Leslie & Co., established in the province, with royal approbation, for the purpose of trading with the Indians since the year 1785, represented to me by a petition dated January 5, 1804, that, in order to follow up the offers made at a general congress of the Indians held in the nation in the month of June, 1803, by several chiefs of the Seminole tribe, and to John Forbes, principal partner and director in the said house of Pantón, Leslie & Co., that they would cede in its favor a portion of their lands between the district of Apalachy and Apalachicola, in payment of the debt they had contracted, and the robberies committed by them on the stores of said house established in the neighborhood of Fort St. Mark's, declaring to me at the same time his intention of taking the necessary steps for bringing about the said cession, and to cultivate, and to cause to be cultivated, by industrious persons, the land so obtained, concluding by beseeching me to grant him a permission to establish a talk, or set a negotiation on foot with the Indians on this business; and, that his object being obtained, I should secure to the house the possession of the lands ceded, in

order to dispose of them as might be found most convenient; and considering that the petition is not contrary to our laws, nor infringes in any manner the right and sovereignty of our Catholic monarch, (whom God preserve;) and that it being also one of the terms and conditions in the establishment of said house that the government should facilitate, as much as possibly it could, the recovery of the debts pending between the Indians and the said house, (which is also proved by the original letters presented to me by the said James Innerarity, written by the Brigadier Don Manuel Gayoso de Lemos and the Marquis de Caso Calvo, governors general, that were of the ceded province of Louisiana,) in which it is to be gathered that their excellencies were willing and gave their consent to any purchase of lands that the said house might make of the Indians, with the intent of recovering its outstanding debts and the losses occasioned by the robberies committed by the adventurer William A. Bowles; I therefore decreed, January 7, as follows: "Granted the petitioner's request, it being understood that the land he may obtain from the Indians cannot be disposed of without the knowledge or consent of this government." And it resulting from the instrument of cession that the chiefs and principal men of the Talapoosa and Seminole nations assembled in junto at the town of Chickatalofa, May 25, 1804, who affixed their marks and signed: Yohalla Emathla, William Perryman, Talahaya Mico, Tustanagy, Chupco, Hapayoli Mico, Cosa Micco, Thomas Perryman, Taskanagy, Hopoy Hacho, Panas Mico, John Meally, Cacho Tustanagy, Oheles Enyha, Pawas Hacho, Juchu Mico, Musquito Jack, James Perryman, Yfa Tustanagy, Talaysa Emathle, Tustanagy Mico, Yohulla Mico, Ufule Tustanagy Mico, Efaa Ten Kinca, Hullechee, ratified the first writing in my presence, the 20th June following, as appears by my certificate of the 22d; and the second writing in a full assembly of the same chiefs and others present at it, at Achackweithle, the 22d August of the same year; confirmed in Pensacola, before me, the 3d December following, as appears by my certificate of the 5th of same month, with the marks and signatures which follow, of the same chiefs: Hopoy Hacho de Totolosee Talofa, great orator of the Seminoles, Hothepacio, Tustanagy de Totolosee Talofa, Hopoy Mico de Ockmulgeechee, Tustanagy Mico de idem, Kecknecha Thlucco de Cheeyalia, Emathle Thlucco de idem, Mico Nupumice de Cussita, Yahulla Emathle de Chickatalofa, Tankaya Mico de Osootchie, Ochu Tustanagy de Ochu, Yahulla Mico de Usulles, Albama Tustanagy de Usallis, Tasikaya Hudjo de Ocheesee, Nihia Mico de Achumiga, Tustanagy Hudjo de Tochtiothle, Ninnywaguchee de Tochtowweithle, Tustanagy de Palachucklie, Yohulla Emathle, *alias* John Meally de Ocheesee, Hopoy Hudjo, for Copixches Mico de Micasuky, Tustanagy Hopoy for, *alias*, Little Prince of Cowetas, Coweta Tustanagy de Cowetas, Nicha Hodgee de Cowetas, Ocheesee Mico de Yawallee, Hopayok Hudjo de Yawallee, Mico Tecocksy, *alias* Hatas Mico, Hopayok Mico de Tawassee, Polka Tustanagy de Wifalatha, Efaa Tustanagy de Micasuky for Hopoy Hadjo, Pawas Mico de Ocoleyokony, Tustanagy Chupco de Ennessee, Tasikaya Mico de idem, Tustanagy Chupco de Tamathle, Halleneechu, king of Tamathle, Tuskinia, lieutenant of Chafaoackcheefalee, sent by King Manso in his stead, and by the two interpreters, Thomas Miller and William Hamby; at which ratification, in Pensacola, was orator King Manso, *alias* Hopoithle Mico, who, taking up the discourse, declared to me that, with the general consent of his nations, they had confirmed the cession of lands made in May last to the house of Panton, Leslie & Co., the limits of which they had designated with more precision in the last writing; that they had made said cession in payment of the robberies they had committed and the debts they had contracted on and in the store of St. Mark's, of Apalachy; and that they had given possession to Mr. James Innerarity in the name of the said house of Panton, Leslie & Co., to whom they had ceded forever all right which they formerly held in the said lands, in token of which they had signed and put their marks to both writings; and as it appears by the accounts, statements, and recapitulations general, which are found in the same documents, that the robberies, losses, and expenses incurred by the said house till the 31st October last, amounts to \$66,533 5 reals, and that on the part of those interested fresh steps were taken to designate the limits, and that the said chiefs, principal men, and warriors of the Seminole nations appointed deputies to be present at said designation; and that those met in junto at Fort St. Mark's, of Apalachy, the 2d of August of this year, presided by Don Ignacio Balderas, commandant of said fort, with three assistant witnesses, Don Felipe Prieto, Don Diego Barrios, and Don Lorenzo Vitrian, and interpreters Thomas Miller and Juan Sandoval; and said junto, agreeable to the former stipulation that a certain number of chiefs should accompany said James Innerarity or his agent when it should be found convenient, for the better ascertaining and marking the boundary line of the said cession of lands, so as to be visible and known to all, the said chiefs, principal men, and warriors deputed acknowledged that the same had been done to their entire satisfaction, and declared before the said Don Ignacio Balderas, in the names of their nations and as deputies appointed by them, that they had accompanied James Innerarity in the line and designations of boundary in the following manner.—(See limits and boundaries copied in first and second sheet.) And this line thus marked and described we declare, in the name of our nations, to be the true boundary of the land ceded in the aforesaid juntos to the house of Panton, Leslie & Company, and consequently the limits between our nations and the whites of these parts; and the said declaration being confirmed and signed with the marks of the said chiefs, which was delivered certified by the said commandant, with the addition of four chiefs of the Micasuky village, among whom Capisty was Mico, vulgarly called Kimache, and who, though not present at the said designation of boundary, declared, nevertheless, that they adhered to the accuracy of the limits, and were agreed in what the commissioned chiefs had done, putting in the same manner their marks; and Mr. John Forbes, as partner and director of said house, having preferred a new petition to me, begging that if I found good and conformable to law the documents which compose these proceedings, and of which I have in a summary given an extract, that I should interpose my authority in due form to ratify the cession of land as aforementioned, and which is pointed out by the plat annexed: Therefore, making use of the powers which the King our lord (whom God preserve) has conferred upon me in his royal name, I confirm and ratify to the house of Panton, Leslie & Company the cession of lands made by the Seminole nation of Indians, in the form and terms above explained and seen by the plat annexed, which, with the original proceedings and copy of this title will remain recorded in the office of the secretary of the government of this province; and consequently I declare and impart full and direct dominion to the said house of Panton, Leslie & Company of the aforesaid land, so that the said house may, as its property, enjoy, possess, sell, and alienate, agreeable to the terms expressed in my decree of January 7, 1804, antecedently inserted; and I empower it to take possession, and will defend and maintain it without prejudice to a third party. In witness whereof, I order the present to be delivered, signed by my hand, sealed with my arms, and countersigned by the underwritten secretary of this government. Given in Mobile December 3, 1806. (Signed) Vincente Folch, Francisco Morejon. Also, an original certificate of Pablo de Larin, secretary of the government, dated Pensacola, December 20, 1811, stating that the original proceedings relative to the cession, with the foregoing title confirmed, exist in the office of the secretary of this government under



his charge, with an authentic copy of said title, and of the whole was delivered a copy to the surveyor general of this province, Don Vincente Sebastian Pintado, in order to deposit in his archives, and another copy was at the same time given to John Innerarity, as representative of the interested parties.

In support of the claim to another tract of land lying east of the river Apalachicola, and undefined in quantity, ceded to the house of John Forbes & Co. by the Lower Creek and Seminole nations of Indians in the year 1811, the following title papers and parol proof were exhibited, to wit:

A copy of a list of debts due by the Lower Creek nation to the house of John Forbes & Co., of Pensacola, adjusted to January 22, 1811; total amount, \$19,387  $\frac{4}{5}$ . Pensacola, January 22, 1811. By power of attorney from John Forbes & Co. to John Innerarity, also a copy of a certificate of Governor Folch, countersigned by Pablo de Larin, secretary of the government, and dated January 22, 1811, stating that in a full assembly of chiefs of the Lower Creek and Seminole nations, held in the government house this day, the undersigned chiefs declared by the medium of their interpreters, James Durosseau, resident in the nation, Thomas Miller on the part of the chiefs, and Manuel Gonzales of this place, that they had ceded, in the name and with the consent of their nations, to the house of John Forbes & Co., in payment of the debts due to said house by the Indian dealers of the several towns of the aforesaid Lower Creeks on the river Chattahoochie, the piece of land of which the limits are specified in the act of cession which proceeds; which acts and limits were read and translated in my presence by the said interpreters, and they agreeing to the propriety of the same, signed of their accord the foregoing instrument.

In witness whereof, I give the present, signed by my hand, sealed with my arms, and countersigned by the underwritten secretary of this government.

VINCENTE FOLCH.

By order of his excellency:

PABLO DE LARIN.

Also, a copy of the act of cession in the words following, to wit: In a congress of the chiefs of the Lower Creek nations, held in the village of Cuskatalofa, on the river Chattahoochie, in April, 1818, composed of the following persons: (here the names of 18 chiefs.)

Whereas William Hambly, agent of the house of John Forbes & Co., merchants in Pensacola, has shown us a list of debts owing by the Indians and dealers of the Lower Creek nations on the rivers Chattahoochie and Flint, and amounting to the sum of \$19,387  $\frac{4}{5}$  reals of silver money; and it being manifest that we have not the means of liquidating said debts otherwise than by a cession of part of our lands, it has therefore been unanimously resolved, and by these presents we resolve to cede, give, grant, sell, and transfer to said John Forbes & Co., in payment of our aforesaid debts, a piece of land at present occupied by us and bounded as follows: (here the limits detailed.)

And whereas we, the following chiefs, Hopoi Mico, Efa Mico, Yoholla Emathla, and Cuskanucky, are duly authorized (according to the customs and statutes of Indians) by the aforesaid absent chiefs, and having this day met in the government house of Pensacola in presence of his excellency Vincente Folch, governor, &c., with the intent of confirming the said cession of land, having met in junto, according to agreement, to validate more fully said cession made to the house of John Forbes & Co., with Cuskanucky, Hopoi Cuskania, Mico Neippa, Cuskanucky, Chuchuckany, and Coweta Mico, we have, in conjunction with them, resolved unanimously and by this instrument, in our names and in that of the tribe of Lower Creeks, we cede, give, grant, sell, and transfer to the said John Forbes & Co., their heirs, executors, administrators, and assigns, the aforesaid piece of land, bounded as aforementioned, and situated in the said province of West Florida, so that they and their assigns may hold and possess it *in full dominion and property*. And we, the undersigned chiefs, in our own name, as well as in that of our people of the lower villages, and of our descendants and of theirs, renounce positively and make abandonment of all and whatever rights which heretofore we held in the said piece of land, in favor of the aforementioned John Forbes & Co. and their assigns, in full and entire possession of said piece of land, bounded as aforesaid, now by us ceded, given, granted, sold, and transferred, and we will defend them against all and whatsoever persons from henceforth and forevermore: therefore, the said chiefs, in their names, and in that of all the nation of said Lower Creeks, by these presents, name and constitute Hopoi Mico, Yoholla Emathla, Efa Mico, and Toothia Cuskanucky, chiefs of said nation of Lower Creeks, to accompany the surveyor of the said John Forbes & Co., and designate the boundaries of the said piece of land agreeable to intent and meaning of the limits aforementioned, to mark the trees and fix landmarks when it may be thought necessary, in order to make the boundary line visible and permanent forever. And, therefore, when the said boundary line shall be particularly ascertained, the said chiefs, Hopoi Mico, Yoholla Emathla, Efa Mico, and Toothia Cuskanucky, are by these presents authorized by us, the said chiefs assembled in congress, to proceed to Fort St. Mark's and communicate the same to the commandant, presenting him a plat of it in due form.

And, finally, to give and grant whatever other instrument of writing in our names, and in that of all our people of the said Lower Creek nation, which may be deemed necessary by the said John Forbes & Co., in presence of the said commandant, in order that the said piece of land remain entirely secure to the said John Forbes & Co., their heirs, executors, administrators, and assigns forever, in virtue of said writings. Given under our hands and seals, in the government house of Pensacola, January 22, 1811. (Here the marks of 11 chiefs.) Interpreted, signed, sealed, and delivered in the presence of, and by James Durosseau, interpreter of his Catholic Majesty, Thomas Miller, interpreter of the chiefs, Manuel Gonzales, interpreter of government at Pensacola. Also, a copy of a certificate of translation of the foregoing from the English by Vincente Sebastian Pintado, at the instance of John Innerarity, agent of the house of John Forbes & Co., dated Pensacola, June 21, 1811. Also, a copy of a certificate of Don Marcos de Villiers, commandant of Fort St. Mark's, stating that there appeared before him and the two subscribing witnesses seven chiefs of the Seminole nation, (names mentioned,) and after having given their hands in sign of friendship, declared that the foregoing signatures, made by them and other chiefs of their nation, they acknowledged to be legitimate and true; and that the cession and sale contained in the present instrument was just and valid, having been made with full consent of all the nation, and that in its name they had granted and signed the same. Fort St. Mark's, May 25, 1811. Marcos de Villiers, José Urcullo, Lorenzo Vetrican. Also, a copy of an act of confirmation. The preamble states, that whereas in a congress of chiefs of the Lower Creeks, held at Pensacola, January 22, 1811, it was agreed unanimously to cede to the house of John Forbes & Co., in payment of certain debts due to it by said nations, a piece of land bounded as follows, (here a detail of the limits.) And whereas a deed of grant, sale, and concession of the same to said house for the consideration aforesaid, dated January 22, 1811, was signed by the follow-



ing chiefs of said nation, then and there held, to wit, (here the names of the chiefs;) and that the said deed was confirmed and acknowledged by the said chiefs before Don Vincente Folch, governor, &c., to be their unanimous act and deed, &c., &c.: therefore, be it known to all whom it may concern, that we, the undersigned, chiefs and principal men of the Lower Creek nation, in consequence of the powers conferred upon us by the aforesaid chiefs and principal men, and being met in congress in this place, have unanimously agreed, and by these presents do confirm, in all its parts, intent, and meaning, the said grant and cession of a piece of land as aforesaid, agreeable to the annexed plat, the limits of which were designated, marked, blazed, and measured in our presence, and in that of the chiefs and principal men of the aforesaid Lower Creek nation, who were present with us for that purpose, viz: (here the names of thirteen chiefs.) And in order that the said grant and cession made by us to the said John Forbes & Co. may remain and be valid henceforth and forever, we have this day given solemn possession of the same to William Hambly, agent of said John Forbes & Co., who was deputed by them for that purpose; and by these presents we bind and oblige ourselves and our posterity to maintain and defend them in the quiet and peaceable possession of the same, against all persons whatsoever, henceforth and forever. In witness whereof, we have put our marks to the present with our own hands. Given at Prospect Bluff, Apalachicola, April 22, 1811. (Here the names of the chiefs.) Signed and delivered in presence of Daniel Blue, William Hambly, Edmund Doyle. Also, a copy of a certificate of translation of the above into Spanish by Don Vincente Sebastian Pintado, at the instance of John Innerarity, to whom a copy was given. Pensacola, June 22, 1811. Also, a copy of the act ascertaining the boundary line. Whereas, at a congress of chiefs of the Lower Creek nations and Seminoles, held at Pensacola, January 22, 1811, the governor of West Florida being present, it was unanimously agreed and resolved by said chiefs, in the names of their respective towns and nations, to cede a certain portion of the lands belonging to and possessed by the said nations to the house of John Forbes & Co., of Pensacola, in payment of debts owing by the dealers and Indians of the said nations of Lower Creeks, on the river Chattahoochie, to the said house of John Forbes & Co., and their predecessors, Pantan, Leslie & Co., at their store at Pensacola; the limits of which, according to the instrument of writing, which on that occasion was signed and granted by them to said house, were as follows: (here a first designation of limits.) And whereas, on the same occasion, it was resolved and ordained by the said chiefs to order a deputation from their body to accompany the agents or attorneys of the said house, in order to run and mark the boundary line of the said land, and so to trace and ascertain it exactly, that in all future times there can be no doubt or dispute thereon. And whereas we, the undersigned, chiefs of the said nations, were then named and deputed for said purpose: now, therefore, be it known to all that, having been summoned by the agents of said house, we have verified and marked the said boundary line throughout all its extents and directions, as follows: (here a minute detail of the limits;) and this line so marked and here described, we declare, in the name of our nations and constituents, to be the true limits of the land ceded in the aforementioned congress to the house of John Forbes & Co., and consequently the boundary between our nations and the whites of these parts. As such we order it to be, by all our people, held and respected henceforth and forever. Given at St. Mark's, Apalachi, in presence of the commandant of said post, Don Marcos de Villiers, and the undersigned assisting witnesses, May 25, 1811: (Marks of six chiefs.)

We, the undersigned, declare that, though we were not present at the designation of the boundary line, we acknowledge and agree to the exactness of the same. In witness whereof, we hereby put our marks, in presence of the commandant of this fort, the interpreters, and assisting witnesses, dated as above. (Marks of five chiefs.) Don Marcos de Villiers, captain and commandant, and sub-delegate of royal finances at this fort.

I certify that, at a congress held this day, the chiefs and warriors there met signed the preceding act, together with Felipe Prieto and William Hambly, who explained to the said chiefs the contents thereof, and the undersigned attesting witnesses. Apalachi, May 25, 1811. Marcos de Villiers, Felipe Prieto, William Hambly, José Urcello, Lorenzo Vetrian. Also, a copy of a detailed account of the expenses incurred by the house of John Forbes & Co. during the proceedings with the Seminole chiefs and Indians, as well at Pensacola as at Apalachicola, Apalachi fort, and other Indian towns, for the cession of two tracts of land in payment of a sum of money which the latter owed, and of which a list is annexed. Total amount, \$3,492 06½, E. E., by power of attorney from John Forbes & Co. to John Innerarity. Also, a copy of a petition from John Innerarity to Governor Folch, dated Pensacola, June 7, 1811, begging him, in consequence of every previous formality having been observed for obtaining a cession of two pieces of land from the Lower Creek Indians in payment of certain debts the latter owed the house of John Forbes & Co., to interpose his authority for the ratification of said cession. Also, a copy of a decree of Governor Folch, as follows:

Pensacola, June 8, 1811. The petitioner's request granted on conditions the said John Forbes & Co. do not dispose of or alienate the land in question without the express consent of this government, and that the same be understood to be on the same footing with the cession for which a title was granted on December 3, 1806. **FOLCH.**

Also, an original certificate of Francisco Maximiliano de San Maxent, political and military governor of West Florida, (*ad interim*), countersigned by Pablo de Larin, secretary of the government, and dated December 20, 1811, stating that the foregoing pieces are faithfully copied from the original proceedings which exist in the office of the secretary of this government, of which an original title has been given to John Innerarity, as agent of the house of John Forbes & Co. Also, an original title of confirmation by Governor Folch, as follows:

Whereas John Innerarity, agent of the house of John Forbes & Co., (*established in this province, with royal approbation, for trading with the Indians since 1785*), presented me, on the 7th of this month, a petition importing that, in consequence of a congress of chiefs, &c., of the Lower Creek nations, of the rivers Flint and Chattahoochie, held in this place on the 22d of January last, presided by me, in order to agree upon the manner of satisfying said house for the sum of nineteen thousand three hundred and eighty-seven dollars four and a half rials, owing to it by the dealers and Indians of said villages, as appears by an account presented by the said house, and which is ordered to be annexed by the proceedings; at which congress were present the following chiefs, viz: Tuskameecky Hopoi, Coweta Mico, Coweta Tuskania, Hothepoi Mico, Yahu Hadjoo, Mico Napa, Tuskameecky Chachuan, Ufala Mico, Hopoi Mico, Yohulla Enathla, Efa Mico, Toothia Tuskameecky, with James Durosseau, interpreter of said Indians, and Manuel Gonzales, interpreter of this government; and referring to the resolutions passed in the month of April of the

preceeding year, 1810, in the village of Tuscatuloofa, they consented and agreed, as a compensation and payment of the aforementioned debt, to the cession and transfer of two pieces of land contiguous and adjacent to that which, in 1806, for a like reason, was ceded by the said chiefs to the house of Pantón, Leslie & Co., which present act of cession was drawn out in the English language, because many of said chiefs understood that language, and signed by them and by the interpreters, after having fully and circumstantially informed the said chiefs of the contents of the same, and then annexed to the proceedings with its translations into Spanish, under Nos. 2 and 3; and the said chiefs having assembled together in April last at Prospect Bluff, on the Apalachicola river, for the ratifying said cession or transfer, they appointed deputies to assist at the running out and marking of the boundary line of the said land, which they executed, signing another deed, which appears with its translation under Nos. 4 and 5, in which are to be found the names of the following chiefs, viz: Hopoi Mico, Tohalla Emathla, Capichy Mico, Hopoi Cuichei, Micasuky Tuskania, Coweta Emathla, Yohallo Hadjoe, Niony Hounghita, Tuskanuky Chackchucky, Tusky Hadjoe, John Meally, and those of Daniel Blue, deputy surveyors, William Hamby, interpreter, and Edmund Doyle, agent of the said John Forbes & Co., and the said deed legalized by the certificate of the commandant of Fort St. Mark's, of Apalachee, Don Marcos de Villiers, before two assisting witnesses, the 25th May last, I ordered it, with its translation, to be also annexed to said proceedings, together with the act passed before the said commandant at Fort St. Mark's, under No. 6, in which the deputation of chiefs, composed of Capitza Mico Kinache, Catha Tuskanuky, Asa Mico, Cosahotche, Yohalla Emathla, Tulsihatcho, and Ninihumatee Tustanuky, declare fully to have assisted the surveyor, Daniel Blue, the interpreter, William Hamby, and Edmund Doyle, agent of said house, in running and marking the boundary line of said land, in order to avoid all doubts or difficulties; and that in no future time there may be any whatever, they state, having begun at the mouth of the river Apalachicola, and following the line on the west margin, it ascends the Lake Weimico three miles from its entrance, which spot is known by two cypresses marked with crosses; and thence through the hammock, the distance of one chain south to a cypress marked; here it was found impracticable to trace the line further, on account of the bad way, but it should run south  $72^{\circ}$  west, a supposed distance of 1,280 chains, where a pine is marked; thence south  $30^{\circ}$  west, 100 chains, to a pine marked with a cross, on the margin of a reedy marsh; thence the line runs by water one mile and a quarter south  $14^{\circ}$  west, to the extreme western point of St. Vincent's or Deer island, including the whole of the island; thence ascending the river Apalachicola, and beginning the line at the boundary of the lands formerly ceded to the house of Pantón, Leslie & Co., and running the same up the said river to the mouth of the creek Cosaph Chuchee, or Sweet-water; thence following up said creek to its source, where a hickory is marked with a cross; thence crossing the path by land north  $79^{\circ}$  east, the line runs the distance of 27 chains 85 links, to a pine marked with a cross; thence north  $58^{\circ}$  east, 11 chains 47 links, to a pine crossed; thence north  $65^{\circ}$  east, 18 chains 58 links, to another pine marked; thence north  $42^{\circ}$  east, 26 chains and 36 links, to another pine marked; thence north  $75^{\circ}$  east, 16 chains and 9 links, to another pine marked; thence north  $40^{\circ}$  east, 22 chains 50 links, to another pine marked with a cross; thence north 60 chains 36 links, to another pine marked; thence north  $25^{\circ}$  east, 5 chains, to another pine marked; thence north  $35^{\circ}$  east, 24 chains, to another pine marked; thence north  $82^{\circ}$  east, 241 chains, to another pine marked with a cross; here is the boundary line of the lands ceded to the house of Pantón, Leslie & Co., the line following which runs till it crosses the river Ocklockny, and again runs the distance of  $5\frac{1}{2}$  miles to a pine marked; thence south  $80^{\circ}$  east, 32 chains, to another with a cross; thence south  $78^{\circ}$  east, 1,251 chains 51 links, to an oak marked with a cross; on the west margin of the river St. Mark's, a little distance above the spot where the same runs under ground; thence the line runs through the thicket in the neighborhood to where the said river appears again; and thence to its junction with the sea. And the chiefs Nocosa Hopoy, Corva Emathla, Tustanuky Hacho, Mico Hatcho, and Nocosa Hatcho, having ascertained the boundary line, approved of and consented to it, although they were not assisting at running it out and marking it, and signed it in presence of the commandant of the Fort St. Mark's, witnesses and interpreters, as appears at the end of document No. 6. And the accounts having been presented of the expenses attending the proceedings instituted, which amounts to \$3,492  $\frac{6}{10}$  rials, I have ordered it to be annexed to the proceedings under No. 7, and I made a decree, in consequence of the above-mentioned petition, to the following effect: "Granted, as the petitioners' request, on conditions that the said John Forbes & Co. may not dispose of nor alienate the land in question without the express consent of this government, and that its concession is to be understood to be on the same footing with that for which a title was given on December 3, 1806." In consequence, the said John Inzerarity, as agent and attorney for the house of John Forbes & Co., concludes his said petition, begging me to interpose my authority in due form for the ratification of the said cession of two pieces, of which is designated by the surveyor general of this province, Don Vincente Sebastian Pintado, in the figured plat made out by him, and annexed to the original proceedings. Wherefore, making use of the faculties conferred on me by our lord the King, and in his royal name, I confirm and ratify to the said John Forbes & Co. the cession of two pieces of land above designated, made by the nation of Seminole Indians, or Lower Creeks, represented by its principal chiefs, leaders, and considerable men, amply empowered; and I give them power to enter into possession of the said lands according to the directions, dimensions, and distances contained in the figured plat and certificate of survey, the original documents of which, with a copy of said plat, shall remain in the office of the secretary of this government, the said surveyor enregistering not only this title, but also that delivered in the year 1806, from the same motives, and that of the island conceded to John Forbes individually, in order that his archives may contain every thing concerning these concessions, and the motives from whence they originated; and I declare and impart to the said house of John Forbes & Co. *entire and direct property*, that as such, they may the said lands enjoy, possess, cultivate, sell, or alienate, on the conditions expressed in my decree inserted in this title. In witness whereof, I have ordered the present to be expedited, signed by my hand, sealed with my arms, and countersigned by the secretary of this government. Given in Pensacola, June 5, 1811. *Vincente Folch*. By order of the governor. *Pablo de Larin*." Also, an original certificate of Pablo de Larin, secretary of the government, dated December 21, 1811, stating that the original document is in the office of the secretary of this government under his charge. Relative to the cession of lands which the preceding title confirms, and of the whole proceedings was made out a copy, with an authentic copy of said title, and the same delivered to the surveyor general of this province, Don Vincente Sebastian Pintado, to be deposited in his archives; and another was also delivered to John Inzerarity, as attorney of the interested parties. Also, a copy of a petition of John Forbes to the captain general of the Island of Cuba, and the two Floridas, dated Havana, October 9, 1817, in the words following, to wit: "May it please your excellency, John Forbes, a resident in this place, partner and director in the house of Forbes & Co.



established in the two Floridas by royal permission, respectfully represent to your excellency that the said house possessed in full property the lands which were occupied and belonged to the Seminole Indians, situated in the district of Apalachy and Apalachicola, and which were ceded and sold by the chiefs and principal men of that tribe in just payment of the debts which these had contracted, and the robberies they had committed on the stores belonging to his house, situated in the neighborhood of St. Mark's; for which acquisition or transfer of property it obtained the competent permission of Don Vincente Folch y Juan, who was the political and military governor of West Florida, as is proved by the decree issued at Pensacola January 7, 1804, and the title of confirmation delivered at Mobile December 3, 1806, without other restrictions than that of not being able to sell or dispose of said lands without the knowledge and consent of government, as your excellency will more fully see in the documents annexed; particularly the Indians, Lower Creeks, and Seminoles, *in consideration of the important services and particular attention with which the house of your petitioner treated them from the year 1785*; at which period it begun its establishment under the firm of Pantón, Leslie & Co., transmitted to it by similar deeds, requisites, and formalities to the proceedings, an island belonging to them, about seven miles in length, and one or more in breadth, situated on the river Apalachicola, opposite the store or factory which then and there existed. Also, two pieces of land adjoining to the above mentioned, bounded on one side by the river Apalachicola, and then by the lands already ceded, including the islands as far as the creek called Sweetwater creek, agreeable to the plats which, in order to give the said house full, ample, and royal possession of all the said lands, was drawn out by the surveyor general of his Majesty for said province. *And being determined to alienate the greater part of the same in favor of Don Colin Mitchell, citizen and merchant of this city*, it not being in the power of the petitioner to cultivate them himself, and, by so doing, obviating the necessity of there existing waste lands of no account to the royal treasury or the public benefit, he solicits your excellency, as captain general of the two Floridas, and intrusted with the high powers of your station, to permit him to alienate the said land upon the terms he has agreed upon with the said Colin Mitchell, and that he may agree upon hereafter with other person or persons. Havana, October 9, 1817. Also, a copy of a decree of the captain general, as follows: "Havana, October 9, 1817. This petition to be shown to the assessor general, that he may advise me. Cienfuegos."

Also, a copy of the opinion of the assessor general, as follows: May it please your excellency: The lands which were occupied by Indians of the Seminole tribe, lying in the district of Apalachy and Apalachicola, and the island belonging to the Lower Creeks and Seminoles, about seven miles long, and more than a mile in breadth, together with two pieces of neighboring lands, having been transmitted, as they actually and lawfully are, in full property, a titulo one roso, to the house of John Forbes & Co., established in the Floridas by royal permission, for which acquisition a competent permission was given to Don Vincente Folch y Juan, who was their political and military governor of West Florida, and who delivered, subsequently, titles of confirmation in favor of the purchasers. There is no obstacle to your excellency's making use of the powers intrusted to you, and permitting the alienation proposed, among which is designated Don Colin Mitchell, a merchant of this city, a person uniting all the qualifications necessary for obtaining them; in the instrument of transfer for appropriation of property having to be inserted copies of said titles of confirmation and the present opinion, if your excellency should be in the same sentiments. Havana, October 13, 1817. Donardo del Monte.

Also, a copy of the decree of the captain general, in the following words: "Havana, October 13, 1817. Agreeably to the preceding opinion of the assessor general, I permit the alienation of the lands solicited by Don John Forbes, in which Don Colin Mitchell is designated as having the greater part, drawing out the writing and insertions mentioned in the said opinion. Cienfuegos."

All which documents are certified to be true copies by Miguel Mendez, first escribano of the government and council, on March 26, 1819, whose signature is accredited by José de Galinor, Juan Martinez, and Cayetano Pontero, notaries public of the royal college of Havana. Also, an original passport granted to James Innerarity, one of the firm of Pantón, Leslie & Co., by Governor Folch, countersigned by Francisco Morejou, and dated July 12, 1804, authorizing him to proceed to Apalachicola, with five negroes and a clerk, and take possession of and establish a store on said tract of land.

In addition to the foregoing title papers, the said Octavius Mitchell proves, by parol testimony, all the signatures of the Spanish officers annexed to the said title papers. Peter Alba, junior, being sworn, saith that he was a clerk to the house of John Forbes & Co. in the year 1804; that James Innerarity, then a member of the firm, proceeded to Apalachicola, with a clerk and five negroes, and took possession of the said tract of land by virtue of a passport from Governor Folch, and established a store; that the said house of Forbes & Co., and those claiming under it, have been in possession of the said land ever since, except during a short interval occasioned by Indian disturbances, but that the possession was resumed by them shortly after the disturbance ceased; that in the fall of 1804 the chiefs of the nation, accompanied by a large number of warriors, met at Pensacola, and then ratified, in a public and formal manner, in presence of Governor Folch, the cession made by them to the firm of Pantón, Leslie & Co., acknowledged the debt due by them to the said firm, and expressed their desire to extinguish them by a cession of a part of their lands; and further saith not. Pelippe Prieto, being sworn, saith that he was the King's storekeeper at the post of St. Mark's in the year 1804; officiated as the private secretary of the commandant of the post, and occasionally acted as interpreter; that he officiated as one of the interpreters at the original cession made to the house of Pantón, Leslie & Co., by the chiefs of the Seminole nation, and saw the said chiefs sign the act of cession in the presence of the commandant of the post; that the chiefs then acknowledged the debts by their nations due and owing to the said house; and that the negotiations were commenced by permission of Governor Folch, with a view of obtaining a cession of lands in satisfaction of the debts. And further says, that he was present at the cession made to the house of John Forbes & Co. in the year 1811; that it was executed in the same formal manner and for the same purposes, prior to its ratification at Pensacola. He also confirms the foregoing statement of Peter Alba, junior; and further saith not.

*Opinion of the commissioners.*

The above two grants to Pantón, Leslie & Co., and to John Forbes & Co., on the east side of the Apalachicola river, seem to have been made with the same formalities, and under the same restriction or condition of not alienating the same without the consent of the Spanish government. They are both made as a remuneration for similar losses sustained by that house at different periods, and the same questions are involved as to the validity of the titles.



In forming an opinion upon the claims, two leading questions are presented to the minds of the undersigned commissioners: 1st. Were the Indians, from whom the purchase was made in the first instance, competent to make a conveyance to lands, to be held and possessed "in full right and entire property?" and 2d. Was Governor Folch vested with the power to make a grant, or confirm one of this description?

Upon the first question presented, the undersigned commissioners have no hesitation in giving it as their opinion that the Indians could make no conveyance vesting a fee simple. Were the contrary admitted, the confirmation of Governor Folch would have been superfluous. The treaty of 1784, made between Spain and the Seminole and Tallapoosa Indians, incorporates the latter as subjects of his Catholic Majesty, coequal with the whites, but reserving the sovereign disposal of the soil of East and West Florida in the hands of the Spanish authorities. This construction of the treaty is clearly sustained in different reports made by surveyors and fiscals in West Florida, in which they state that the Indians are *only entitled to the lands occupied by their farms and villages*. Being an erratic people, this right, as a tribe or nation, is believed to have been in most cases a usufructuary one, and whenever they removed the land which they abandoned was subject to be granted to other settlers. As a further illustration of the opinion that the Indians collectively have no fee simple right to lands within the Floridas, Governor Masot, in the case of Mary Weaver, decreed that the Indians had no possessions in this province in conformity with the report of the fiscal upon the claim of Jayme Barcelo. No line of demarcation has ever existed between Indian and Spanish lands; indeed, no such distinction has ever been recognized. As a tribe or nation, the Indians, as before remarked, seem to have enjoyed only a usufructuary right, in which they were protected as long as they continued in possession of the land. As individuals, they are believed to have held their lands in some cases upon the same terms as other Spanish subjects, &c. To secure them in the enjoyment of these privileges, the regulations of Morales contain a special provision in their favor, declaring that, where they possess lands within the limits of the government, they shall not in any manner be disturbed, but protected and supported. The possession here mentioned must have been of the description already noticed in a preceding part of this report. Although the lands here granted are stated to have been occupied by the Indians, it could only have been as a hunting ground, and not as farms and villages, and to which, as a nation, they could give no title in fee simple. Gayoso, governor general of Louisiana, was no doubt in possession of this information, and it probably constituted the motive which induced him to recommend in his private letter that the purchase should be made in the United States.

As to the power of Governor Folch to make such a grant, we are not apprised of any law or ordinance by which it is warranted. The governor himself asserts that he is vested with the power by the King, and the assessor general of Cuba states the same fact. The permission of the captain general to dispose of the land to Mr. Mitchell is also evidence in favor of the legality of its exercise. But another difficulty is here presented and remains unexplained. Florida, under the Spanish government, was divided into East and West by the Apalachicola river, having a governor in each, with separate and independent jurisdictions. If Governor Folch could have given the confirmation in West, we do not understand how he could do so in relation to lands in East Florida, as was the fact in the case now before us. This is not a grant for public services, although it is acknowledged that the house of Panton, Leslie & Co. made sacrifices and were useful to the Spanish government; but they, at the same time, appear to have enjoyed singular and exclusive privileges. The consideration of settling cultivators upon the land may have been an inducement in making the grant, but the great object evidently was to obtain a *sale* which would remunerate the houses of Panton, Leslie & Co. and John Forbes & Co. for debts due from, and robberies committed by, the Indians. The representative of these houses appears to consider the Spanish authorities as responsible for these losses, but upon what principle we are unable to learn. There is no such acknowledgment on the part of her officers amongst the papers filed in the cases before us. Gayoso, in recommending the purchase, thinks it the only way to be repaid for their outstanding debts, which would otherwise be lost in the nation; "and Governor Folch states it as one of the conditions upon which said house was established, that the government should facilitate, as much as possibly it could, the recovery of the debts pending between the Indians and the said house." Here appears to be no obligation to pay for debts, &c., but only to facilitate their recovery. With these facts before them, and by a reference to our general report upon large claims, Congress will be enabled to decide upon the validity of these titles.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
J. M. WHITE.  
CRAVEN P. LUCKETT.

## No. 2.

A report of a claim of John Forbes & Co. to a tract of land west of the Apalachicola river, in the district of West Florida, by title emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provisions of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of John Forbes & Co. to a tract of land, undefined in quantity, lying west of the river Apalachicola, is founded on the following title papers and testimony exhibited in support thereof.

A copy of a letter from John Forbes, partner and principal of the house of John Forbes & Co., to the captain general of Cuba and the two Floridas, praying, in the words and figures following, to wit: "Excellent sir: John Forbes, partner and principal in the house of John Forbes & Co., established in Pensacola by royal license, for the purpose of transacting mercantile business, more especially with the Indians of that province, respectfully sheweth to your excellency, that, during the late warfare between the American Indians and the subjects of Great Britain, our interest suffered much, as well in stock as in stores, effects, &c.; indeed, more than can be exaggerated. Many slaves belonging to the company were carried off and concealed by the Indians during the residence of Colonel Nichols; and though the government of Pensacola, upon being made acquainted with the fact, claimed back their servants so violently seized upon, it was all in vain; they were never returned. In order to facilitate their restitution without

the royal treasury, *although it alone was and is responsible*, my house fitted out, at sundry times, and with our own pecuniary means, vessels for the sole purpose of demanding them. In the first which sailed for the aforesaid object was Captain Don Benigno Calderon, and other officers, with a commission from government. Posterior to this, on two other occasions, other persons were commissioned, in order to avoid the withdrawing of public officers from their duties. But all these missions failed in their object of procuring a restitution of the things that were robbed. The same house deputed Edmund Doyle and William Hambly for the same end, giving them considerable gratifications for their trouble, and indemnifying the last named for the loss which he suffered of all he possessed. Besides all this, Woodbine induced the Indians, of whom he also got to be named a chief, to carry off negroes, and we had to prosecute him criminally in New Providence, which occasioned us much expense, without being successful; for he had the art or means of escape from the hands of justice. Thus all the efforts and sacrifices made by the house to save the government from these losses have only served to augment them. At that time of disorder and confusion the said Indians carried off about a thousand head of cattle belonging to the house, which also suffered a loss in another quarter of thirty-eight horses and two mules; and, lastly, a band of the same set fire to the stores belonging to the house, on the Apalachicola, seizing at the same time upon eleven of our slaves, and all the cattle, horses, utensils, and articles there found, without leaving anything whatever behind, and also took as prisoners Doyle and Hambly, who justly and reasonably claim of the house the injury and personal prejudice they sustained by such extraordinary and unheard of proceedings. So many losses, including the labor of the negroes, capital and interest of money, which do not amount to less, on a moderate calculation, than one hundred thousand dollars, should be indemnified by the superior government, to which that of Pensacola is subordinate, either in money or by a compensation to my house of some other equivalent. The losses are clear and positive, and an inspection of the correspondence between the governor of the province and the captain general's office will suffice to confirm the truth of my exposition; and also on this subject ample proofs can be given by the surveyor general, Captain Don Vincente Sebastian Pintado, Don Francisco de Arroyo, of the office of the secretary of the intendancy, and other equally distinguished individuals, who were in Pensacola in his Majesty's service. Therefore, considering, on the one hand, how difficult it is to pay me in ready money, as ought to be the case, the hundred thousand dollars to which my house is so incontestably entitled, on account of the great scarcity of cash in the public coffers; and, on the other hand, that, besides the many services our house has rendered at all times to his Majesty, with whose means and resources it may be said the troops of the garrison have been sustained, and having still pending and to receive more than eight thousand dollars, we could augment considerably the population of the province without compensation of the aforesaid sum, if an adjudication were made in full property to the said house of Forbes & Co., which I represent, a tract or round of land which is vacant, and which commences from the creek known as Sweetwater creek, on the river Apalachicola, and runs directly west as far as the river Choctawhatchee, following the course of said river to its mouth, on the bay of St. Rosa, then eastwardly, winding along the shores of said bay and the sea, to the boundary of the lands on the east of the Apalachicola, formerly ceded to our house by the Indians, and running along the western boundary of said land up the said river to the point of departure. I am aware that this land, which, for the greater part, is not capable of being cultivated, will not compensate for the fourth part of the sum which we claim, because the amount of our losses exceeds, as I have said, one hundred thousand dollars; but however it may be, this will be an additional incentive to the loyalty and obedience which we profess to our sovereign, and we do not wish that his Majesty should feel the detriment of such a large reimbursement, contenting ourselves with the hope that time and our industry may be productive of benefit to the said province, and augmentation to the royal patrimony.

Wherefore, I pray your excellency that, in virtue of the recommendations contained in the correspondence between the commandancy of Pensacola and this government concerning the above-mentioned losses, and the information which I will shortly furnish in proof of them, you will be pleased to adjudicate in full property to the house of Forbes & Co., of which I am principal, and which I represent, the tract of land above designated, according to the points and boundaries explained, delivering the necessary titles of possession, with which we shall rest satisfied, content, and compensated for the claims of losses and indemnities demanded, &c., &c. (Signed) Don Pedro de Antonia de Ayala, John Forbes. Also, a copy of the decree of the captain general, dated Havana, January 5, 1818, as follows: "To be shown to the assessor general, that he may advise that which corresponds. (Signed) Cienfuegos, Miguel Mendez." Also, a copy of notification to John Forbes. (Signed) Mendez. Also, a copy of decree of the captain general, dated Havana, January 5, 1818, as follows: "Having been inspected, let the petitioner of the house of John Forbes & Co., above mentioned, be received at the notary's office, who is charged therewith, and let the testimony prayed for be taken, clothed with the usual forms; which done, let them be returned along with the foregoing. (Signed) Cienfuegos, Del Monte, Miguel Mendez." Also, a copy of notification of the same to John Forbes, on the same day, by Miguel Mendez. Also, a copy of a decree of Ramirez, the intendand general, dated Havana, January 7, 1818, as follows: "Let it be done without prejudice to this jurisdiction. (Signed) Ramirez, Campuro, Miguel Mendez." Also, a copy of a deposition in the following words, to wit: "I went to the house of Francisco Gutierrez de Arroyo, former secretary of the intendancy of West Florida, and now belonging to the intendancy general sub-delegate, who, having taken the oath usually prescribed to tell the truth, and being examined as to the tenor of the petition of John Forbes, after having carefully perused it, declared that, having resided in Pensacola from February, 1806, in the discharge of his office, he could testify, as an ocular witness, that the acts alleged, for which an indemnity is demanded, are so certain and positive that no impartial person in that province can refuse to acknowledge. That the losses were enormous, not only in Pensacola, but also in the stores which the demandant held on the rivers Apalachicola and Perdido; that the Indians carried off the slaves on their establishments, concealing them during the residence of Colonel Nichols in that quarter, notwithstanding the remonstrances of the government, on the commissions given afterwards to Don Benigno Calderon, captain of the Louisiana regiment, and other officers, as well as to various individuals; so that, in the opinion of the deponent, there is no exaggeration in the sum of one hundred thousand dollars asked for as an indemnity for the aforesaid losses, comprehending more than one thousand head of cattle, yokes of oxen, draught horses, and all the utensils and other articles which were taken off from the stores of Forbes by the aforesaid Indians, for which not the smallest compensation has been received by the said house; it having also been the only one in Pensacola which has rendered important services to the sovereign. The respondent likewise declared that the above deposition is the whole truth in virtue of the oath; that he is fifty years of age; that the dispositions of the law do not affect him, &c., &c. (Signed) Francisco Gutierrez de Arroyo. Before me, Miguel Mendez." Also, a copy of another



deposition, as follows: "In the city of Savannah, same day, month, and year, I went to the house of Don Vincente Sebastian Pintado, his Majesty's surveyor general, who, having made to me the customary oath to say the truth, and being examined in the same manner as the preceding deponent, declared that, during his residence at Pensacola, it has come to his particular notice that, in the various conflicts between the American Indians and the subjects of Great Britain, the house of Forbes & Co., established there by royal license for trading with the Indian tribes, suffered the most serious losses, as well in Pensacola as at the Perdido and Apalachicola rivers, by the aforesaid events and causes; and, although the deponent cannot state the amount of these losses and injuries, he thinks they must be very considerable. That the said house has rendered most important services at all times to troops of that station as well as to our lord the King, (ample proofs of which are to be found in the office of the secretary of this government.) The respondent affirms all this to be truth, in virtue of his oath, &c., &c. (Signed) Vincente Sebastian Pintado. Before me, Miguel Mendez." Also, a copy of another deposition, as follows, to wit: "In the city of Havana, on the same day, I went to the domicile of Don Francisco Guerrero, captain in the Louisiana regiment, who, having made the usual oath, and examined as above, declared 'that, during his long residence in Pensacola, knew very positively that, in consequence of the warfare between the American Indians and his Britannic Majesty's subjects, serious losses were suffered by the house of Forbes & Co.; that at the time Colonel Nichols was in that quarter the same Indians carried off and concealed a number of their negroes; that the same happened when Woodbine made himself their chief, and compelled them to steal away negroes and commit other acts of atrocity; that they carried off the quantity of cattle, oxen, and horses specified, after destroying the stores which belonged to the said house on the rivers Apalachicola and Perdido. That, though sundry steps were taken by the government in order to procure the restitution of the immense property of Forbes & Co. so pillaged, nothing was returned, so that the house was necessitated to claim the same of the sovereign, who was responsible for them. That there is no doubt the losses sustained do amount to the sum of \$100,000, as well by an approximate calculation as for the important services which that house has ever rendered to the troops of that station and to our lord the King;' (proof of which may be found in the secretary's office of this government.) He also attests to the truth of the above, &c., &c. Francisco Guerrero. Before me, Miguel Mendez." Also, a copy of another deposition, as follows: "In the city of Havana, same day, I went to the house of Don Francisco Morales, captain of the Louisiana regiment, who, having taken the usual oath, &c., declared that, having long resided in Pensacola, and chiefly during the warfare between the American Indians and the subjects of Great Britain, he well knows that the house of Forbes & Co. suffered the losses expressed in the first of the preceding documents, &c., &c. (The rest of the deposition the same as the preceding.) (Signed) Francisco de Pablo Morales. Before me, Miguel Mendez." Also, a copy of the grant or title in form, as follows: "Havana, January 10, 1818. Having inspected the above, together with the preceding documents, which were ordered to be sent to the assessor by decree of the 6th instant—taking into consideration the merits of the case, in which it appears that the house of Forbes & Co., established by royal permission in Pensacola for the purpose of trading with the Indian tribes, claims an indemnity of \$100,000 for losses of various kinds sustained during the warfare between the American Indians and the subjects of Great Britain, and during the residence of Colonel Nichols in that province, and, also, when Woodbine, making himself their chief, instigated them to commit all kinds of robbery; upon all which the necessary representations were at that time made, without effecting a restitution to the said house of Forbes & Co. of any of the negroes, animals, or other property of which they were unjustly spoiled. And, on the other hand, considering that the tract of land which they ask for an adjudication of in payment and compensation of the aforesaid sum can never equal that amount, in a province of such small population, where the lands remain without cultivation, and no one turns his attention to improve them, according to the information which his Majesty's surveyor general, Don V. S. Pintado, has received; but that, entering into the possession of John Forbes, principal partner of said house, he will have the means of *turning said tract to use by introducing colonists thereon*, and making it beneficial to the State, that which is at present waste and abandoned; which considerations moved his Majesty, in a royal ordinance of August 10, 1815, to offer lands to those who were willing to establish themselves in the island of Puerto Rico, as the most advantageous mode that could be employed for increasing population: Therefore, his excellency, making use of the faculties vested in him, has granted, and by these presents does grant the said tract of land to John Forbes & Co., under the points and limits designated in the first of the preceding documents, *the said house remaining without any right of claim upon the royal treasury for the losses and injuries it has sustained, and with the value of said tract, whatever it may be, remaining compensated for everything, and the demands of said house for indemnity cancelled*, and the governor of Pensacola, in virtue of this resolution, shall put it in quiet and peaceable possession of said tract. His excellency ordains the necessary documents to be delivered to the said house, and the original to remain in the archives. (Signed) Cienfuegos, Del Monte, Miguel Mendez." Also, a copy of a petition of Don Colin Mitchell, agent of the house of Forbes & Co., as follows: "Excellent sir: The house of Forbes & Co., of Pensacola, through their attorney in this city, respectfully represents that, in the midst of the confusion in the public archives of that place, occasioned by the entry of the American army, they have preserved the act or original decree expedited by Don José Masot, political and military governor of the province of West Florida, in consequence of that issued by his supreme government relative to indemnity for losses claimed by their petitioners, and they having occasion for two copies of the latter, one of which to be annexed to the document existing in Pensacola, and the other for their own use, supplicate your excellency to order the same to be delivered, &c. (Signed) Colin Mitchell." Also, a copy of a decree thereon, as follows: "Havana, December 18, 1818. Having seen by the foregoing document what it expresses, let the testimony prayed for by the house of Forbes & Co. be given to them. (Signed) Cienfuegos. (Countersigned) Del Monte, Miguel Mendez." Also, a copy of the act of possession given by Governor Masot, as follows: Don José Masot, &c., &c. Whereas, in obedience to the above superior decree of his excellency the captain general of this province of the 10th instant, by which, as an indemnity, is conceded to the house of Forbes & Co. a tract of land situated between the river Apalachicola to the east, and Choctawhatchee to the west, the ocean to the south, and on the north by a line beginning opposite to the creek known by the name of Sweetwater creek, situated on the eastern side of Apalachicola, about three and a half miles north of the bluff known by the name of Alum bluff, and running west to the Choctawhatchee; thence following the sinuosities of said river to its mouth on the bay of St. Rosa; thence winding along the eastern shore of the same to the sea, the high waters of which form the limits to the south, and till the line joins the limits of the land formerly acquired by the said house on the west of the Apalachicola, in front of the island of St. Vincent; thence running along the limits of said lands to the river Apalachicola; thence the course



of said river to the point of departure of the line serving as the northern boundary line, opposite the aforesaid creek, called Sweetwater creek; therefore, and in obedience to the said decree of his excellency of the 10th instant, I put the said house of Forbes & Co. in possession of the tract of land above described, and, in consequence, declare and impart to them *full and direct property in the said land*, so that they may the same enjoy, possess, sell, or transfer, as they may judge proper, &c. Pensacola, January 23, 1818. (Signed) José Masot. (Countersigned) Carlos Reggio. All which foregoing documents are certified to be true copies by Miguel Mendez, second escribano of the government and cabildo, December 19, 1818, whose signature as such is accredited on the same day by Ramon Alvarez, José de Galinor, and Lorenzo Hodro, notaries public of the city of Havana. Also, an original order of ejectment given by Governor Callava, in the following words, to wit: Don José Masot, civil and military governor, &c., &c. In consequence of the renewed application of John Innerarity, esq., I order and command all and singular person or persons who may have occupied or established themselves on the lands or territory belonging to Messrs. John Forbes & Co., situated and bounded by and between the rivers Choctawhatchee and Apalachicola, unless by special permission of or agreement with the said Messrs. John Forbes & Co., that they shall definitively remove from the same within the peremptory term of ten days after the notification of this order; and in case of non-compliance within the time specified, they will be proceeded against according to law. The notification and execution of this order is intrusted to Mr. Jonathan Bunker, and, for the better confirmation thereof, it is to be translated into English by Don José Ignacio Cruzat; which translation he is to extend and sign in continuation of this my order. Given in Pensacola, signed with my hand, sealed with the shield of my arms, and countersigned by the undersigned secretary of this government, this 8th day of October, 1819. (Signed) José Callava. (Countersigned) Carlos Reggio.

The signatures to the transcript from Havana, and to the foregoing order of ejectment, proven by Joseph E. Caro by comparison of handwriting.—(See the letters of Manuel Gayoso de Lemos and Marquis de Casa Calvo, governors general of Louisiana and West Florida, copied in report No. 1.)

Carlos Evans, being sworn, saith that, on the return of the grant for said tract of land made to the house of John Forbes & Co. by the captain general of the Island of Cuba and both the Floridas, there was a decree of Governor Masot putting the grantees in possession thereof, which possession they have held ever since; that a number of improvements have been made on different parts of the said tract by persons claiming under the grantees; that, in the year 1819, at the request of John Innerarity, Governor Callava issued an order ejecting a number of intruders, some of whom were imprisoned for disobedience of the order; and further saith not.

Desiderio Quina, being sworn, saith that he is acquainted with all the foregoing facts stated by Mr. Charles Evans; and further saith that the said house, and those claiming under it, have held actual possession of the said tract of land ever since the year 1818, by virtue of a grant from the captain general of the Island of Cuba and the two Floridas, and a decree of possession given by Governor Masot; and further saith not.

*Opinion of the commissioners.*

This grant for land on the west side of the river Apalachicola to the house of John Forbes & Co. appears to have been made upon the same considerations with those on the east side, with this difference, that there is an acknowledgment of the intendant that the royal treasury was responsible to the said house for the losses sustained. The land lies in West Florida, and a title is made to the grantees conveying a full and direct property. In this case, as in the first mentioned, there is no negotiation with the Indians for a conveyance, although they are represented as having been guilty of the robberies by which serious losses were sustained. The reasons of this difference are not understood by the undersigned commissioners.

The only question to be decided in this case is, whether so large a grant for such purposes could be made without a reference to the King, as was done in relation to the claim of Bastrop and others. Upon this point we beg leave to refer to our general report upon large claims for an explanation of our views. They are general in their character, as the materials out of which they were formed are limited and imperfect. As classes of a similar description have frequently been reported to Congress for their examination, they are believed better prepared to decide them than the undersigned commissioners. They therefore respectfully submit the case to their determination.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

No. 3.

A report of a claim of Fernando Yerra to a tract of land containing twenty-five thousand six hundred arpents, (25,600,) lying north and south, east and west, on Conecuh river, in the district of West Florida, by title emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provision of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Fernando Yerra to a tract of land containing 25,600 arpents, lying north and south, east and west, on Conecuh river, is founded on the following title papers:

An original decree made by Manuel Gayoso de Lemos, governor general of Louisiana, dated New Orleans, February 10, 1799, commanding Carlos Trudeau, surveyor general, to put Fernando Yerra in possession of the land mentioned in the petition signed and dated as above.

Also, an original plat and certificate of survey executed by Carlos Trudeau, surveyor general, dated April 5, 1799, reciting that he executed the survey for the claimant in obedience to a decree of Manuel Gayoso de Lemos, governor general of Louisiana, dated February 10, 1799.

Also, an original decree of concession made to the claimant by Manuel Gayoso de Lemos, governor general, countersigned by Andres Lopez Armesto, secretary, dated New Orleans, May 18, 1799.

John de la Rua, being duly sworn, saith that he never heard of any such man in Florida named Fernando Yerra, or of any such claim as the one now presented; and further saith that he is well acquainted with the signatures of the governor general of Louisiana, Manuel Gayoso de Lemos, the secretary Andres Lopez Armesto, and Governor Vincente Folch, and that he does not believe either of the signatures to be

genuine; that he is also acquainted with the signature of Carlos Trudeau, and does not believe the signature attached to the certificate of survey to be his handwriting; and further, that he never heard of his being in this province.

William McVoy, being duly sworn, saith that he has lived in this place forty-two years, and never knew any such man named Fernando Yerra; that he knows Carlos Trudeau, the surveyor general, never lived in this province; and that the signature to the grant purporting to be that of Manuel Gayoso de Lemos does not appear to be his handwriting; and further saith not.

John Malagosa, being duly sworn, saith that Carlos Trudeau, the surveyor general, was not in this province until the year 1803; and proved the other facts stated by William McVoy.

*Opinion of the commissioners.*

It will be perceived by the foregoing abstract of the title papers, and the testimony summoned in behalf of the United States, that the claim of Fernando Yerra to the above-mentioned tract of land will require but a brief opinion from the undersigned commissioners. They can have no hesitation in believing that the title papers exhibited in support of this claim are forged; and that Carlos Trudeau, who is made to certify the survey of the tract of land, was not the surveyor general of West Florida at the time the grant purports to have been made.

They consider the claim invalid and fraudulent, and advise a rejection of it by the Congress of the United States. All of which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

No. 4.

A report of a claim of Millan de la Carrera to ten thousand arpents of land on the Escambia river, about sixteen miles north of Pensacola, in the district of West Florida, by title emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provision of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Millan de la Carrera to ten thousand arpents of land on the Escambia river, about sixteen miles from the city of Pensacola, is founded on the following title papers:

An original petition, signed by Millan de la Carrera, dated May 4, 1804, addressed to Don Vincente Folch, governor general and sub-delegate of the intendency, stating that, since the past year, 1798, he has had a saw-mill built to work by water, situated about five leagues from this town, and in the same place in which the English formerly had one constructed during the time they occupied this Florida, with respect to which the owners did not present themselves within the term stipulated in the capitulation, at the conquest of the province by the Spanish arms, nor within the prolongation of the said term afterwards accorded. The place therefore remains vacant and at the disposal of government. In virtue of all which he, the said Don Millan de la Carrera, supplicates your lordship that, *in consideration of the great expense which has been occasioned him by the aforesaid establishment, so useful to the service of the King, advantageous to the inhabitants, and encouraging to the settlement*, your lordship will be pleased to grant him in full property ten thousand arpents of superficies within the following bounds, to wit: five thousand seven hundred and fifty arpents on the west side of the river Escambia, extending from Stony branch to a little above the aforesaid saw-mill, to be regulated by the figurative plan herewith annexed, which your petitioner has had taken for the sake of greater clearness; the said quantity of land not to interfere with an allotment of land of 300 arpents, or such number as your lordship may deem proper, for the inhabitants employed there to work since the commencement of the undertaking; and the remaining four thousand two hundred and fifty arpents on the east side of the said river Escambia, in the form following: from the northern and the southern extremes of the space figured in the plan, that is to say, from the mouth of Stony branch, and from the mouth of the branch on which stands the saw-mill, draw lines running northeast the distance which may be necessary to include the said number of arpents, so that *sufficient timber may be had for the supply of the mill and pasture for the stock*, and that this useful establishment may at no time hereafter be prejudiced. This grant, however, to be with the absolute exclusion of the islands, great and small, situated in the said river, within the extent petitioned for, which islands will be understood to remain vacant and at the disposal of government. The grace of all which he hopes to obtain of your lordship.

Also, an original decree made by Governor Folch, dated as before written, stating that, in consideration of the well-known sums which the petitioner has invested in the construction of the mill he has established in the same place in which the English formerly had one, and of the benefit which results from it to the service of the King, and the encouragement of the settlement, the grant is hereby made to him of the ten thousand arpents of land that he requires, for the purpose he has stated, and which are described in the annexed figurative plan to be returned to him, together with his petition, and this decree upon it; all which documents to serve him as a formal title. (Signed) Vincente Folch.

In addition to the foregoing title papers, the said Millan de la Carrera proved, by parol testimony, the signature of Governor Folch, annexed to the grant, and that a mill was erected, and large improvements made on the said tract of land above mentioned, about the year 1800, and was a fact of public notoriety.

*Opinion of the commissioners.*

This is an anomalous claim, and is the only one of the kind presented to this board. It was made in consideration of the great expense to which the grantee had been exposed in building a saw-mill, which was acknowledged to be useful to the service of the King, advantageous to the inhabitants, and encouraging to the settlement, and such a quantity has been granted as was deemed by the sub-delegate sufficient to enable the grantee to supply the mill with timber and to pasture his stock. No conditions are attached to it, as the mill had been already erected.



For such a grant as this we can find nothing in the regulations of Morales by which it is authorized. These regulations provide only for sales and for gratuities for the purposes of pasturage and cultivation. We are, notwithstanding, apprised that the sub-delegates have been in the practice elsewhere of making grants of this description. The presumption is, independent of this circumstance, that the subordinate authorities of Spain acted within the pale of their powers. We are inclined to believe the claim a valid one, but of the correctness of this opinion Congress will be the best judge, as grants like the present have often been submitted to their consideration. If any doubts are entertained as to the power of Governor Folch, who made it, they may require the claimant to produce the law or ordinance under which he acted, or exercise a discretion to what extent they will give the grant confirmation.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

#### No. 5.

A report of a claim of Margarita Goquet, mother of Joseph Poll, to ten thousand arpents of land at the Big Spring of Chipola, in the district of West Florida, the title emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provision of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Margarita Goquet is founded on an original plat and certificate of survey executed by Don Pedro Reggio, deputy surveyor general of West Florida, on the — day of —, of ten thousand arpents of land at the Big Spring of Chipola. Also, an original decree of concession made by Don José Masot, governor, &c., countersigned by the assistant witnesses, Domingo Sousa and José Cevallos, bearing date October 16, 1817, made to Joseph Poll; also, an original grant by Governor Masot, countersigned by the same assistants, and bearing date November 18, 1817.

Joseph E. Caro proved the signatures of Reggio, Masot, Sousa, and Cevallos.

Joseph Moura, being sworn, saith that, in the year 1817, he assisted in transporting hands and provisions to the tract of ten thousand arpents of land at the Big Spring, on Chipola, granted originally to Joseph Poll, in order to commence improvements and cultivation thereon; that five or six months afterwards he visited the same place, at which time they had built a house and cleared and enclosed a large piece of ground; that Joseph Poll was the son of Margarita Goquet, who inherited the said tract of land at his death; and further saith not.

Manuel Moura, being sworn, saith that he attended Joseph Moura when he visited the said tract of land at the aforementioned periods, and is acquainted with the facts stated by him; and further saith that the negroes employed by said Poll in the improvements and cultivation aforesaid absconded, and of which was never recovered; and further saith not.

Joseph E. Caro, sworn, proved that the grant made to Joseph Poll, and presented by Margarita Goquet, is the handwriting of Francisco Gomez.

Francisco Moreno, sworn, saith that Juan Miguel de Losada left this place in the month of November, 1817, and that he acted as fiscal until that date, and that afterwards Manuel Armirez succeeded him; that he thinks the title papers in the above case are the handwriting of Francisco Gomez.

*Opinion of the commissioners upon the claim of Margarita Goquet to ten thousand arpents of land at the Big Spring of Chipola.*

The land claimed by the petitioner is situated about fourteen miles west of the Apalachicola river, around the Big Spring of Chipola, and purports to have been granted to José Poll by the governor and sub-delegate of West Florida for agricultural purposes. The title itself is an anomaly, being the only one, with a single exception, in West Florida in which the governor has attempted to make a grant of that magnitude to an individual claimant for cultivation. The undersigned commissioners can have no hesitation in believing that this grant would not have been confirmed by the superior authorities of the Spanish government, according to her laws and ordinances referred to in their general report on Spanish claims and the report on large claims, to which a particular reference is suggested for their views of the powers of the provincial officers of his Catholic Majesty, and the policy of the government in the concession of the domain. We cannot, however, dismiss this claim, with justice to the government of the United States, without a few additional remarks. It is believed that the Chipola country, the finest part of West Florida, in which this claim is located, was unexplored by and inaccessible to the Spaniards until some time after January 24, 1818, the period subsequent to which no claim is valid by the eighth article of the treaty.

The grant bears date in October, 1817. The King's attorney or fiscal, to whom the petition was referred, appears, from the title papers, to be Manuel Armirez, who is ascertained not to have been appointed to that office until November, 1817. All the genuine grants of October are made with the concurrence and intervention of Juan Miguel de Losada, who is now living in Havana. It is apparent, from the foregoing, that the grant is either antedated or forged. In addition to this, it is in the handwriting of a young man who is proved, by the most incontestable evidence on our records, never to have been employed in the government office as an assistant, witness, or clerk, and who is also proved to have been only learning to write in that year, and to have been unable at that time to have written the ha in which the title papers appear, and who is also proved to have written a number of grants which are ascertained to have been fabricated in 1820 and 1821. With such a combination of facts and circumstances, added to the anomalous nature of the claim and the want of power in the granting authority, the undersigned are of opinion that the claim is invalid, and ought to be rejected, which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.



## No. 6.

A report of a claim to a tract of land containing 7,500 arpents, at a place called Belle Fontaine, in the district of West Florida, by title emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provision of an act of Congress, approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of the heirs of Vincente Crespo to 7,500 arpents of land, at a place called Belle Fontaine, in West Florida, about ten miles from the city of Pensacola, is founded on—

The petition of the heirs of Vincente Crespo, "respectfully representing that soon after the occupation of this province by the Spanish authorities, in the year 1781, the father of your petitioner obtained from Arturo O'Neil, then governor and sub-delegate of West Florida, a grant for 7,500 arpents of land, situated at a place called Belle Fontaine, about ten miles from the city of Pensacola. That the said Crespo, the father of your petitioner, immediately after obtaining the grant aforesaid, made extensive improvements on the said land, which he continued to improve and cultivate for many years previous to his death. That, owing to the confusion and irregularity which prevailed in the office of record in this province for many years previous to its occupation by American authorities, all the official documents on which the claim of your petitioners depend have been lost or destroyed. And from the unfortunate and unprotected situation of your petitioners since the death of their father, the said Vincente Crespo, they have been unable to obtain any documentary evidence in support of their claim to the said land. But your petitioners are prepared to show to your honors the former existence of the grant aforesaid, and that the right of the said Vincente Crespo, and of his heirs, to the said 7,500 arpents of land was recognized and respected for more than twenty years by the Spanish government; wherefore your petitioners pray that they may be confirmed in their right.

Joseph E. Caro, being duly sworn, saith that he has been intimate with the public archives since the month of August, 1819, and that he has never seen amongst them any document or evidence of title to the tract of 7,500 arpents of land claimed by the heirs of Vincente Crespo; and further saith not.

Antoine Colein, being duly sworn, saith that in 1807 he first visited the tract of 7,500 arpents claimed by the heirs of Vincente Crespo; that there were some horses, a large field cleared, enclosed, and under cultivation, and some fruit trees growing. That the improvements were made at the instance of said Crespo, and, he thinks, from their appearance, have been made a number of years. That the said Crespo lived there four or five years subsequent to the year 1807, and that the said land has been in the possession of said Crespo, his heirs and agents, ever since that period. The said Crespo has been considered a man of wealth ever since he knew him, possessing some negroes, a large stock of cattle, hogs, and some horses. That when he came to this country in 1801 he sold to said Crespo one hundred and eighty head of cattle, and that he owned other cattle and five negroes at the same time, together with some horses; and in 1807 he was considered a man of wealth; and further saith not.

Charles Lavalley says that in 1803 or 1804 he was upon the said tract of land, and saw some horses, and a large tract of land cleared, enclosed, and under cultivation. That when he saw the houses they did not appear to have been built many years. That about the year 1803 or 1804 the said Crespo was in the habit of branding from 200 to 280 calves annually; and that he accompanied him to Fish river, when he purchased 200 head of cattle; and that some time afterwards the said Crespo purchased a cowpen of Panton, Leslie & Co., for which he paid \$20,000; and further saith not.

Eugenio Lavalley says that about twenty-four years ago he visited the tract of land of 7,500 arpents, at the place called Belle Fontaine, claimed by the heirs of Crespo, and saw a number of houses and other improvements suitable for a cowpen; that Crespo had two negroes there, and supposes, from the number of pens and calves, that there were between two or three hundred head of cattle, together with some horses; that the improvements appeared to have been made some time; and further saith not.

Joseph Maura says that he was upon the said tract of land more than twenty-three years ago, and has been there several times since, and saw, when first there, a large stock of cattle, seven or eight horses, and two negroes, belonging to Crespo; that Crespo was established and made improvements previous to the year 1800; and further saith not.

John de la Rua says that he first saw the tract of land in the year 1813 or 1814; that the improvements then appeared to be very old, and consisted of some houses, and a large field cleared and enclosed, which seemed to have been under cultivation for some time, and has always understood the said land and improvements were the property of Vincente Crespo; that Colonel King now occupies the land by permission of Madame Crespo; and further saith not.

*Opinion of the commissioners upon the claim of the heirs of Vincente Crespo to seven thousand five hundred arpents of land.*

The petition of the claimants in the foregoing claim alleges the existence of a grant made by Arturo O'Neil to their ancestor for the above-mentioned tract of land which, by accident or casualty, has been mislaid or lost.

The rule of law in relation to lost instruments is too familiar to require anything more than a reference to it.

The claimants in the above case do not prove that there was a grant for any quantity of land; the witnesses summoned by them testify to improvements only which might have been made on the lands of the royal domain.

There being no evidence of any title given by his Catholic Majesty or his lawful authorities, the undersigned commissioners are of opinion that the claim is invalid, and advise a rejection of it by the Congress of the United States. All of which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

## No. 7.

A report of a claim of Francisco Zurima to a tract of land containing 5,760 arpents, (five thousand seven hundred and sixty,) lying on the northern side of Escambia river, in the district of West Florida, by title emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provision of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Francisco Zurima to a tract of land containing 5,760 arpents, lying on the northern side of Escambia river, is founded on the following title papers:

An original decree made by Manuel Gayoso de Lemos, governor general of Louisiana, dated New Orleans, July 15, 1799, commanding the surveyor general or his deputy to survey and put the petitioner in possession of one square league of land, as he solicits, at the place mentioned in said petition, being vacant, and without interfering with a third person, drawing a figured plat of the same, and so done, to be remitted to him, in order to grant the petitioner the title in form; signed and dated as above.

Also, an original plat and certificate of survey executed by Carlos Trudeau, surveyor general, dated September 4, 1799, reciting that he executed the survey for the claimant in obedience to a decree of Manuel Gayoso de Lemos, governor general of Louisiana, dated New Orleans, July 15, 1799.

Also, an original decree of concession made to the claimant by Manuel Gayoso de Lemos, governor general, countersigned by Andres Lopez Armesto, secretary, dated New Orleans, October 10, 1799.

John de la Rua, being duly sworn, saith that he never heard of any such man in Florida named Francisco Zurima, or of any such claim as the one now presented; and further saith that he is well acquainted with the signature of the governor general of Louisiana, Manuel Gayoso de Lemos, and the secretary, Andres Lopez Armesto, and that he does not believe either of the signatures attached to the grant to be genuine. That he is also acquainted with the signature attached to the certificate of survey, signed Carlos Trudeau, and does not believe the signature to be his handwriting; and further, that he never heard of his being in this province; and further saith not.

William McVoy, being duly sworn, saith that he has lived in this place forty-two years, and never knew any such man named Francisco Zurima; that he knows Carlos Trudeau, the surveyor general, never lived in this province; and that the signature affixed to the grant, purporting to be that of Manuel Gayoso de Lemos, does not appear to be his handwriting; and further saith not.

John Malagosa, being duly sworn, proved the above facts, and further saith that Carlos Trudeau, the surveyor general, was not in the place until the year 1803; and further saith not.

*Opinion of the commissioners.*

It will be perceived by the foregoing abstract of the title papers, and the testimony summoned in behalf of the United States, that the claim of Francisco Zurima to the above-mentioned tract of land will require but a brief opinion from the undersigned commissioners. They can have no hesitation in believing that the title papers exhibited in support of this claim are forged; and that Carlos Trudeau, who is made to certify the survey of the tract of land, was not the surveyor general of West Florida at the time the grant purports to have been made.

They consider the claim invalid and fraudulent, and advise a rejection of it by the Congress of the United States.

All which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

## No. 8.

A report of a claim to a tract of land of five thousand arpents, known vulgarly by the name of Garzon's Point, situated about six and a half miles E.N.E. from the city of Pensacola, in the district of West Florida, by title emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provisions of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Joseph Bonifay to a tract of five thousand arpents of land is founded on the following title papers:

A copy of a plat and certificate of survey, executed by Vincente Sebastian Pintado, surveyor general, dated Havana, May 7, 1818, stating that Maria Garzon, Indian of the Tallapoosa or Creek nation, and widow of Antonio Garzon, interpreter to the Indians at Pensacola, having petitioned the governor of West Florida, February 20, 1817, and fully proved her right to the land known vulgarly by the name of Garzon's Point, which Count de Galvez had permitted her deceased husband to occupy and possess in consideration of his good services, and which they occupied and possessed quietly for more than thirty years without interruption. He applied to the intendant, Don Alexander Ramirez for a formal title, and his excellency having seen the contents of a second petition of 21st November last, the opinions of the ministers of November 24, and that of the fiscal of January 23 of this year, he ordered a survey to be made of the said land, which is situated six and a half miles E.N.E. from Pensacola in its nearest part, and 280 perches S.  $\frac{1}{4}$  SE. from the mouth of Trout creek, forming a peninsula or tongue of land, bounded on the north by Manuel Hernandez's tract, other vacant lands, and those submitted for by José Bonifay, on the south and east by the bay of Sn. Mary of Galvez at its entrance, and on the west by the bay of Pensacola, as more fully appears by the annexed plat. And according to the extension which, without prejudice to a third, could be given to said land, and which was probably the very same assigned to the said Garzon, it contains of good, middling, and bad quality, about 5,000 acres, the locality not permitting the measurement with geometrical precision of all its sinuosities without incurring to the party expenses which she could not support, especially as exactness is not absolutely necessary, the limits on the borders of the said

neighbors being well defined. The whole, with exclusion of a strip of land which is to be free for a public road on the border of the two bays, and which, if necessary, must be seventy feet wide.

Also, an original grant or title in form made to Maria Garzon, widow of Antonio Garzon, deceased, by the intendant, Alexander Ramirez, countersigned by Pedro Carambot, secretary of war, dated Havana, May 16, 1818, reciting that the said Maria Garzon presented a petition on the 25th October last, addressed to the intendant of Havana, with the annexed authenticated copy of the proceedings instituted before Governor Masot in the year 1817, in which the said Maria Garzon proved that the said Antonio Garzon was in possession of the said tract of land better than thirty years, which tract of land the said Garzon obtained by a decree of Brigadier Arturo O'Neil, governor general of the province of West Florida, ratified and confirmed by his excellency Count de Galvez, in consideration of his good services rendered as interpreter to the Indians of Pensacola.

Also, a copy of a mesne conveyance from Maria Garzon to the claimant, passed before Governor Masot, countersigned by Domingo Sausa and José Cevallos, assistant witnesses, dated September 22, 1817, certified to be a true copy by the same persons on the same day.

In addition to the foregoing title papers, the said Joseph Bonifay proved by parol testimony the signatures of the Spanish officers annexed to the grant, and that the said Antonio Garzon cultivated and possessed the above tract of land for thirty-eight years; that he had cattle on the same; and that the produce was brought to this place for sale by him; and that the grant was made to Garzon by Arturo O'Neil, governor general, for services rendered by him as interpreter.

*Opinion of the commissioners.*

The certified copy of a plat and certificate of the former surveyor general of West Florida, as well as the grant of the intendant upon which this claim depends, are dated subsequent to January 24, 1818. Those officers, in regard to Florida, no longer existed; Pintado and Ramirez were irresponsible persons; and the former presents us with a copy, when we are entitled to the original, under the solemn stipulations of the treaty between Spain and the United States. How far such documents are admissible must be decided by Congress.

In the certified copy of Mr. Pintado he avers that the survey was made in obedience to an order of the intendant, but does not give the date of the order or of its execution. The grant recites proceedings had before Governor Masot in 1817, which establishes the long possession of Garzon, and that he obtained the land by a decree from Governor O'Neil for his good services. Whether the grant was a gratuity upon the ordinary conditions, or for public services, we are unable to ascertain. From the adduction of proof to show Garzon's long possession and cultivation of the land, we are induced to think it was a claim of the former description; and his services as interpreter was the *inducement* and not the *consideration* of the grant. Agreeably to the treaty of 1784, by which the Indians were incorporated as Spanish subjects, the grant could be made to the widow Garzon by the intendant; but we submit it to Congress to decide whether Governor O'Neil was competent to make such a grant as a gratuity or as a remuneration for public services as an Indian interpreter. Garzon's family and flocks are not proved to have warranted the first, and we are not advised how far his good services authorized the second. Feeling ourselves somewhat at a loss for an opinion in this case, we have submitted its determination to the superior information of Congress.

All which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

No. 9.

A report of a claim of Pedro de Alba to 18,900 arpents of land upon the peninsula between Pensacola bay and St. Rosa's sound, by a title emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provisions of an act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land in the Territories of Florida," by the undersigned commissioners, to wit:

*MOST ILLUSTRIOUS SIRS:* Don Pedro de Alba, with due respect, exposes to your honors, that *having a quantity of cattle, and there being a scarcity of convenient pasture ground to secure their preservation and breeding*, he has not as yet been able to obtain this object; on the contrary, he is daily losing his cattle on account of the past and present critical circumstances, as your honors well know, from the notoriety of the injury done to all other inhabitants in this part of their wealth. He is therefore under the necessity of looking out for a more secure spot for his cattle; and considering that the other side of the bay from *Deer Point*, as far eastward as he may want, would be very convenient for him, he supplicates your honors to grant him the necessary license for passing over his cattle and forming a *cowpen*; which favor he trusts will be accorded him on account of his usefulness to this place. Pensacola, March 28, 1814. Peter Alba.

I certify that, at cabildo held this day, amongst other things, the following was agreed upon: "And finally was read another petition from Don Pedro de Alba, *begging permission to form a cowpen on the opposite side of the bay from Deer Point eastward, to where he may have occasion for*, upon which the members determined to grant him the permission he solicits on condition that he shall not prevent the inhabitants of this place from cutting any kind of wood on that spot." In witness whereof, I hereby give this, which I sign in Pensacola on the 28th day of March, 1814. Joseph Maria de la Pena, secretary.

To his excellency the governor: Don Pedro de Alba respectfully submits to your excellency that he *has in possession a quantity of cattle, and there being a want of convenient pasture ground for securing to him their preservation and breed*, he has not been able to find what he has occasion for; on the contrary, he is sustaining a daily loss by reason of the late and present critical circumstances, your excellency well knows, from the notoriety of the general injury done to the other inhabitants in this branch of their wealth; and considering the fitness of the opposite side of the bay, from *Fan or Deer Point, eastward to the spot where he had put up a fence, which cost him \$200*, to shut his cattle and horses, which he passed over in the year 1814, and which the English and Indians, as it is well known, destroyed; and, in order to



proceed in transporting his cattle, he supplicates your excellency most graciously to grant him the said spot in the same manner as those granted to other inhabitants, &c., &c. Pensacola, October 24, 1817. Pedro de Alba.

Pensacola, October 24, 1817. To be passed to the assessor general and auditor of war. Masot.

Pensacola, October 24, 1817. Let Don Pedro Reggio, as surveyor pro tempore, advise whether the land which the petitioner asks for be vacant, or of the domain; and if it is so, let this be shown to the fiscal of the royal finances, that he may thereon make what observations he may think proper. Hernandez.

To his excellency the governor and sub-delegate of royal finances: The petitioner solicits a grant of a tract of land which lies between Deer Point, or the west cape of the small point formed by the bay of Pensacola and the straits of St. Rosa, and a fence which he says was made by him in the year 1814, and which the Indians and English destroyed. I am ignorant of the spot where the fence was erected, but from the demand of the petitioner I conclude it was eastward of the point called Careening Point, which is opposite to this place, on the other side of the bay. By decree of the 25th of September last your excellency was pleased to grant to Don Eugenio Lavallet, an inhabitant of this place, 800 acres in the same spot and peninsula. By decree of the 24th of October last your excellency also granted to Jayme Barcelo, of this place, 800 acres on the spot called Shell Hill, which piece of land is to the east of the preceding, bounded on the south by the aforesaid strait; consequently these two tracts form a part, if not the whole, of that which Don Pedro de Alba solicits, unless the fence which he mentions be one which existed and began near the mouth of the river Jordan, or Yellow Water, and terminated at the straits of St. Rosa. In this case, the tract of land which the said Don Pedro de Alba asks for would consist of nearly 18,000 square acres: abating the 1,600 granted to Lavallet and Barcelo, there would remain 16,400 acres, which I consider Indian territory, as I have already informed your excellency in the petitions proffered by Lavallet and Barcelo. Your excellency will resolve what you may think more proper, &c., &c. Pensacola, November 3, 1817. Pedro Reggio.

Be it communicated to Don Pedro de Alba. [Two flourishes.]

To his excellency the governor and sub-delegate of the royal finances: Don Pedro de Alba respectfully represents, that, in consequence of the notification given to him of the petition which he presented on the 24th of October last, in which he solicits the land lying between Careen and Deer Points, and from thence to the spot where he erected a fence, part of which was destroyed by the Indians, and in consequence of what Don Pedro Reggio has informed your excellency, he declares that on March 28, 1814, there was granted to him a piece of land of which he now solicits the title, by the cabildo which then governed in this place, agreeably to the annexed documents; in consequence of which, he ordered a fence to be erected, and passed over, as is well known, thirty-eight breeding cows, two bulls, seven horses, and four negroes, all of which were on the other side at the time that the English and Indians retired from this place for Apalachicola, carrying with them the cattle, horses, and two negroes, after having killed the remaining two for not allowing them to rob the provisions they had for their own use; for which reason he considers himself entitled to the said land, having possessed it for four years, taking into the account the loss which he equally sustained of all the lumber which he had prepared for a house of forty feet front, and ready to be transported to the neighborhood of Deer Point, and burnt by the Indians; and notwithstanding the 800 acres granted to E. Lavallet and as many to J. Barcelo, which was the choice of the whole tract; in consideration of all which, and of what he has declared, requests your excellency to grant him the land which he solicited in his first petition for said purposes. Pensacola, December 3, 1817. Pedro de Alba.

Pensacola, December 20, 1817. In consequence of what the minister pro tempore of the royal finances gave as his opinion on the 19th December instant, at the instance of Mary Weaver, stating that the Indian nation had no claim to the lands which the petitioner asked, nor even to others more distant, as was also decreed by the minister principal, Don Juan Miguel de Losada, in the similar case of Jayme Barcelo: Therefore, let there be granted to the petitioner the acres of land which he solicits; for which end these proceedings are to be passed to the surveyor appointed, that he may put him in possession of them, after notice being given to the neighboring claimants, and without prejudice to a third party, drawing out a plot which shall be presented to this office in order to obtain the necessary title; let the costs be paid by the petitioner, and a copy of these proceedings to be left at the office to give information to the superior authority for his approbation. Masot. Sausa. Cevallos.

This is a true copy of its original, which remains in public archives, which I certify; and at the request of the party I grant this in six folios of common paper, the sealed not being in practice. Pensacola, August 2, 1819.

JOSÉ CALLAVA.

JOSÉ CEVALLOS.

DOMINGO SAUSA.

Don Vincente Sebastian Pintado, captain of infantry, surveyor general of West Florida for his Majesty, now in this city, by the deposition of Don Alexandro Ramirez, intendant, &c., &c.:

The ayuntamiento (town council) of Pensacola, having, at their meeting of March 28, 1814, acceded to the petition of Pedro de Alba, senior, praying leave to establish a cowpen on that side of the bay opposite to the town, from the point called the Carenero (Careening place,) continuing eastward as far as occasion may require, it became necessary that the extent should be determined in order that it might be ascertained what portion of that tongue of land appertained to the royal domain, and I effected that object by limiting him to the spot where he had begun an enclosure, fifteen English miles distant from the most westerly point of the Careening ground, by a line drawn from said spot due south until it meets St. Rosa's sound; the space enclosed by the same containing twenty thousand five hundred superficial arpents, more or less, according to the notes in my note book No. 3. And inasmuch as said land was granted to said Don Pedro de Alba by the sub-delegation of the royal finances of that province, in a decree of the 20th of December last, but, with respect to the extent and configuration of the same, some doubts have occurred to the deputy in said province, in consequence of his not knowing what its eastern boundary was to be, and of two precedent grants having been made by the same sub-delegation of eight hundred arpents each—the one to Eugenio Lavallet, and the other to Jayme Barcelo, the plots of which have not yet come to my hands, and of the situation of the first of which only I am informed; having, moreover, been notified of all these circumstances by a copy of the decree of said tribunal, and by a letter of Alba himself, dated the 22d of December, it becomes necessary to clear up this difficulty, and to settle the affair on terms on which none of the parties can suffer any injury, and whereby each may know what belongs to him by reason of said grant, and may peaceably undertake his labors, and reap the fruit of his industry, it being the particular province of the surveyor general to settle differences and disputes of this nature.

The following remarks must be attended to, for whose better understanding and observance the accompanying figurative plan will be of service:

1. That at no time, and for no reason whatsoever, (except in the case which will be mentioned further on,) can Don Pedro de Alba pretend to or claim more land towards the east than is designated in the foregoing plat, signed by me this day, and having for its boundary the north and south line drawn at fifteen English miles distant from the most westerly point of the Careening ground, agreeably to the limitation made on January 2, 1815.

2. That the twenty thousand five hundred arpents superficies contained in the tract represented in the plat are reduced to eighteen thousand nine hundred, by reason of the grants to Lavallet and Barcelo, mentioned by the deputy in his report of the 3d of November last year, which are not represented, because the surveys of them have not arrived, but of which positive information has been obtained, that the first is situated at the point A on the plat, and the other will be laid on the spot which its tenor may require, without the possibility of any opposition on the part of Don Pedro de Alba.

3. That Don Vincente Ramo having solicited two thousand five hundred arpents superficies on the western part of said tongue of land, and space marked on the plot with the letters B, C, D, E, by a petition of September 28, 1817, addressed to the superintendent, and pursuant to his decree of October 2 following, reported by me on the seventh of the same month, and the concession or refusal not having yet come to my knowledge, the said Pedro de Alba should be notified that, in case the grant has been made, he must not resist or oppose possession being taken of said land, but his eighteen thousand five hundred arpents are to remain complete, leaving out the space F, which is still a part of the royal domain, and is destined for the above-mentioned purpose.

For a perpetual testimony of the same, and in order that no difficulties may arise hereafter between the parties, I give the present on file, in the city of Havana, this fifteenth day of January, one thousand eight hundred and eighteen.

VINCENTE SEBASTIAN PINTADO.

I, Don Joseph Callava, knight of the military order of St. Hermenegildo, decorated with the cross of distinction of the battle of Almodid, colonel in the royal armies, and military and political governor of the province of West Florida, &c.—

Do certify that, in the month of August last, Don Pedro de Alba presented to me a grant of land made to his father by the sub-delegation December 20, 1817, situated on the opposite side of the bay, requesting that he might have a copy and that the original might remain, as is customary, in evidence of the same in this public archive. But owing to the confusion of the papers in the months of December, January, and February last, when an invasion was apprehended from the American troops, at which time the archives of the province were carried with great precipitation to Fort St. Carlos de Barrancas, it is presumable that the said original documents may have been mislaid or mixed with other papers; and although the assistant witnesses have searched for them by my order, they have not come to light amongst the archives.

In testimony whereof, I give the present certificate at his request, in order that it may serve at all times, and before any tribunal whatever, as an evidence of the unlucky accident which befel said original decree. Pensacola, March 21, 1820.

JOSEPH CALLAVA.

Ambrose Crane, being affirmed, saith that, in the month of July or August, 1819, he settled upon a piece of land in Santa Rosa's sound, and that in a conversation shortly afterwards with Peter Alba he acknowledged that his claim only extended to the Spanish Old Fields, and that if he, Mr. Crane, was beyond them he was not on his land; and further saith not.

Eugenio Lavalle, sworn, saith that Pedro Alba, senior, made a plantation on the above tract of land previous to the year 1814; that he had some cattle and horses on the land and hands at work; that he was obliged to abandon it in consequence of hostilities of the Indians in the year 1814, returned to it in 1817, and has been in possession ever since, and that he was on the land in the year 1814; and further saith not.

Joseph Noriega, sworn, confirms the above facts stated by Eugenio Lavalle.

*Opinion of the commissioners.*

From an examination of the foregoing title papers, it will be seen that this claim originated under the constitutional government of Spain, in the year 1814, upon an application to the ayuntamiento, or cabildo, of West Florida, for permission to graze cattle on the other side of the bay from "Deer Point as far eastward as the petitioner might want." This permission was granted to him upon a condition prescribed by the cabildo that clearly indicated an intention not to give any title of property; and, admitting them to be competent to do so, which is very questionable, it would have been done subject to the approval or rejection of the provisional junta of Havana, according to a decree of the Cortes, then of binding authority, as a law of the Spanish government. We have every reason to believe that such a grant would never have been confirmed to any extent greater than the quantity allowed for cowpens by the regulations of the governor general of Louisiana, and the intendant and superintendant general of that province and West Florida, which is a quantity far less than that claimed by the petitioner. The act of the cabildo could, at best, only be considered as a permit of settlement, which, if occupied for a number of years, according to the usages and laws of the province, would have entitled Mr. Alba to a concession of eight hundred arpents of land. The claim in its further progress is entirely an anomaly. The claimant, aware that he had no right derived from the license of the cabildo, petitioned the governor for a grant of the land to the place where he had built a fence some time before, which is a vague designation of the limit of the land petitioned for, and is since ascertained by the testimony to be a point that would only include in the area about 3,000 instead of 18,900 arpents now claimed by Mr. Alba, and to cover which he has, according to the evidence of Mr. Crane, selected a point of considerable distance up the sound for the location of his fence, not thought of by him so late as the year 1819. It will be seen by the report, purporting to be that of the surveyor, that he does not comprehend the extent of the application, and does not give any satisfactory information upon which a grant for a specific quantity might be given; and the governor, contrary to established usage and the laws and ordinances of the Spanish government, has made a decree of concession without any knowledge of the quantity, and without

reference to, or the intervention of, the fiscal, or King's attorney, whose opinion was always required in regular grants, as will be seen by reference to our general report on Spanish claims, and the formation of the tribunal of the intendant or sub-delegate, according to the laws of the Indies. The certificate of the surveyor general in relation to the land is an extra official act made subsequent to January 24, 1818, and therefore would be entirely disregarded if it did not bear internal evidence of the time and object for which it was written. It is confidently believed that no survey was ever made of the land; and his intention, in his office at Havana, was to give figure and dimension to that which had none before, and to fabricate himself a title for the claimant that he himself did not think of until 1819, when the province was surrendered to the United States. The certificate of Governor Callava is worthy of particular remark. He certifies that in August, 1819, Don Pedro de Alba presented to him a grant, requesting that the original might remain in the office, and a copy be delivered to the claimant. By the organization of the Spanish tribunal, the original grants, at the time they were made out, are required to be placed in the office, and entitled *diligencias*, (proceedings,) a copy of which is delivered to the party interested. This decree of concession purports to have been made in 1817, and how Mr. Alba should have had the original in August, 1819, is a matter entirely unexplained. If it was a genuine original, why did not the claimant keep it in his possession, as he had done from the year 1817? But, in consequence of the confusion of the papers, says Governor Callava, the original was lost! It is somewhat extraordinary that this paper, which was deposited for safe keeping in a public office, in which by law it ought to have remained, should have been the only one of which we have any account in our extensive examinations which is alleged to have been lost in the confusion of that expected invasion. If this grant was fabricated, the claimant could, with greater prospect of success, impose upon the government of the United States by a certified copy than the original, with all the signatures and rubrications, and that will more reasonably explain the loss of the one deposited in 1819. It will also be observed that, as an inducement to this grant, Mr. Alba alleges the loss of his cattle, horses, and materials for a house, and, in consideration of what is set forth in his petition, the concession is made; and, notwithstanding the grant, he has presented a claim against the United States for the same losses, and made affidavit that he had never received any compensation. From a view of the claim and evidence, the undersigned commissioners are of opinion that the governor and sub-delegate of the province was not invested with power to make such a grant, and that it never would have been confirmed by the superior authorities of the Spanish government, allowing it to be genuine; but, from its irregularity and questionable shape, they cannot advise a confirmation of it.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.



## A.

*Abstract of claims to land in West Florida, founded on original grants, concessions, and orders of survey, made gratuitously by the Spanish government upon the condition of clearing and cultivation, and which have been confirmed by the undersigned commissioners.*

Number.	By whom claimed.	Original grantee.	Nature of claim.	Date of claim.	Number of arpente.	Where situated.	By whom issued.	When surveyed.	By whom surveyed.	Cleared and cultivated.	
										From—	To—
1	Juan B. Cazeneuve.....	Joseph Bullada.....	Concession.....	Nov., 1817.....	800.....	Grand Lagoon.....	Governor Masot.....	Oct. 22, 1817.....	Pedro Regio.....	1817.....	1819.....
2	.....do.....	Domingo Salu.....	.....do.....	Oct., 1817.....	800.....	Little Bayou.....	.....do.....	Oct. 11, 1817.....	.....do.....	1817.....	1819.....
3	Juan de la Rúa.....	Juan de la Rúa.....	.....do.....	Sept., 1817.....	800.....	Black and Clear Water creeks.....	.....do.....	Dec. 18, 1818.....	.....do.....	1817.....	1819.....
4	Diego Palmar.....	Diego Palmar.....	.....do.....	Dec., 1817.....	800.....	Governor's creek.....	.....do.....	.....	Vicente S. Pinado.....	1818.....	1819.....
5	Joseph Noriega.....	Pedro Jack.....	.....do.....	Sept., 1817.....	800.....	Bay of Escambia.....	.....do.....	.....	Pedro Regio.....	1818.....	1819.....
6	.....do.....	Martin Madrid.....	.....do.....	Oct., 1815.....	300.....	.....do.....	Governor Regio.....	Nov. 25, 1817.....	.....do.....	1819.....	1815.....
7	Antonio García.....	Antonio García.....	.....do.....	Oct., 1817.....	800.....	Yellow Water.....	Governor Masot.....	Nov. 22, 1812.....	Vicente S. Pinado.....	1820.....	1821.....
8	Joseph Noriega.....	Joseph Noriega.....	.....do.....	Oct., 1817.....	800.....	River Escambia.....	.....do.....	Oct. 30, 1817.....	Pedro Regio.....	1820.....	1821.....
9	Miguel Quigles.....	Miguel Quigles.....	.....do.....	Dec., 1817.....	800.....	.....do.....	.....do.....	Nov. 28, 1817.....	.....do.....	1821.....	1821.....
10	Lorenzo Bru.....	Lorenzo Bru.....	.....do.....	.....do.....	800.....	Bayou Mulatto.....	Intendant Ramirez.....	Jan. 12, 1818.....	Vicente S. Pinado.....	1821.....	1821.....
11	Pedro Sans.....	Pedro Sans.....	.....do.....	.....do.....	800.....	.....do.....	.....do.....	Jan. 19, 1818.....	.....do.....	1821.....	1820.....
12	Francisco Vidal.....	Francisco Vidal.....	.....do.....	.....do.....	800.....	Pas de Indio.....	.....do.....	Mar. 26, 1818.....	.....do.....	1821.....	1819.....
13	Josefa Fulcom.....	Josefa Fulcom.....	.....do.....	.....do.....	800.....	River Escambia.....	Governor Masot.....	Dec. 27, 1816.....	.....do.....	1821.....	1819.....
14	John Ruez.....	John Ruez.....	.....do.....	Sept., 1817.....	700.....	.....do.....	.....do.....	.....	.....do.....	1821.....	1819.....
15	Jayne Fontenels.....	Jayne Fontenels.....	.....do.....	Jan., 1818.....	800.....	Pas de Indio.....	Intendant Ramirez.....	Mar. 27, 1818.....	Pedro Regio.....	1821.....	1819.....
16	Juan Dominguez.....	Juan Dominguez.....	.....do.....	July, 1790.....	1,600.....	Three miles from Pensacola.....	Governor Miro.....	May 16, 1790.....	Louis de Burecat.....	1821.....	1823.....
17	Salvador Ramirez.....	Salvador Ramirez.....	.....do.....	Dec., 1817.....	400.....	River Escambia.....	Governor Masot.....	May 25, 1812.....	Vicente S. Pinado.....	1821.....	1823.....
18	Mariana Bonifay.....	Mariana Bonifay.....	.....do.....	April, 1812.....	900.....	Escambia bay.....	Intendant Morales.....	Sept. 13, 1811.....	.....do.....	1821.....	1823.....
19	Samuel N. Smith.....	Thomas P. Ribbo.....	.....do.....	Jan., 1812.....	400.....	Five miles from Pensacola.....	.....do.....	Nov. 5, 1816.....	Governor Zuniga.....	1821.....	1821.....
20	Henry Wilson.....	Antonio Balderas.....	.....do.....	July, 1816.....	800.....	Bayou Mulatto.....	Governor Masot.....	.....	.....do.....	1821.....	1821.....
21	Henry Michelet.....	Henry Michelet.....	.....do.....	Sept., 1817.....	800.....	River Escambia.....	.....do.....	Oct. 12, 1821.....	Antonio Balderas.....	1821.....	1820.....
22	.....do.....	Luis Gayarre.....	.....do.....	Nov., 1817.....	300.....	Bayou Chico.....	.....do.....	Dec. 24, 1818.....	Pedro Regio.....	1821.....	1820.....
23	Juan de la Rúa.....	Francisco Barrios.....	.....do.....	Sept., 1817.....	800.....	River Escambia.....	.....do.....	Oct. 9, 1820.....	Antonio Balderas.....	1821.....	1819.....
24	Mary Weaver.....	Mary Weaver.....	.....do.....	Dec., 1817.....	800.....	.....do.....	.....do.....	July 9, 1820.....	.....do.....	1821.....	1819.....
25	.....do.....	Juan Morales.....	.....do.....	.....do.....	800.....	.....do.....	.....do.....	April 4, 1821.....	.....do.....	1821.....	1819.....
26	Antonio Collins.....	Antonio Collins.....	.....do.....	July, 1817.....	800.....	Bayou Grande.....	.....do.....	Dec. 26, 1818.....	Pedro Regio.....	1821.....	1819.....
27	Heirs of Pablo Granpera.....	Pablo Granpera.....	.....do.....	Oct., 1817.....	800.....	Three miles west of Pensacola.....	.....do.....	Oct. 23, 1817.....	.....do.....	1821.....	1819.....
28	Felippe Prieto.....	Felippe Prieto.....	.....do.....	Sept., 1817.....	800.....	Village of Barrancas.....	Intendant Morales.....	Nov. 22, 1819.....	.....do.....	1821.....	1820.....
29	Francisco and Fernando Morena.....	Francisco and Fernando Morena.....	.....do.....	April, 1810.....	800.....	Bay of Escambia.....	.....do.....	.....	.....do.....	1821.....	1815.....
30	Manuel Bonifay.....	F. Roca and J. Perez.....	.....do.....	June, 1811.....	240.....	.....do.....	.....do.....	.....	.....do.....	1821.....	1823.....
31	.....do.....	Manuel Bonifay.....	.....do.....	Oct., 1811.....	230.....	Bayou Mulatto.....	.....do.....	.....	Vicente S. Pinado.....	1821.....	1811.....
32	Antonio Fol.....	Antonio Fol.....	.....do.....	Dec., 1817.....	800.....	Bayou Mulatto.....	Governor Masot.....	Nov. 25, 1812.....	Vicente S. Pinado.....	1821.....	1818.....
33	Luis Maestre.....	Luis Maestre.....	.....do.....	Nov., 1817.....	800.....	Bay of St. Maria de Guerez.....	.....do.....	Nov. 14, 1817.....	Pedro Regio.....	1821.....	1818.....
34	Francisco Lopez.....	Francisco Lopez.....	.....do.....	.....do.....	800.....	North of Bayou Grande.....	.....do.....	Dec. 27, 1817.....	.....do.....	1821.....	1817.....
35	Joseph C. Koyser.....	Joseph E. Caro.....	.....do.....	Dec., 1817.....	800.....	River Escambia.....	.....do.....	Sept. 29, 1820.....	Antonio Balderas.....	1821.....	1820.....
36	.....do.....	María A. Arachco.....	.....do.....	.....do.....	800.....	.....do.....	.....do.....	May 5, 1821.....	.....do.....	1821.....	1820.....
37	Pedro Pluiebert.....	Manuel Dominguez.....	.....do.....	Oct., 1816.....	800.....	Bayou Mulatto.....	Governor San Maceit.....	Nov. 6, 1816.....	Vicente S. Pinado.....	1821.....	1817.....
38	Manuel del Barco.....	Manuel Dominguez.....	.....do.....	Nov., 1817.....	800.....	Bay of Escambia.....	Intendant Ramirez.....	Mar. 4, 1818.....	.....do.....	1821.....	1818.....
39	Maria R. Murrel.....	Maria R. Murrel.....	.....do.....	Dec., 1817.....	800.....	Bayou Mulatto.....	Governor Masot.....	.....	.....do.....	1821.....	1820.....

A.—Abstract of claims to land in West Florida, &amp;c.—Continued.

Number.	By whom claimed.	Original grantee.	Nature of claim.	Date of claim.	Number of arpents.	Where situated.	By whom issued.	When surveyed.	By whom surveyed.	Cleared and cultivated.	
										From—	To—
40	Nehemiah Tunis.....	Nehemiah Tunis.....	Concession.....	Jan., 1811	100	Bayou Texar.....	Intendant Morales.....	Jan. 10, 1811	Vicente S. Pineda.....	1800	1812
41	Catholic church.....	Catholic church.....	Grant.....	Jan., 1810	30	Suburb of Pensacola.....	do.....	May 9, 1810	do.....	1809	1816
42	Joseph Philip's heirs.....	Juan B. Alexander.....	Grant.....	Jan., 1388	200	West of Pensacola.....	do.....	Dec. 15, 1807	do.....	1808	1816
43	Vicente Ordóñez's heirs.....	Juan Cortes.....	Grant.....	Feb., 1807	130	West of Pensacola.....	do.....	Dec. 14, 1807	do.....	1808	1816
44	John Simpson.....	Andrés Escribano.....	Concession.....	Jan., 1817	800	The head of Escambia bay.....	Governor Masot.....	Jan. 20, 1817	Pedro Reggio.....	1814	1819
45	Manuel Hernandez.....	Manuel Hernandez.....	Concession.....	Oct., 1816	800	Bayou Texar.....	Governor San Maxent.....	Nov. 8, 1816	Vicente S. Pineda.....	1816	1824
46	John Cheboux.....	Gabriel Rivas.....	Grant.....	Nov., 1806	300	Bayou Texar.....	Intendant Morales.....	Oct. 2, 1806	do.....	1806	1810
47	Thomas Villaseca.....	Thomas Villaseca.....	Grant.....	Nov., 1817	800	River Escambia.....	Governor Masot.....	Oct. 6, 1817	Pedro Reggio.....	1818	1822
48	Juan Malagosa.....	Juan Malagosa.....	Concession.....	Dec., 1817	800	do.....	do.....	Dec. 23, 1818	do.....	1816	1823
49	Francisco Barrios.....	Francisco Barrios.....	Order of survey.....	Nov., 1816	800	Bayou Grande.....	Governor San Maxent.....	do.....	do.....	1814	1816
50	Maria D. Molere.....	Maria D. Molere.....	Concession.....	Nov., 1817	800	Clear Water creek.....	Governor Masot.....	April 7, 1821	Antonio Balderrá.....	1815	1819
51	H. M. Brackenridge & E. K. Call.....	Bayne Barcelo.....	Concession.....	Sept., 1817	800	St. East's sound.....	do.....	Nov. 4, 1817	Pedro Reggio.....	1817	1822
52	Henry M. Brackenridge.....	Johanna and Samon.....	do.....	Sept., 1804	800	do.....	Governor Folch.....	do.....	do.....	1804	1814
53	John Donaldson.....	Joaquin Barla.....	do.....	Feb., 1799	800	Bayou Grande and bay.....	Governor Gay de Lemos.....	Oct. 4, 1812	Vicente S. Pineda.....	1802	1818
54	Turner Sharke.....	William McVoy.....	do.....	Oct., 1816	800	Lagoon Hot pond.....	Governor San Maxent.....	do.....	do.....	1815	1818
55	Charles Beeler.....	Gabriel Hernandez.....	do.....	June, 1817	320	Mouth of Escambia.....	Governor Masot.....	June 22, 1820	Antonio Balderrá.....	1817	1821
56	Joseph Y. Cruzat.....	Joseph Y. Cruzat.....	do.....	Dec., 1817	800	Bay of Perdido.....	do.....	Dec. 22, 1817	Pedro Reggio.....	1817	1822
57	Manuel Gonzales.....	Manuel Gonzales.....	do.....	Nov., 1817	1,600	Fifteen miles from Pensacola.....	do.....	Dec. 22, 1817	do.....	1814	1824
58	Turner Sharke.....	William McVoy.....	do.....	do.....	1,600	West side of Escambia river.....	do.....	Dec. 22, 1817	do.....	1817	1818
59	William P. Anderson.....	Eugenio Laville.....	do.....	Sept., 1817	800	South side of Pensacola bay.....	do.....	May 17, 1818	Pedro Reggio.....	1817	1821
60	John Fernandez.....	John Fernandez.....	Order of survey.....	Nov., 1816	100	Bayou de la Trucha.....	Governor San Maxent.....	Jan. 10, 1818	do.....	1815	1824
61	Paula Rivas.....	Paula Rivas.....	Concession.....	Nov., 1817	25	One mile northwest from Pensacola.....	Governor Masot.....	April 28, 1821	Antonio Balderrá.....	1817	1819
62	J. Cruzat and F. de Villers.....	J. Cruzat and F. de Villers.....	do.....	do.....	1,600	Ciudad del Agua.....	do.....	June 14, 1821	do.....	1818	1820
63	Santiago Colman.....	Santiago Colman.....	Grant.....	Dec., 1811	1,600	River Perdido.....	Intendant Morales.....	Dec. 2, 1811	Vicente S. Pineda.....	1813	1815
64	John Inerarity.....	Charles James.....	Concession.....	Oct., 1817	400	Pensacola bay.....	Governor Masot.....	Nov. 25, 1817	Pedro Reggio.....	1817	1818
65	Antonio Molina.....	Antonio Molina.....	Grant.....	do.....	1,600	Bay of St. Maria de Galvez.....	do.....	Sept. 18, 1817	do.....	1817	1820
66	Francisco Toward.....	Francisco Toward.....	Concession.....	Sept., 1817	800	do.....	do.....	Nov. 15, 1817	do.....	1817	1820
67	Thomas P. Riboo.....	Vicente P. Taxeyro.....	Order of survey.....	Oct., 1815	800	Bayou Gobernador.....	Governor Soto.....	Dec. 8, 1818	do.....	1814	1825
68	Joseph Bonifay.....	Joseph Bonifay.....	Concession.....	Dec., 1817	800	Bay of St. Maria de Galvez.....	Governor Masot.....	Jan. 10, 1818	do.....	1815	1822
69	Nathan Shackelford.....	Francisco Morera.....	do.....	Oct., 1817	800	Two miles from Pensacola.....	do.....	Dec. 10, 1817	do.....	1818	1823
70	do.....	Nicholas Lopez.....	do.....	Dec., 1817	800	West bank river Escambia.....	do.....	Dec. 27, 1818	do.....	1818	1818
71	do.....	Louis Gagnet.....	do.....	do.....	800	do.....	do.....	Dec. 28, 1818	do.....	1818	1818
72	Littlebury Mason.....	Fernando Moreno.....	do.....	do.....	800	East bank river Escambia.....	do.....	do.....	do.....	1818	1822
73	John Inerarity.....	Thomas Miller.....	Order of survey.....	Dec., 1815	800	Bay of Pensacola.....	Governor Soto.....	March 11, 1807	Vicente S. Pineda.....	1807	1817
74	Joseph Philip's heirs.....	Manuel Gonzales.....	Grant.....	May, 1807	400	South of Pensacola.....	Intendant Morales.....	do.....	do.....	1807	1816
75	Francisco M. St. Maxent.....	Francisco M. St. Maxent.....	Grant.....	Nov., 1817	84	Casa Blanca on the bay.....	Governor Soto.....	June 12, 1816	do.....	1806	1816
76	Roland Clapp.....	Maria Machado.....	Grant.....	Nov., 1817	84	South of old Fort St. Bernard.....	Governor Masot.....	Jan. 12, 1817	do.....	1817	1817
77	John Brounahan.....	John Brounahan.....	Grant.....	Oct., 1817	2,320	Bayou Texar.....	do.....	July 9, 1817	Pedro Reggio.....	1817	1821
78	Lorenzo Virbila.....	Lorenzo Virbila.....	Concession.....	Oct., 1818	1,160	Bayou Texar.....	Governor San Maxent.....	Aug. 9, 1816	Vicente S. Pineda.....	1816	1816
79	Joaquin Barla.....	Joaquin Barla.....	do.....	Jan., 1804	50 feet, 30 d.	Clear lagoon.....	Governor Folch.....	do.....	do.....	1816	1816
80	Joseph Maurr.....	Nero, free man of color.....	do.....	do.....	800	West of Bayou Texar.....	do.....	Feb. 20, 1821	Antonio Balderrá.....	1821	1821

## GENERAL REMARKS.

No. 1. In many of these claims the cultivation was proved to have been continued to the present time. It was considered unnecessary to inquire into or record these facts further than the performance of the conditions required. No. 8. This claim is an island granted for 800 arpentis, more or less.

Nos. 10, 11, 12. In these claims the concession is given with a decretal order of survey in 1817, and the titles in form given in 1818. In such cases the titles are confirmed upon the concession or order of survey.

No. 21. Plat and certificate incorrectly returned. No. 41. This grant was made to the vicar for the uses of the Catholic church.

No. 75. Confirmed, subject to the restrictions and conditions contained in the grant relative to the defence of Pensacola, and garden lots laid out by the English authorities, upon the original plan of the city.

No. 76. Title papers lost. Confirmed, subject to any restrictions or conditions which the laws and usages of Spain impose, if any, upon grants of land contiguous to forts, &c.

No. 77. Much of this island subject to inundation. No. 78. This grant was made principally for the purpose of cutting wood.

No. 79. This grant was made to enable the grantee to supply timber for the royal works and fortifications at Barrancas and St. Rosas.

No. 80. Original title papers lost. Proved to have been cleared and cultivated many years before the concession.

All which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
GRAVEN P. LUCKETT.

## A.

The examination of most of these claims was made under the acts of Congress passed on May 8, 1822, and February 27, 1823. Although it would appear from the abstracts, which are framed agreeably to the regulations of Morales, that the lands were designed for cultivation alone, yet it is a fact that the greater number of cases were intended both for pasturage and agricultural purposes, and some for the former alone.

These grants, concessions, and orders of survey were proved to have emanated from his Catholic Majesty, or his lawful authorities in the Floridas, prior to January 4, 1818. The claimants adduced satisfactory evidence of their having substantially fulfilled the conditions imposed upon them, either before the date of the treaty between Spain and the United States, or; having been prevented by the recent circumstances of the Spanish nation and the revolutions in Europe, completed them within the time limited in the same, respectively, subsequent to that period. It was also in proof that the orders of survey have been actually executed anterior to January 24, 1818, agreeably to the requisitions of the act of Congress passed May 8, 1822.

In our examinations under the act of Congress passed February 27, 1823, we have ascertained the facts of actual settlements prior to the cession of the Floridas to the United States, and particularly as indispensable to authorize us to decide claims over 1,000 and under 3,500 acres. Where our inquiries have been directed by the act passed on February 28, 1824, upon the presentment of the originals, we have only required the deraignment to be made out by office abstracts for the last ten years preceding the surrender of Florida to the United States, with a deed or devise to the claimant, and a compliance with the conditions attached to the claim.

A concession is merely a grant of the land petitioned for before the making out of a formal title. The first is generally made when the order of survey is decreed, and the last after the plat and certificate are returned, and conditions, if any, are performed. Where the concession and titles in form are both filed, we have given the date, &c., of the first, and noted the other in the column of general remarks.

The sub-delegates and intendants of Havana have, in some instances, proceeded to complete the claim subsequent to January 24, 1818. In such cases we have considered the claim barred by the treaty, unless there was a grant, concession, or order of survey actually executed prior to that time. The commissioners did not consider themselves authorized to recognize any act of the Spanish authorities as legal after that period. They have thus investigated such claims, noting the subsequent steps in the column of general remarks.

The original grant upon which some of these claims are founded has not been filed, but only recited in the *mesne* conveyances, by which the deraignment is satisfactorily completed. In a few instances the year only is mentioned in which the grant was made by the Spanish government; and in others the name of the sub-delegate from whom it was obtained. We have in these cases given the date of the oldest *mesne* conveyance.

We have also included in this class claims where the original grant has been filed; but there is one or more links in the chain of title found to be absent between the grantee and present claimant.

It was the practice where a grant was made to deposit the original in the office of finances to be recorded, and the claimant was given a certified copy. These records were not permitted to remain in this province, but were all removed to the Havana several years since. Others were destroyed by the pirates, as is in proof before us, on their passage to that place. Some obtained possession of the originals, but others did not; and the above causes combined are alleged by the claimants as a reason to account for the absence of original title papers. Where the office of *alcalde* has contained any important document connected with the claims, we have had it submitted to our inspection, or obtained certified extracts therefrom; but, except as to the *mesne* conveyances, we regret to say that we have been enabled to procure very little information from that quarter, as it was not the office in which originals were recorded.

By the regulations of Morales *mesne* conveyances were made before the commandants of posts, who were directed to see that the seller presented to the buyer the title which he has obtained; and in addition, being careful to insert in the deed the metes and bounds, and other descriptions which result from the title, and the process verbal of the survey which ought to accompany it. In West Florida this duty was not only executed by the governor, but by the *escribanos* or notaries of government; and under the



constitution by alcaldes. On such occasions these officers were vested with *judicial* powers, and instructed to see that the claim, as to its derivation, was regular and complete. These *mesas* conveyances sometimes recite the date, &c., of several of the preceding deeds, and thus set forth the chain of title to the present claimant.

Having been made before these officers, is making out a title, the validity of which has been thus virtually recognized by the Spanish authorities. It is understood to have been both the law and practice in West Florida to consider these recitations of prior conveyances as conclusive evidences of title. Whenever it was made out in this shape no further testimony was required to establish it in any of the Spanish tribunals. The consequence was, that little or no care was taken of the copies of the preceding conveyances, but were often either permitted to remain in those offices where the transfers were made, or thrown aside as waste and useless paper.

From an examination of our abstracts, it will appear that the usual conditions were occasionally fulfilled before the grant or concession was made, or the order of survey was decreed or executed. This arose from the practice of the Spanish authorities. Individuals who were in poor and indigent circumstances were sometimes permitted by the sub-delegate, in writing, to settle and improve a portion of the public domain. Where they complied with the terms prescribed in the permit, or such as were attached to gratuities, they were considered as entitled to a grant whenever they were enabled to apply for it and pay the incidental expenses. These inchoate titles were frequently transferred to others, who obtained the concession or grant in their own names.

In some of the cases embraced in this class, the grant or concession was made for a particular tract of land, or one which might be situated upon the same water-course, or contingents to the first; but upon executing the survey an incorrect plat and certificate were returned. It will therefore be necessary that Congress should authorize, by law, those whose grants or concessions were made in the alternative, the surveys of which were incorrectly returned, to locate them agreeably to the petition or concession.

For a further understanding of these conditional and gratuitous grants, concessions, and orders of survey, we would respectfully refer to our general report upon that description of claims.

All of which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

## B.

*Abstract of claims to land in West Florida, founded on written permits of settlement given by the Spanish government, and which have been confirmed by the undersigned commissioners.*

Number.	By whom claimed.	Original claimants.	Nature of claim.	Date of claim.	Number of arpents.	Where situated.	By whom given.	When surveyed.	By whom surveyed.	Cleared and cultivated.	
										From—	To—
1	Charles de Villiers.....	Dalmacio Salas.....	Written permit.....	Aug., 1802.....	800.....	Three miles from Pensacola.....	Gov. Vincente Folch.....	Sept. 16, 1819.....	Antonio Balderas.....	1810.....	1813.....
2	Fernin de Villiers.....	José O'Neill.....	do.....	.....do.....	800.....	Corralito de la Osta.....	.....do.....	June 16, 1821.....	.....do.....	1804.....	1811.....
3	Jn. Edgar & Ed. Towns.....	Jn. Edgar & Ed. Towns.....	do.....	.....do.....	1,600.....	Escambia river.....	Gov. Joseph Masot.....	Oct. 23, 1820.....	.....do.....	1817.....	1824.....
4	Antonio Golcin.....	Antonio Golcin.....	do.....	April, 1807.....	800.....	Clear Water.....	Gov. Folch.....	May 28, 1821.....	.....do.....	1809.....	1814.....
5	Phoebe Pyburn Turvin.....	Jephia Turvin.....	do.....	Feb., 1801.....	1,600.....	At head of Indian creek.....	.....do.....	.....do.....	.....do.....	1801.....	1817.....
6	Francisco Golcin.....	Francisco Golcin.....	do.....	July, 1812.....	800.....	Seven mile creek.....	Gov. Zuniga.....	June 1, 1821.....	.....do.....	1813.....	1824.....
7	Joséfa Pol.....	Joséfa Pol.....	do.....	June, 1812.....	800.....	Perdido river.....	.....do.....	.....do.....	.....do.....	1812.....	1816.....
8	Litlebery Mason.....	Thomas Bealer.....	do.....	.....do.....	1817.....	Escambia river.....	Gov. José Masot.....	.....do.....	.....do.....	1817.....	1822.....
9	Henry Potts.....	Charles Bealer.....	do.....	.....do.....	800.....	On Bay of Escambia.....	.....do.....	.....do.....	.....do.....	1817.....	1821.....
10	R. K. Cal & J. Fenneraty.....	Christian Limbaugh.....	do.....	Nov., 1816.....	800.....	New For. St. Bernard.....	St. Masot.....	Dec. 4, 1816.....	Vincente S. Putado.....	1817.....	1819.....
11	Joseph C. Kyscr.....	Maria Moreno.....	do.....	Feb., 1817.....	300.....	.....do.....	Gov. José Masot.....	Feb. 16, 1821.....	Antonio Balderas.....	1817.....	1819.....

GENERAL REMARKS.—No. 10.—As this claim is now in suit between Call and Innersaty, both holding under Limbaugh, we have considered it most advisable to confirm the claim of Limbaugh as valid against the United States, leaving the private controversy to be decided by the judicial tribunal before which it is now pending.

No. 11.—Confirmed subject to any restrictions or conditions which the laws and usages of Spain impose, if any, upon grants of lands contiguous to forts, &c.

All which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

## WRITTEN PERMITS OF SETTLEMENT.

These claims are founded upon *written permits* obtained from the governors of Florida, which secure to the petitioner the undisturbed occupation of the land for the purposes of grazing and cultivation. It was an indulgence extended by the Spanish government to indigent persons who were unable to bear the expenses incident to a concession or complete title, and to foreigners who avowed an intention to become resident subjects. By the decree of November 22, 1806, strangers and foreigners could only obtain a grant after long residence in the country, which was in entire conformity with the policy of Spain in all her American provinces. During this state of protection they occupied the land; and, after being put into possession, it is understood that they never were deprived of it where they performed the usual conditions. The permits in both of these cases were followed by a concession whenever the means and conveniences of the parties authorized them to make the application. Their right to it was considered by the Spanish authorities as incontestable. In the eye of the Spanish law these inchoate titles were viewed as property; they descended by inheritance, and were transferred from one to another by private contract.

This species of claim is distinguished from a concession in this: that in the latter it was uniformly the practice to order the surveyor to run out the land, either before or after the grant, and put the party in possession. In the case of *written permits of settlement* no such formality was used; the petitioner was, in the first instance, simply authorized to occupy, cultivate, and pasture a particular tract of land without molestation.

The commissioners are of opinion that these claims are valid where the conditions usually attached to gratuitous grants have been performed by the claimants prior to January 24, 1818, or since that time, if entitled to the indulgence contained in the eighth article of the treaty. It is believed that they constitute the most *equitable* titles in Florida. No fraud can attach to them; they are in conformity with the policy of the Spanish government in the settlement and cultivation of her domain, and have always been recognized by her authorities as entitled to complete grants. The board of commissioners west of Pearl river reported in favor of claims of this description; and in the second section of the act passed March 2, 1805, for ascertaining and adjusting the titles and claims to lands within the Territory of Orleans and district of Louisiana, and the second section of an act confirming claims to lots in the town of Mobile, &c., passed May 7, 1822, provision was made for their confirmation.

The first article of Morales' regulations provides that the quantity to be granted, where a *gratuitous* concession is made, shall amount to a number of arpents as large as the petitioner shall be *judged capable to cultivate, according to the number of his family, and the number of beasts to be pastured*. In some cases before us the quantity thus appropriated is stated in the permit, in others no such provision is to be found. It has, however, been usual to grant such claimants 800 arpents, which is a limit fixed by the regulations of Morales, and not to be exceeded in gratuitous concessions, unless the number of the petitioner's family, his beasts to be pastured, and his ability for cultivation, recommend a departure from the common rule. In the case before us there is no proof to bring them within the reason of the exception, and they cannot, consequently, be entitled to more than 800 arpents, laid off in the usual form.

All of which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

## C.

*Abstract of claims to land in West Florida, founded upon sales made by the Spanish government, and which have been confirmed by the undersigned commissioners.*

Number.	By whom claimed.	Original vendee.	Nature of claim.	Date of claim.	Number of arpents.	Where situated.	By whom issued.	When surveyed.	By whom surveyed.
1	Joseph Noriega ....	Domingo Hernandez	Sale....	Mar., 1813	800	Bay of Escambia...	Cabildo .....	June 21, 1814	Vincente S. Pintado
2	.....do.....	Martin de Madrid....	do....	Mar., 1813	800	.....do.....	.....do.....	June 21, 1814	.....do.....
3	Mariana Bonifay....	Francisco Tonard....	do....	Mar., 1813	800	.....do.....	.....do.....	June 14, 1814	.....do.....
4	Manuel Bonifay....	Bernardo Prieto....	do....	Mar., 1813	723	.....do.....	.....do.....	June 22, 1812	.....do.....
5	Millan de la Carrera	Mariano Latady....	do....	Mar., 1813	1,600	River Escambia....	.....do.....	Mar. 3, 1814	.....do.....
6	Jos. Antonio Miralla	Vincente F. Texeiro..	do....	Mar., 1813	800	Bayou Texar....	.....do.....	Mar. 3, 1814	.....do.....
7	Juan Innerarity....	Ygnacio Serra.....	do....	May, 1815	735	Perdido river....	Gov. José de Soto.	May 20, 1815	.....do.....
8	John Donalson....	Pedro Reggio.....	do....	Feb., 1816	33 1-10	Adj'ng PenacolaW.	.....do.....	Feb. 28, 1816	.....do.....
9	Thomas English....	Millan de la Carrera	do....	Mar., 1816	800	Perdido river....	.....do.....	Nov. 7, 1815	.....do.....
10	Pedro Philibert....	Pedro Philibert....	do....	Mar., 1816	800	N. of Bayou Multato	.....do.....	Dec. 12, 1814	.....do.....
11	Pedro Alba, sr....	Pedro Alba, sr....	do....	Mar., 1816	2 1/2	West of Spring road	.....do.....	Dec. 26, 1817	Pedro Reggio .....

The largest number of these sales were made by the constitutional ayuntamiento, or cabildo, established in West Florida, under a provision of the Spanish constitution, and a decree of the Cortes in 1812.

All which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

This class of claims is founded on sales made by the governors of Florida, in conformity with the regulations of Morales, at the "price of estimation," and by the constitutional ayuntamiento, by virtue of a provision of the constitution of Spain, and a decree of the Cortes promulgated in the year 1812. The last mentioned claims, like *gratuitous*, were subject to the revision of the superior authorities, and demonstrate a regular chain of responsibility in every change of the Spanish government, from the subordinate tribunals to the sovereign. All the acts of the cabildo were to be submitted to the provincial junta of Havana. As these claims are for small quantities of land, and the purchasers having paid a valuable consideration for the same, combined with the uninterrupted possession for many years, the undersigned commissioners are of opinion that they are valid, and would have been completed under the Spanish government upon the application of the vendees. They have therefore given them their confirmation.

All of which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

## D.

*Abstract of claims to lots in Pensacola, founded on original grants and concessions made gratuitously by the Spanish and British governments, upon the condition of building upon and enclosing the same, and which have been confirmed by the undersigned commissioners.*

No.	By whom claimed.	Original grantee.	Nature of claim.	Date of claim.	No.	Dimensions of lot.	By whom issued.	When surveyed.	By whom surveyed.	Built upon and enclosed.
1	Joseph Noriega.....	Joseph Noriega, sr.....	Concession.....	March, 1795	115	80 feet front, 170 feet deep.....	Baron de Candelet.....	.....	.....	1799.....
2	do.....	Mica C. Grandpre.....	Grant.....	Oct., 1806	280	80 do..... 170 do.....	Juan V. Morales.....	.....	.....	1807.....
3	Engrino A. Sierra.....	Antonio Lefon.....	do.....	Oct., 1810	223	80 do..... 169 do.....	do.....	.....	.....	1810.....
4	do.....	Nicholas Gonzales.....	do.....	Sept., 1810	242	80 do..... 230 do.....	do.....	.....	.....	1810.....
5	Joseph Tapiola.....	George Toca.....	do.....	June, 1811	232	80 do..... 160 do.....	do.....	.....	.....	1811.....
6	Lorenzo Iru.....	Lorenzo Iru.....	do.....	Sept., 1811	249	80 do..... 160 do.....	do.....	.....	.....	1812.....
7	Pedro Sars.....	Falascuas Bostre.....	do.....	Feb., 1810	235	80 do..... 170 do.....	do.....	.....	.....	1812.....
8	Matthew Hannell & Co.....	Antonio Rescuido.....	do.....	March, 1812	227	80 do..... 160 do.....	do.....	.....	.....	1812.....
9	do.....	Felippe Vidal.....	do.....	May, 1810	238	80 do..... 160 do.....	do.....	.....	.....	1812.....
10	Juan de la Rub.....	Joseph Carlos.....	do.....	March, 1810	41	80 do..... 177 do.....	do.....	.....	.....	1811.....
11	do.....	Antonio Indarera.....	Concession.....	April, 1805	274	80 do..... 170 do.....	Vicente Foch.....	.....	.....	1805 or 1806.....
12	do.....	Joseph Viola.....	Grant.....	June, 1812	255	80 do..... 166 1/2 do.....	Juan V. Morales.....	.....	.....	1812.....
13	Francis Caso y Luengo.....	Francis Caso y Luengo.....	Concession.....	July, 1805	284	80 do..... 170 do.....	Governor Foch.....	Oct. 17, 1806	Vicente S. Finado.....	1806 or 1807.....
14	Maria Perez.....	Maria Perez.....	do.....	April, 1804	82	80 do..... 170 do.....	do.....	.....	.....	1810 or 1811.....
15	Chevalier Del Croix.....	Francisco Culleri.....	Grant.....	March, 1810	209	81 do..... 172 do.....	Intendant Morales.....	.....	.....	1810 or 1811.....
16	Stark Hunter.....	Fres. Marco de San Agust.....	Concession.....	July, 1804	270	80 do..... 172 do.....	Governor Foch.....	.....	.....	1804 or 1805.....
17	Mariana Bonlay.....	Yvonne Fernandez Teveno.....	do.....	May, 1805	279	80 do..... 170 do.....	do.....	.....	.....	1806.....
18	do.....	Marina McGill.....	Grant.....	May, 1811	226	80 do..... 166 feet 6 inches deep.....	Intendant Morales.....	.....	.....	1811.....
19	do.....	Marcos Aguilera.....	do.....	do.....	226	80 do..... 240 feet deep.....	do.....	.....	.....	1812.....
20	Josephine Lavallo.....	Antonio Gonzales.....	Concession.....	April, 1804	125	90 do..... 170 do.....	Governor Foch.....	.....	.....	1805.....
21	Bernardo Fargas and H. Michel.....	Pedro Gilkes.....	do.....	do.....	61	80 do..... 170 do.....	do.....	.....	.....	1804.....
22	The heirs of John V. Morales.....	Jaquin Barrella.....	do.....	do.....	156	80 do..... 170 do.....	do.....	.....	.....	1804.....
23	Miguel and Manuelo Malgosa.....	Francisco Paines.....	do.....	Feb., 1805	273	90 do..... 170 do.....	do.....	.....	.....	1805.....
24	Bartholomeo Gran.....	Bartholomeo Gran.....	Grant.....	April, 1810	324	40 do..... 169 feet 3 inches deep.....	Intendant Morales.....	Oct. 17, 1806	Vicente S. Finado.....	1810.....
25	Carlos de Villers.....	Carlos de Villers.....	do.....	March, 1810	246	80 do..... 165 feet deep.....	do.....	do.....	.....	1810 or 1811.....
26	Arnaldo Guimard.....	Arnaldo Guimard.....	do.....	do.....	325	80 do..... 220 feet 6 inches deep.....	do.....	do.....	.....	1810 or 1811.....
27	Maria Weaver.....	Maria Weaver.....	do.....	May, 1810	300	80 do..... 170 feet deep.....	Governor Foch.....	do.....	.....	1804.....
28	Salvador Ruby.....	Salvador Ruby.....	Concession.....	May, 1804	125	80 do..... 170 do.....	do.....	do.....	.....	1809.....
29	do.....	do.....	do.....	Sept., 1809	71	81 feet 6 inches front, 171 feet 6 inches deep.....	Intendant Morales.....	Dec. 30, 1809	do.....	1809.....
30	Jose Ortiz.....	Marcos de Villers.....	do.....	Aug., 1804	237	80 feet front, 170 feet deep.....	Governor Foch.....	do.....	.....	1804.....
31	Joseph Fernandez.....	Joseph Fernandez.....	Grant.....	Feb., 1810	138	80 do..... 170 do.....	Intendant Morales.....	do.....	.....	1810.....
32	Peter T. Caluso.....	Supina Proaux.....	Concession.....	April, 1809	159	80 do..... 170 do.....	Governor Foch.....	Mar. 18, 1814	do.....	1809.....
33	Henry Wilson.....	Domingo Paretina.....	Grant.....	Oct., 1809	213	40 do..... 170 do.....	Intendant Morales.....	Nov. 10, 1810	do.....	1809.....
34	Maria Joseph Emidy.....	Maria Joseph Emidy.....	do.....	Nov., 1786	108	80 do..... 170 do.....	Governor Cayoso de Lamas.....	do.....	.....	1789.....
35	Vicente Breen.....	Julia.....	Concession.....	April, 1804	60	40 do..... 170 do.....	Governor Foch.....	do.....	.....	1804.....
36	Juan Malgosa.....	Gabriel Itavaz.....	do.....	April, 1736	112	57 do..... 86 do.....	Baron de Candelet.....	do.....	.....	1736.....
37	do.....	Joseph Cruzat.....	do.....	Feb., 1805	287	40 do..... 170 do.....	Governor Foch.....	do.....	.....	1805.....
38	Antonio Pelli.....	do.....	do.....	do.....	297	40 do..... 170 do.....	do.....	do.....	.....	1805.....
39	Antonio Diaz.....	Joseph Lara.....	Grant.....	June, 1811	25	40 do..... 171 feet 5 inches deep.....	Intendant Morales.....	do.....	.....	1811.....
40	The heirs of Bernardo Bode.....	Bernardo Bode.....	do.....	Nov., 1810	216	40 do..... 170 feet deep.....	do.....	do.....	.....	1811.....



*D.—Abstract of claims to lots in Pensacola, founded on original grants and concessions made gratuitously by the Spanish and British governments, &c.—Continued.*

No.	By whom claimed.	Original grantee.	Nature of claim.	Date of claim.	No.	Dimensions of lot.	By whom issued.	When surveyed.	By whom surveyed.	Built upon and enclosed.
41	Celeste Pastor.	Celeste Pastor.	Concession.	April, 1804	63	50 feet front, 170 feet deep		Nov., 10, 1810	Vicente S. Putado	1804.
42	Louis Maestre.	do	do	do	63	40 do do 80 do do	Governor Folch.	do	do	1804.
43	Delade Petit.	do	do	do	63	40 do do 80 do do	do	do	do	1804.
44	Margarita del Macio.	Margarita del Macio.	do	do	74	80 do do 170 do do	do	do	do	1804.
45	Maria E. Bonne.	do	do	do	74	40 do do 80 do do	do	do	do	1804.
46	Romano Recio.	Ramon Villata.	Grant.	Aug., 1809	244	40 do do 170 do do	Intendant Morales.	do	do	1809.
47	Diego Quintero.	do	do	do	244	40 do do 170 do do	do	do	do	1809.
48	Domingo Torry.	Juan Dominguez.	do	Oct., 1810	264	50 do do 170 feet 6 inches deep	do	do	do	1811 or 1812.
49	do.	Juan A. Doucald.	do	Jan., 1810	239	80 do do 160 feet deep	do	do	do	1810.
50	Benigno G. Calderon.	Francisco Guerrero	do	Sept., 1810	133	80 do do 170 do do	do	do	do	1810 or 1811.
51	Antonio Baldana.	Andres Fernandez.	Concession.	July, 1804	278	80 do do 170 do do	G. Givnor Folch.	do	do	1804 or 1805.
52	Francisco Vidal.	Francisco Vidal.	do	March, 1810	210	80 do do 160 do do	Intendant Morales.	Mar. 26, 1811	do	1810.
53	Rosalba Garcia.	Federico Clausin.	Grant.	Aug., 1812	348	40 do do 172 feet 10 inches deep.	do	do	do	1812.
54	Antonia Casillas.	Pedro Salas.	Concession.	Oct., 1809	181	80 do do 170 feet deep	do	April 11, 1813	do	1806.
55	Louis Maestre.	Francis Moxo de San Maxent.	do	July, 1804	385	80 do do 170 do do	Governor Folch.	do	do	1804 or 1805.
56	Felicité Detran.	Martin Palmo.	Grant.	Nov., 1809	291	80 do do 170 do do	Intendant Morales.	do	do	1809 or 1810.
57	Domingo Gonzales.	Domingo Gonzales.	Concession.	Sept., 1805	210	80 do do 170 do do	Governor Folch.	do	do	1805.
58	Francisco Duvergés.	Francisco Duvergés.	do	April, 1804	309	80 do do 170 do do	do	do	do	1804 or 1805.
59	Domingo Gonzales.	Penna Maldonado.	do	do	132	80 do do 170 do do	do	do	do	1804 or 1805.
60	do.	Joseph Perez.	do	Sept., 1795	110	43 do do 170 do do	Baron de Carondelet.	do	do	1795.
61	Manuel Dominguez.	Manuel Dominguez.	do	Aug., 1796	110	37 do do 170 do do	do	do	do	1795.
62	Domingo Gonzales.	Joseph Perez.	do	Sept., 1796	109	80 do do 170 do do	do	do	do	1795.
63	Manuel Dominguez.	Manuel Dominguez.	do	April, 1804	168	80 do do 170 do do	Governor Folch.	do	do	1804.
64	Maria G. de Grandpre.	Juan Cortes.	do	May, 1797	192	84 do do 170 do do	Baron de Carondelet.	do	do	1797.
65	John Keyser's heirs.	Atorzo Garcia.	Grant.	July, 1810	259	80 do do 160 do do	Intendant Morales.	do	do	1810.
66	Jayne Barcelo.	Francisco Somola.	Concession.	July, 1804	302	80 do do 170 do do	Governor Folch.	do	do	1804.
67	Juan Villalonga.	Bernardo Molina.	Grant.	May, 1810	324	80 do do 50 feet 5 inches deep.	Intendant Morales.	do	do	1810.
68	Joseph Maura.	Joseph Maura.	Concession.	Aug., 1810	330	80 do do 170 feet deep	do	April 30, 1811	do	1810 or 1811.
69	Maria R. Morrel.	Juan Sutton.	Grant.	Oct., 1810	188	40 do do 170 do do	do	do	do	1810 or 1811.
70	Francisco Casini.	do	do	do	188	40 do do 170 do do	do	do	do	1810 or 1811.
71	Gabriel Hernandez.	Gabriel Hernandez.	do	do	187	80 do do 170 do do	do	do	do	1810 or 1811.
72	Matthew Hannah & Co.	do	do	do	187	100 feet 9 inches front, 136 feet deep.	do	do	do	1810 or 1811.
73	Maria Morrell's heirs.	do	do	do	187	51 feet 1 inch front, 51 feet deep.	do	do	do	1810 or 1811.
74	Joseph T. Beaulac.	Silvestre Gouz.	Concession.	April, 1804	64	50 feet front, 170 feet deep.	Governor Folch.	do	do	1804 or 1805.
75	Antonio Molina.	Antonio Molina.	Grant.	April, 1807	67	40 do do 170 do do	Intendant Morales.	April 24, 1807	do	1807.
76	Enette Monrion.	do	do	do	67	40 do do 170 do do	do	do	do	1807.
77	Heirs of Vicente Ordogoty.	Pedro Legand.	do	March, 1810	215	40 do do 160 do do	do	do	do	1810 or 1811.
78	Suanna.	Suanna.	Concession.	April, 1804	91	80 do do 170 do do	Governor Folch.	do	do	1804.
79	Nelson & Randolph.	Anonates de Oca.	Grant.	March, 1812	38	80 do do 89 feet 6 inches deep.	Intendant Morales.	do	do	1812.
80	John Donaldson.	Joseph Soto.	do	May, 1812	38	80 do do 89 feet 11 inches deep.	do	do	do	1812.
81	John B. Cazenave & Co.	John B. Cazenave & Co.	Concession.	Dec., 1804	349	136 do do 200 feet deep.	Governor Folch.	Dec. 13, 1804	Juan M. Perchet.	1805.
82	Manuel Gonzales.	Joaquin Barell.	do	July, 1796	197	40 do do 130 do do	Baron de Carondelet.	do	do	1796.
83	Pedro Sans.	do	do	do	197	40 do do 130 do do	do	do	do	1796.

D.—*Abstract of claims to lots in Pensacola, founded on original grants and concessions made gratuitously by the Spanish and British governments, &c.—Continued.*

No.	By whom claimed.	Original grantee.	Nature of claim.	Date of claim.	No.	Dimensions of lot.	By whom issued.	When surveyed.	By whom surveyed.	Built upon and enclosed.
84	Diego Salazar	Diego Salazar	Grant	Feb., 1810	154	80 feet front, 170 feet deep	Intendant Morales			1810 or 1811
85	Henry Michélet	Manuel Lira	do	March, 1810	38	40 "do," 170 "do	do			1810
86	Luis Pizarra	Luis Pizarra	Concession	Oct., 1816	275	80 "do," 170 "do	Governor San Mavent			1805 to 1816
87	Francisco Moreno	John Perby	Patent	July, 1788	176	35 feet 9½ inches front, 170 feet deep	George Johnson			1765 to 1805
88	Eugenio J. Bonifay	do	do	do	176	44 feet 9½ inches front, 170 "do	do			1765 to 1805
89	Maria J. Bonifay	Maria J. Bonifay	Concession	April, 1804	92	80 feet front, 170 feet deep	Governor Folch			1804
90	Vicente Vicens	do	do	do	66	40 "do," 170 "do	do			1804
91	Juli Fanton	do	do	do	243	80 "do," 170 "do	do			1804
92	Joseph Gomarén	Juan Reismundo	Grant	July, 1811	243	80 "do," 80 "do	Intendant Morales			1811
93	Emarant Kreps	Millan de la Carrera	Concession	April, 1804	292	80 "do," 170 "do	Governor Folch			1804
94	Joseph Saul	Padro Regio	Grant	Oct., 1810	80	80 "do," 188 feet 6 inches deep	Intendant Morales			1810 or 1811
95	do	Jayne Fontenals	do	do	262	80 "do," 181 feet deep	do			1810 or 1811
96	do	Nicholas Fieles	do	March, 1811	261	80 "do," 160 "do	do			1811
97	John Donelson	Pedro Vagas	do	March, 1810	40	80 "do," 177 "do	do			1810 or 1811
98	do	Joseph Noriega	Concession	Jan., 1810	104	80 "do," 170 "do	do	Jan. 24, 1810	Vicente S. Pinado	1810 or 1813
99	Maria Vellon	Francisco de Calazar	Grant	March, 1812	94	40 "do," 170 "do	do		do	1810 or 1812
100	do	Francisco Rivas	do	April, 1811	95	40 "do," 170 "do	do		do	1810 or 1812
101	Amer L. Duncan	Pablo de Larín	do	Sept., 1810	218	80 "do," 160 "do	do		do	1810 or 1812
102	William P. Anderson	Manuel Ordóñez	do	Aug., 1810	217	80 "do," 160 "do	do		do	1810 or 1811
103	Thomas English	Vicente Barlongue	do	June, 1812	244	80 "do," 80 "do	do		do	1812
104	Maria Jardieta	George Gould	do	Oct., 1785	175	80 "do," 170 "do	George Johnson		do	1811 or 1812
105	John Jerison, jr.	Anna O'Connor	do	May, 1810	220	80 "do," 170 "do	Intendant Morales		do	1811 or 1812
106	Antonio Reismundo	Juan Fernandez	do	March, 1811	333	80 "do," 170 "do	do		do	1811 or 1812
107	John B. Chabaux	Barbara Perez	Grant	Sept., 1817	37	80 "do," 170 "do	Governor Masot		do	1807
108	Joseph Bonifay	Luis Perier	Concession	Aug., 1805	294	80 "do," 80 "do	Governor Folch		do	1807
109	Francisco Moreno	do	do	do	294	80 "do," 80 "do	do		do	1807
110	Maria D. Acosta	Maria D. Acosta	do	April, 1804	301	80 "do," 170 "do	do		do	1804 or 1806
111	John Chibaux	John Lewis	Grant	April, 1811	243	80 "do," 170 "do	Intendant Morales		do	1811
112	do	Luis Gayera	do	June, 1811	99	80 "do," 170 "do	do		do	1811
113	do	Enfantele Hinard	do	Dec., 1817	180	80 "do," 170 "do	Governor Masot		do	1817
114	do	do	do	do	101	80 "do," 170 "do	do		do	1817
115	William P. Anderson	Bernardo Priedo	do	July, 1812	224	80 "do," 170 "do	Intendant Morales		do	1812
116	Thomas Cummins	Snauel Israel	do	Oct., 1785	44	80 "do," 170 "do	Governor Johnson		do	1804 or 1805
117	Manuel Gonzales	Mariana Elava	Concession	April, 1804	191	40 "do," 170 "do	Governor Folch		do	1804 or 1805
118	Maria Rivas	do	do	do	191	40 "do," 170 "do	do		do	1804
119	Manuel Gonzales	Esabella Casasia	do	do	190	40 "do," 170 "do	do		do	1804
120	Esabella M. Dones	do	do	do	105	40 "do," 170 "do	Intendant Morales		do	1810
121	Reuben Stark	Antonio Gyeran	Grant	March, 1810	190	80 "do," 170 "do	do		do	1810
122	Millan de la Carrera	Carlos Hernandez	do	Sept., 1810	219	80 "do," 170 "do	do		do	1799
123	Bernardo Pagu	Carlos Lavalle	Concession	Jan., 1799	194	80 "do," 132 "do	Baron de Carondelet		do	1799
124	Juan Gomez	do	do	do	32	80 "do," 80 "do	do		do	1810 or 1812
125	John Inzerarity	Juan Goner	Grant	Jan., 1811	36	40 "do," 170 "do	Intendant Morales		do	1810 or 1814
126	do	Alexio Lessasser	do	Oct., 1810	103	80 "do," 170 "do	do		do	1810 or 1814

## D.—Abstract of claims to lots in Pensacola, founded on original grants and concessions made gratuitously by the Spanish and British governments, &amp;c.—Continued.

No.	By whom claimed.	Original grantee.	Nature of claim.	Date of claim.	No.	Dimensions of lot.	By whom issued.	When surveyed.	By whom surveyed.	Built upon and enclosed.
127	John Forbes & Co.	John Forbes & Co.	Concession	Oct., 1809	200	80 feet front, 170 feet deep	Intendant Morales			
128	do.	do.	do.	do.	201	80 do. 170 do.	do.			
129	do.	Samuel Fontenot	Grant	Sept., 1765	13	80 do. 170 do.	George Johnson	Sept. 10, 1766	Elias Dursford	1781
130	do.	William Marshall	do.	Oct., 1765	15	80 do. 170 do.	do.	Aug. 7, 1765	do.	1781
131	do.	William Pantan	Concession	May, 1765	16	80 do. 170 do.	Governor White			1781
132	Desiderio Quina	Desiderio Quina	Grant	July, 1812	338	40 do. 172 do.	Intendant Morales			1813 or 1814
133	Elizabeth Foster	Santiago Coleman	Concession	June, 1804	11	80 do. 170 do.	Governor Folch			1805
134	Antonio Perez	Pedro Lavalle	do.	do.	12	40 do. 170 do.	do.			1804
135	Neil	do.	do.	do.	132	40 do. 170 do.	do.			1804
136	Christoval de Armas	Christoval de Armas	do.	Aug., 1805	300	80 do. 170 do.	do.			1806
137	Miguel Quigles	do.	do.	Aug., 1805	300	80 do. 170 do.	do.			1806 to 1811
138	Rafael Vidal's heirs	Juan B. Dufossat	Grant	March, 1810	238	40 do. 170 do.	Intendant Morales			1809
139	Turner Stark	Francisco Leiva	do.	do.	238	40 do. 170 do.	do.			1810
140	Joseph Bonifay	Joseph Gomez	do.	Feb., 1810	213	80 do. 170 do.	do.			1809
141	do.	Miguel Morales	Concession	April, 1804	207	80 do. 170 do.	Governor Folch			1804
142	do.	Celeste Bienvenu	do.	Dec., 1809	206	80 do. 170 do.	Intendant Morales			1806
143	Daniel Stone	Emelitte Monbrum	do.	April, 1804	90	40 do. 170 do.	Governor Folch			1804
144	John Donaldson	Pedro Palao	Grant	Nov., 1817	38	80 do. 170 do.	Governor Masot			1818
145	do.	do.	do.	April, 1812	43	192 do. 192 do.	Intendant Morales	May 28, 1811	Vicente S. Pinado	1812
146	do.	do.	do.	do.	58	192 do. 192 do.	do.	do.	do.	1812
147	do.	do.	do.	do.	57	192 do. 192 do.	do.	do.	do.	1812
148	Manuel Gonzales	Luis Daunoy	do.	Nov., 1810	323	80 do. 192 do.	do.	do.	do.	1811
149	Henry Michélet	Diego Palmes	do.	June, 1804	353	80 do. 170 do.	Governor Folch			1802 or 1802
150	Manuel Gonzales	Mariana Bonifay	Concession	Oct., 1793	112	50 do. 80 do.	Baron de Grandeflet			1807 or 1807
151	Fanny Phillips	Fanny Phillips	do.	May, 1804	130	80 do. 170 do.	Governor Folch			1804 or 1805
152	Carlos Baron	do.	Grant	April, 1811	20	192 do. 192 do.	Intendant Morales	Mar. 20, 1811	Vicente S. Pinado	1811 to 1822
153	do.	do.	do.	do.	21	192 do. 192 do.	do.	do.	do.	1811 to 1822

## GENERAL REMARKS.

No. 1. In a small number of these claims the witnesses do not speak with precision as to the date of the performance of the improvements, and in some cases the date of the grant is not given. In such cases the date of the grant has been ascertained from the records of the Spanish authorities, and the date of the grant has been entered in the column of the date of claim.

No. 2. A decree of the Intendant Morales, in 1809, annulling the concession of Fish made to the grantees. Nos. 129 and 130. True was made by the Spanish government for two others owned by the claimants, and have no condition of improvements annexed to their grant.

No. 129, 130, and 131. In these and many other lots the improvements are proved to have been made prior to 1781, under the British government.

In the claim to lots Nos. 13, 15, and 16 there is a corresponding garden lot granted and confirmed.

All which is respectfully submitted.

SAMUEL R. OVERTON,  
JAMES H. HARRIS,  
GRAVEN P. LUKETT.



This class of claims, like the preceding ones, has been examined agreeably to three separate acts of Congress upon the subject, the provisions of which have been carefully observed. The Spanish grants purport to have been made upon the condition that the claimants "enclose the same, and build a common house thereon in one year," and subject to payment therefor, should his Catholic Majesty require it, as also to conform to police regulations. Sometimes a house of a particular description was to be erected on a lot, and in the event of a failure to comply with the condition the grant or concession might be declared null and void. Some are founded upon British grants for lots, afterwards sold to Spanish subjects, within the time prescribed in the capitulation of 1781, the treaty of 1783 between England and Spain, and as extended in a subsequent royal order. These British grants were made upon conditions precedent, similar to those which emanated from the Spanish authorities. In some instances the original British proprietors never removed from West Florida, but continued in the occupation and enjoyment of their property as Spanish subjects for many years, and ultimately either sold it to their descendants.

The commissioners were not, in the first instance, entirely satisfied as to the legality of these grants, as the 34th article of Morales' regulations provides that "all lots or seats belonging to the domain shall be sold for ready money." There has been no authority exhibited to us slowing the right or power vested in the sub-delegates to make *gratuitous* concessions of lots, as in the case of lands in the country. The claimants, however, made out a right to them by satisfactory evidence; they proved that such grants corresponded with the uniform practice of the Spanish authorities, and were by them recognized to be valid.

These grants emanated from his Catholic Majesty, or his lawful authorities in West Florida, prior to January 24, 1818. The claimants proved a substantial compliance with the conditions within the period limited in their grants, or where further indulgence was given by the sub-delegate within the time specified, or that they had made an actual settlement upon the lot before the cession of Florida to the United States, and fulfilled the conditions of their grants.

In some cases the original grantee presented the claim. Where it had fallen into the hands of third persons the derangement was set forth in original and mesme conveyances, and their recitations and extracts from the protocols of the alcalde for ten years previous to the cession, under the last act of Congress, and in the two preceding ones, up to the original grantee, unless proof was adduced that it could not be obtained. Upon the exhibition of testimony showing that the originals had been lost or destroyed by time or accident, the mesme conveyances were considered the best evidence, and sufficient, united with the occupation of the property, to demonstrate that the Spanish authorities recognized the titles. This rule was observed even where the chain of title was defective. In such cases where the original is filed, or its date recited in the mesme conveyances, it is given in our abstract; but, in the absence of these, we have set down the date of the deed to the next oldest grantee. The absence of title papers in this class of claims is accounted for as in that marked E.

From our abstracts it will appear that, in some instances, the conditions were performed before the grant was made. This was the result of the party having obtained either a written or a verbal permit to occupy and improve the lot, which gave her or him a right to a grant whenever he or she was enabled to apply and pay for it. These include rights were sometimes sold to others, who became the original grantees. All of which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

## E.

*Abstract of claims to lots in Pensacola, founded upon mesne conveyances, passed before the governor, alcalde, or notary, which purport to have been made gratuitously by the Spanish and British governments, and which have been confirmed by the undersigned commissioners.*

No.	By whom claimed.	Original grantees.	Nature of claim.	Date of claim.	No.	Dimensions of lot.	Before whom passed.	Built upon and enclosed.		General remarks.
								From—	To—	
1	Peter Alba.	William Wilton.	Mesne conveyance.	January, 1782	52	80 feet front by 170 deep.	Governor O'Neil.	1782	1823	In this claim there is a corresponding garden lot granted and confirmed.
2	do.	William Johnson.	do.	February, 1782	53	do.	do.	1782	1823	In this claim there is also a corresponding garden lot granted and confirmed.
3	Francisco Bonal.	Maria River.	do.	August, 1787	1	40 feet front by 120 deep.	Governor Folch.	1780	1823	
4	John Eagley.	do.	do.	July, 1787	1	do.	do.	1781	1823	
5	Joseph Nuciga.	William Smith.	do.	November, 1801	55	80 feet front by 170 deep.	do.	1781	1823	
6	Eugenio A. Sierra.	James Kirk.	do.	December, 1781	170	do.	do.	1782	1823	
7	do.	Patrick Steehan.	do.	January, 1798	45	do.	Governor San Maxent.	1781	1823	
8	Joseph Tapiola.	Joseph Domingo.	do.	March, 1790	138	do.	do.	1781	1823	
9	do.	Pedro Garcon.	do.	January, 1796	180	do.	do.	1796	1823	
10	Juan de la Ruz.	Thomas Durnford.	do.	March, 1807	5	do.	do.	1807		
11	Mariana Bonifay.	John Ance.	do.	May, 1781	162	40 feet front by 170 deep.	General Esplein.			In these claims, where the date of the building and enclosure is omitted, they are recognized and admitted in the title papers without giving the time.
12	Antonio Pol.	Mariana Bonifay.	do.	April, 1809	162	do.	do.			
13	Samuel M. Smith.	Christoval Amas.	do.	February, 1808	282	80 feet front by 170 deep.	Governor William King.	1811	1823	
14	do.	Thomas Fosse.	do.	July, 1810	114	40 feet front by 170 deep.	Governor O'Neil.	1810	1823	
15	Charles Laville & Co.	Thomas Fashley.	do.	September, 1781	179	80 feet front by 170 deep.	Governor O'Neil.			
16	Henry Michelet.	John Dominguez.	do.	March, 1810	118	53 feet front by 170 deep.	Governor San Maxent.	1786	1823	
17	John McKee.	John Goss.	do.	January, 1811	118	27 feet front by 170 deep.	do.			
18	do.	John Joyce.	do.	August, 1784	119	18 feet front by 170 deep.	do.			
19	Lawrence Wood.	do.	do.	August, 1784	119	62 feet front by 170 deep.	do.			
20	Maria Ruby.	Fernando Moreno.	do.	June, 1790	24	40 feet front by 170 deep.	Governor O'Neil.	1782	1823	
21	Salvador Ruby.	Diego Fraile.	do.	May, 1782	50	80 feet front by 170 deep.	do.			
22	do.	Francisco Falice.	do.	June, 1801	126	do.	Governor Folch.	1781	1823	
23	do.	do.	do.	June, 1801	127	do.	do.	1781	1823	
24	do.	John Septenson.	do.	April, 1782	18	80 feet front by 125 deep.	Governor O'Neil.			
25	do.	do.	do.	April, 1782	17	45 feet front by 125 deep.	do.			
26	do.	John Inmanity.	do.	April, 1783	17	35 feet front by 125 deep.	do.			
27	Salvador Ruby.	Joseph Heria.	do.	May, 1809	122	80 feet front by 170 deep.	Governor Manique.	1806	1823	In this claim there are two corresponding garden lots, Nos. 17 and 18, granted and confirmed.
28	Maria Carlotta.	Francisco Leva.	do.	January, 1815	139	do.	do.	1806	1823	
29	Joseph Marcos Tito.	Marces Riera.	do.	August, 1796	141	do.	Governor Gelaveit.	1783		
30	Joseph Orta.	Miguel Louise.	do.	August, 1808	322	do.	do.	1804		
31	Vicente Iruent.	Bartholome Regnar.	do.	June, 1805	185	do.	Governor Folch.	1804	1823	
32	Juan Garce.	Miguel Barocio.	do.	September, 1807	164	do.	Asst. Hernandez.	1781	1823	
33	William McVo.	do.	do.	September, 1781	200	80 feet front by 80 deep.	Governor O'Neil.	1796	1823	
34	Daniel Durai.	Esabelle Brasher.	do.	do.	200	do.	do.	1796	1823	

E.—Abstract of claims to lots in Pensacola, founded upon *mesne conveyances*, &c.—Continued.

No.	By whom claimed.	Original grantee.	Nature of claim.	Date of claim.	No.	Dimensions of lot.	Before whom passed.	Built upon and enclosed		General remarks.
								From—	To—	
36	Cenaco Lopez.....	Esabelle Brasher.....	Mesne conveyance.....	October, 1788	172	80 feet front by 170 deep.....	Governor O'Neil.....	1781	1823	
37	John Donelson.....	E. R. Wegg.....	do.....	January, 1782	302	do.....	Governor O'Neil.....	1781	1823	
38	Thomas Wright & Co.....	Esabelle Brasher.....	do.....	Septem <sup>r</sup> , 1781	173	do.....	Governor O'Neil.....	1781	1823	
39	Domago Torry.....	Juan Dominguez.....	do.....	March, 1810	61	40 feet front by 80 deep.....	Governor Collé.....	1804	1810	
40	Anna Macreir.....	do.....	do.....	March, 1810	81	80 feet front by 80 deep.....	do.....	1804	1810	
41	John Keyser.....	do.....	do.....	March, 1810	81	80 feet front by 80 deep.....	do.....	1804	1810	
42	Alfonso Salas.....	Peter Giehrst.....	do.....	March, 1801	75	80 feet front by 53 deep.....	Governor Folch.....	1808	1823	
43	Pedro Mendosa.....	do.....	do.....	March, 1801	75	do.....	do.....	1808	1823	
44	Esabella Chauvin.....	David Hodge.....	do.....	Novem <sup>r</sup> , 1794	9	80 ft. front by 140 deep (3 of 100)	Governor White.....	1801	1823	
45	Manuela L. Centeno.....	do.....	do.....	Novem <sup>r</sup> , 1794	9	40 ft. front by 40 deep (1 of 100)	do.....	1801	1823	
46	Augustine Perez.....	do.....	do.....	Novem <sup>r</sup> , 1794	57	40 feet front by 170 deep.....	do.....	1801	1823	
47	John H. Howard.....	do.....	do.....	Novem <sup>r</sup> , 1794	57	do.....	Governor Folch.....	1801	1823	
48	Ynigo Garcia.....	Juan Dominguez.....	do.....	April, 1804	54	do.....	do.....	1790	1823	
49	Josépha Roche.....	do.....	do.....	April, 1804	54	do.....	do.....	1790	1823	
50	do.....	Daniel Ward.....	do.....	August, 1784	107	80 feet front by 170 deep.....	Governor White.....	1786	1823	
51	John H. Howard.....	John Stephenson.....	do.....	October, 1781	1	34 feet front by 40 deep.....	Governor Callava.....	1781	1823	
52	John Jerison, Jr.....	do.....	do.....	October, 1781	1	30 feet front by 40 deep.....	do.....	1781	1823	
53	William Puchback.....	David Hodge.....	do.....	Novem <sup>r</sup> , 1794	32	80 feet front by 170 deep.....	Governor White.....	1794	1823	
54	Joséph T. Braultine.....	Antonio Garcon.....	do.....	October, 1781	47	do.....	Governor O'Neil.....	1794	1823	
55	Ramon Santiago.....	Joséph Colbert.....	do.....	June, 1790	2	40 feet front by 120 deep.....	Governor Folch.....	1790	1823	
56	John Brosnham.....	Widow Truitt.....	do.....	October, 1811	58	80 feet front by 170 deep.....	Governor William King.....	1811	1823	
57	John M. Finn.....	E. R. Wegg.....	do.....	January, 1782	171	do.....	do.....	1786	1823	
58	Antonio Colein.....	Anna McVoy.....	do.....	Septem <sup>r</sup> , 1807	177	50 feet front by 170 deep.....	Alcalde Madrid.....	1786	1823	
59	Euphrosine Huard.....	Susannah McVoy.....	do.....	Septem <sup>r</sup> , 1807	177	30 feet front by 170 deep.....	Governor Folch.....	1786	1823	
60	Juan M. Losada.....	David Hodge.....	do.....	Novem <sup>r</sup> , 1794	10	80 feet front by 170 deep.....	Governor White.....	1790	1823	
61	Mathas Hernandez.....	Joséph Ramasa.....	do.....	June, 1777	24	do.....	Governor O'Neil.....	1790	1823	
62	Vicente Crespo, heirs.....	John Lacosta.....	do.....	—, 1793	139	do.....	Governor Folch.....	1790	1823	
63	Joséph Castillo.....	Pedro Kerron.....	do.....	July, 1811	352	do.....	Governor Sosa.....	1811	1823	
64	Maurin Simon.....	Esabelle de Colon.....	do.....	July, 1801	3	40 feet front by 170 deep.....	Governor William King.....	1811	1823	
65	John Howey.....	Baltazar Centeno.....	do.....	May, 1808	3	do.....	Governor Folch.....	1811	1823	
66	do.....	do.....	do.....	May, 1808	2	do.....	do.....	1811	1823	
67	William King.....	Juan M. Perelot.....	do.....	April, 1814	295	80 feet front by 170 deep.....	Alcalde Fontcalms.....	1804	1823	
68	Thomas Villaseca.....	Juan la Costa.....	do.....	August, 1802	19	70 feet front by 130 deep.....	Governor Folch.....	1804	1823	
69	Turner Snake.....	John Mitchell.....	do.....	Novem <sup>r</sup> , 1781	19	80 feet front by 100 deep.....	do.....	1804	1823	
70	do.....	John Ruby.....	do.....	May, 1807	21	80 feet front by 170 deep.....	Auditor Hernandez.....	1807	1823	
71	Anna Walker.....	Joaquin Barrea.....	do.....	July, 1810	23	80 feet front by 80 deep.....	Governor Folch.....	1810	1823	
72	Wm. B. Patton.....	do.....	do.....	April, 1803	23	do.....	do.....	1803	1823	
73	Richard K. Call.....	Juan la Costa.....	do.....	July, 1785	84	80 feet front by 170 deep.....	La Ruz, Secretary of War.....	1785	1823	
74	Juan and Lucia Juli.....	Pedro Suarez.....	do.....	July, 1804	182	do.....	Governor Folch.....	1804	1823	
75	Esabelle Bicker.....	Joaquin Barrea.....	do.....	August, 1805	48	do.....	do.....	1805	1823	
76	John Greenwood.....	Fernando Moreno.....	do.....	April, 1791	178	do.....	do.....	1791	1823	



E.—Abstract of claims to lots in Pensacola, founded upon mesne conveyances, &amp;c.—Continued.

No.	By whom claimed.	Original grantees.	Nature of claim.	Date of claim.	No.	Dimensions of lot.	Before whom passed.	Built upon and enclosed.		General remarks.
								From—	To—	
77	John Ingersby.....	Maria de Calvez.....	Mesne conveyances.....	August, 1807.....	76	40 feet front by 170 deep.....	Governor Folch.....	.....	.....	In this claim there is a corresponding garden lot granted and confirmed.
78	Joseph Madua.....	Francisco Belletre.....	do.....	August, 1807.....	76	do.....	do.....	.....	.....	
79	John Ingersby.....	Vicente Boggs.....	do.....	Decem <sup>r</sup> , 1813.....	308	50 feet front by 180 deep.....	do.....	.....	1813	
80	do.....	David Dodge.....	do.....	Novem <sup>r</sup> , 1791.....	60	50 feet front by 170 deep.....	Governor White.....	.....	1789	
81	do.....	do.....	do.....	May, 1782.....	14	do.....	Governor O'Neil.....	.....	.....	
82	Desiderio Quina.....	Jayme Rancela.....	do.....	January, 1805.....	62	do.....	Governor Calva.....	.....	.....	
83	John H. Howard.....	David Dodge.....	do.....	Novem <sup>r</sup> , 1794.....	8	do.....	do.....	.....	.....	
84	Pedro Senac.....	David Wind.....	do.....	August, 1791.....	136	do.....	Governor White.....	.....	1789	
85	Maria and Aug. Crespo.....	Juan Monte.....	do.....	May, 1813.....	284	do.....	Governor Manuque.....	.....	.....	
86	Andrew Hanant.....	do.....	do.....	July, 1803.....	354	do.....	do.....	.....	.....	
87	Desiderio Quina.....	Cadlana Guerra.....	do.....	January, 1813.....	143	80 feet front by 80 deep.....	Bracken <sup>te</sup> , alcalde.....	.....	.....	
88	John M. Flinn.....	Cadlana Fbr.....	do.....	March, 1813.....	143	do.....	Grandrie, alcalde.....	.....	.....	
89	Miguel Pungles.....	Robert Pantan.....	Grant.....	August, 1804.....	127	40 feet front by 170 deep.....	Governor Folch.....	.....	1804	
90	Joseph Tapella.....	Joseph S. Falcon.....	Grant.....	Septem <sup>r</sup> , 1797.....	174	80 feet front by 170 deep.....	Baron de Camillelet.....	.....	1799	
91	do.....	Juan Moreno.....	Grant.....	Decem <sup>r</sup> , 1811.....	250	do.....	Governor San Maxim.....	.....	1810	
92	John de la Roca.....	Antonio Caidenet.....	Grant.....	March, 1812.....	189	do.....	do.....	.....	1810	
93	do.....	Manana Bonifay.....	Mesne conveyances.....	Novem <sup>r</sup> , 1796.....	51	do.....	do.....	.....	1791	
94	Francisco Yllas.....	Wm. McVoy.....	Grant.....	Decem <sup>r</sup> , 1805.....	137	40 feet front by 80 deep.....	Governor Folch.....	.....	1805	
95	Louisa Dade.....	do.....	Grant.....	Decem <sup>r</sup> , 1805.....	137	do.....	do.....	.....	1805	
96	Ramon Santiago.....	do.....	Grant.....	Decem <sup>r</sup> , 1805.....	137	do.....	do.....	.....	1805	
97	Manuel Aras.....	Andres Ximenes.....	Grant.....	April, 1804.....	186	40 feet front by 170 deep.....	do.....	.....	1806	
98	Samuel M. Smith.....	Millan de la Carrera.....	Grant.....	June, 1804.....	28	80 feet front by 170 deep.....	Governor Folch.....	.....	1805	
99	do.....	Pedro Reggio.....	Grant.....	October, 1817.....	34	do.....	Governor San Maxim.....	.....	1809	
100	do.....	Gerisaco Lopez.....	Grant.....	July, 1811.....	296	do.....	Intendant Morales.....	.....	1810	
101	Mariano Bonifay.....	Diego Caserta.....	Grant.....	April, 1804.....	208	40 feet front by 170 deep.....	Governor Folch.....	.....	1804	
102	Manuel Bonifay.....	do.....	Grant.....	April, 1804.....	208	do.....	do.....	.....	1804	
103	Samuel M. Smith.....	Juan Dominguez.....	Mesne conveyances.....	July, 1810.....	115	do.....	do.....	.....	1804	
104	Andres Montan.....	Francisco Marques.....	Grant.....	April, 1796.....	193	75 ft. 6 inches front by 112 deep.....	Governor William King.....	.....	1810	
105	Donato Hernandez.....	John de la Oza.....	Grant.....	August, 1805.....	288	40 feet front by 170 deep.....	Baron de Cascaudet.....	.....	1796	
106	Santiago Colman.....	do.....	Grant.....	August, 1805.....	288	do.....	Governor Folch.....	.....	1804	
107	Felicia Bishlor.....	Joseph Collins.....	Grant.....	August, 1805.....	288	do.....	do.....	.....	1804	
108	Maria J. Nichols.....	do.....	Grant.....	June, 1804.....	7	40 feet front by 180 deep.....	do.....	.....	1805	
109	Charles Evans.....	do.....	Grant.....	June, 1804.....	7	40 feet front by 100 deep.....	do.....	.....	1805	
110	Charles Suarez.....	Pedro Suarez.....	Grant.....	June, 1804.....	7	40 feet front by 200 deep.....	do.....	.....	1805	
111	Maria Duque.....	Juan Fernandez.....	Mesne conveyances.....	April, 1810.....	354	80 feet front by 80 deep.....	Grandrie, alcalde.....	.....	1811	
112	William Bennett.....	Francisco Tonand.....	Grant.....	August, 1804.....	163	80 feet front by 170 deep.....	Governor Folch.....	.....	1806	
113	Maria Ruby.....	Joseph Durand.....	Grant.....	July, 1804.....	24	40 feet front by 170 deep.....	do.....	.....	1806	
114	Betham Suchet.....	Carlos Laville.....	Concession.....	April, 1804.....	389	80 feet front by 170 deep.....	do.....	.....	1804	
115	Pablo Graupen's heirs.....	Joseph Barcia.....	do.....	July, 1801.....	184	do.....	do.....	.....	1803	
116	Rosalba Martinez.....	Manuel Barn.....	do.....	.....	123	40 feet front by 170 deep.....	Intendant Morales.....	.....	1804	
117	Anna Felen.....	John H. Dabriel.....	do.....	October, 1809.....	94	do.....	do.....	.....	1809	

E.—Abstract of claims to lots in Pensacola, founded upon *mesne conveyances, &c.*—Continued.

No.	By whom claimed.	Original grantee.	Nature of grant.	Date of claim.	No.	Dimensions of lot.	Before whom passed.	Built upon and enclosed.		General remarks.
								From—	To—	
117	Felicité Dereon.....	Pedro Palou.....	Concession.....	March, 1809	976	80 feet front by 170 deep.....	Governor San Maxent.....	1804	1805	
118	Carlos Lassasser.....	Francisco Marglou.....	do.....	June, 1804	121	do.....	Auditor Hernandez.....	1804	1805	
119	George Bowie.....	Pedro Gordillo.....	Mesne conveyance.....	January, 1809	977	do.....	Governor William King.....	1804	1820	
120	Manuel del Barco.....	Juan Dominguez.....	Concession.....	May, 1804	83	do.....	Governor Folch.....	1806	1823	
121	Joseph Caruzoso.....	Manuel Gonzales.....	do.....	May, 1804	280	40 feet front by 170 deep.....	do.....	1804	1804	
122	Manuel Hernandez.....	do.....	do.....	May, 1804	280	do.....	do.....	1804	1804	
123	John Donaison.....	Pedro Garzon.....	Mesne conveyance.....	—, 1804	99	do.....	Governor Masot.....	1804	1804	
124	James Finley.....	Anna Yzer.....	Grant.....	Septem'r, 1810	321	80 feet front by 170 deep.....	Intendant Morales.....	1810	1811	
125	Antonio Mirall.....	Thomas Biot.....	Concession.....	May, 1808	281	do.....	Governor Callava.....	1804	1805	
126	Francisco Belleure.....	Louis Prieto.....	do.....	April, 1804	131	80 feet front by 80 deep.....	Governor Folch.....	1804	1805	
127	Gabriel Hernandez.....	do.....	do.....	April, 1804	131	40 feet front by 80 deep.....	do.....	1804	1804	
128	John Chabeaux.....	Domingo Hernandez.....	Grant.....	—, 1785	78	80 feet front by 170 deep.....	Governor O'Neil.....	1785	1785	
129	Millan de la Carrera.....	Vicente F. Texeiro.....	Concession.....	Feb., 1805	286	do.....	Governor Folch.....	1804	1804	
130	Caroline Vidal.....	Carlos Sierra.....	Mesne conveyance.....	May, 1814	246	40 feet front by 80 deep.....	Alcalde Fuenals.....	1804	1804	
131	Joseph Marcos Tito.....	Felipe Prieto.....	do.....	February, 1810	272	80 feet front by 170 deep.....	Intendant Morales.....	1804	1807	In this claim there is a corresponding garden lot granted and confirmed.
132	Ciriaco de Morant.....	Amauld de Curville.....	Grant.....	Decem'r, 1806	20	do.....	do.....	1807	1811	
133	Francisco Egido.....	Afonso Garcia.....	Grant.....	February, 1810	325	40 feet front by 170 deep.....	do.....	1810	1810	
134	John H. Howard.....	Sebastian Gil.....	Grant.....	April, 1812	156	80 feet front by 170 deep.....	do.....	1813	1813	
135	Carlota Etienne.....	Joseph H. de Armas.....	Grant.....	Novem'r, 1808	59	40 feet front by 170 deep.....	do.....	1809	1810	
136	Jayne Netto.....	do.....	Grant.....	Novem'r, 1808	59	do.....	do.....	1809	1810	In a large number of these claims the extracts and mesne conveyances rectify the date of concession, particularly in the acts of sale of the grantees, as explained in our report. The improvements are also recognized in the acts of sale.
137	Joseph Bonifay.....	Franco Hemblender.....	Concession.....	April, 1808	65	do.....	Governor Callava.....	1807	1807	
138	Francisco Castañ.....	do.....	do.....	April, 1808	65	do.....	do.....	1807	1807	
139	Joseph Bonifay.....	Francisco Durall.....	do.....	April, 1804	243	80 feet front by 170 deep.....	Governor Folch.....	1804	1804	
140	do.....	Raphael Ramos.....	do.....	—, 1804	205	do.....	do.....	1804	1804	
141	Padro Reggio.....	Joseph Briones.....	do.....	June, 1804	181	do.....	do.....	1804	1804	
142	Daniel Stone.....	Nicholas Gonzales.....	Mesne conveyance.....	April, 1811	160	do.....	do.....	1804	1804	
143	William Woodward.....	Antonio de Dubred.....	Grant.....	October, 1809	247	do.....	Governor Soto.....	1809	1809	
144	Joseph Jardiela.....	Vicente S. Pineda.....	Grant.....	February, 1810	226	do.....	Intendant Morales.....	1810	1811	
145	do.....	do.....	do.....	—, 1810	227	do.....	do.....	1811	1811	
146	Alexander Cummins.....	Pedro Rola.....	Grant.....	October, 1809	26	do.....	do.....	1809	1810	
147	do.....	Manuel Dias.....	Grant.....	March, 1810	325	40 feet front by 170 deep.....	Governor Masot.....	1810	1811	
148	Maria Prieto.....	Francisco G. Arroyo.....	Grant.....	March, 1810	183	79 feet front by 170 deep.....	Intendant Morales.....	1810	1811	

All of which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
GRAVEN P. LUCRETT.

This class of claims is founded on acts of sale or mesne conveyances to the present claimants. They have been unable to make out the derogiment to the original grantee; but, in consequence of the transfer having been made before the Spanish tribunals, there is every reason to believe that there have been original grants for the same, which the parties concerned alleged were destroyed by time or accident.

The examination of the cases belonging to this class has been made under the several acts of Congress passed on May 8, 1822, February 27, 1823, and February 28, 1824, and there has been a uniform adherence to their several requisitions. The claimants adduced testimony which proved that they had built upon and enclosed their lots prior to the cession of the Floridas to the United States, and fulfilled the usual conditions, or, where they had been prevented by the causes enumerated in the treaty, it was in evidence that they completed them after the date of that instrument. Their individual right to the lots, and that it had been so recognized by the Spanish authorities, were considered as clearly established by the claimants. The seventh article of Morales' regulations provides that the commandants of posts shall not take any acknowledgment of the conveyance of land or lots, unless the seller present and deliver to the buyer the title which he has obtained, and, in addition, being careful to insert in the deed the *metros and bounds, and other descriptions which result from the title, and the proes verbal of the survey* which ought to accompany it. In West Florida, it appears from the title papers of the claimants that those transfers were made at different periods before the governors or sub-delegates, escribanos or notaries of government, and alcaldes. By the laws and usages of Spain all these officers exercised *judicial* powers on such occasions, and they were required to see that the origin and derivation of the claims were regular and legitimate. The circumstance of their having passed through these tribunals is to be considered as a notarial act, and is of itself a virtual recognition of the title by the authorities of Spain. It likewise created a presumption that the conditions had been fulfilled, as the regulations of Morales forbid a transfer under any other circumstances. Where the derogiment, then, is defective, we are bound to infer that all the necessary evidences of titles were presented to these offices, either in a written or verbal form, before the title was passed or the conveyance permitted to be placed upon record.

The mesne conveyances which conveyed the property from one person to another were recorded in the government office; the papers of which, after the cession, were transferred to that of the alcalde. In some cases title papers of this description are absent, and which has been alleged to have been the result of time and accident. These mesne conveyances recites some of the preceding ones, and thus set forth partially the derogiment to the original grantee. It is understood to have been both the law and the practice in West Florida to consider these recitations as conclusive, and the claimants threw away the preceding conveyance after the transfer before the proper officer, and the deed was spread upon the record. Where the originals were accidentally lost or destroyed, these were the best evidences of which the case was susceptible. As far as the chain of title was completed in this shape, the same was believed consummated; it was exempt from controversy or interruption, and no further evidence was ever required to establish its validity in the Spanish tribunals.

From these considerations, the commissioners are constrained to entertain the opinion that these claims are valid agreeably to the laws and ordinances of Spain, and have therefore given them confirmation. All of which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.



## F.

*Abstract of claims to lots in Pensacola, founded upon sales at auction by the Spanish government, and which have been confirmed by the undersigned commissioners.*

No.	By whom claimed.	Original vendee.	Nature of claim.	Date of claim.	Number.	Dimensions of lot.	By whom sold.	When surveyed.	By whom surveyed.	General remarks.
1	Pedro de Alba.....	Pedro de Alba.....	Sale.....	July, 1804	4	80 feet front by 170 feet in depth.....	Governor Folch.....			
2	Nicual Quigles.....	Francisco G. de Arroyo.....	do.....	do.....	117	80 do.....170 do.....	do.....			
3	Mariana Bonifay.....	Mariana Bonifay.....	do.....	do.....	184	80 do.....170 do.....	do.....			
4	do.....	do.....	do.....	do.....	185	80 do.....170 do.....	do.....			
5	Diego Satazar.....	Joaquin de Ocampo.....	do.....	do.....	123	80 do.....170 do.....	do.....			
6	Denide Fallasco.....	Millan de la Carrera.....	do.....	June, 1804	73	40 do.....170 do.....	do.....			
7	Maria F. Gomez.....	do.....	do.....	do.....	73	40 do.....170 do.....	do.....			
8	Anauido Guillemard.....	Joaquin Barba.....	do.....	July, 1804	116	40 do.....170 do.....	do.....			
9	Francisco Lopez.....	do.....	do.....	do.....	116	40 do.....170 do.....	do.....			
10	William Barnett.....	Antonio Montero.....	do.....	do.....	31	80 do.....170 do.....	do.....			
11	Salvador Ruby.....	Salvador Ruby.....	do.....	do.....	72	80 do.....170 do.....	do.....			
12	do.....	do.....	do.....	do.....	124	80 do.....170 do.....	do.....			
13	Beltram Souchet.....	Antonio Montero.....	do.....	do.....	211	80 do.....170 do.....	do.....			
14	do.....	do.....	do.....	do.....	212	80 do.....170 do.....	do.....			
15	Jose Ortiz.....	Pedro de Alba.....	do.....	do.....	6	80 do.....170 do.....	do.....			
16	Francisco Tonard.....	Francisco Tonard.....	do.....	do.....	112	52 do.....80 do.....	do.....			
17	Juan Mañegas.....	Eugenio Antonio Sierra.....	do.....	do.....	111	80 do.....80 do.....	do.....			
18	Luis Maestre.....	Francisco Simon.....	do.....	do.....	114	80 do.....170 do.....	do.....			
19	John H. Howard.....	Vicente Crespo.....	do.....	do.....	6 double.	85 do.....320 do.....	do.....			
20	Wm. P. Anderson.....	Joaquin Ocampo.....	do.....	do.....	25	80 do.....170 do.....	do.....			
21	Josepi Bonifay.....	Nicual Morales.....	do.....	June, 1814	167	80 do.....170 do.....	do.....			
22	James Simpson.....	Pedro Gordillo.....	do.....	June, 1804	120	80 do.....170 do.....	do.....			
23	Joseph Bonifay.....	Rafal Ramos.....	do.....	do.....	163	80 do.....170 do.....	do.....			
24	John Brosnahan.....	Millan de la Carrera.....	do.....	do.....	63	80 do.....170 do.....	do.....			
25	Vicente Crespo.....	Vicente Crespo.....	do.....	do.....	140	80 do.....170 do.....	do.....			
26	John R. Fenwick.....	Francisco Bodkin.....	do.....	do.....	77	80 do.....170 do.....	do.....			
27	Manuel Bonifay.....	Mariana Bonifay.....	do.....	July, 1804	165	40 do.....170 do.....	do.....			
28	Marcos de Villera.....	Marcos de Villera.....	do.....	Aug., 1804	245	166 feet front by 343, 56 by 338 feet 6 inches.	do.....	Nov. 14, 1810	Vicente S. Putado.....	
29	John Donaldson.....	Joseph Ortega.....	do.....	Feb., 1810	87	95 feet front by 75 feet in depth.....	Intendant Morales.....	Jan. 24, 1810	do.....	Sold at auction December 19, 1817.
30	do.....	do.....	do.....	do.....	88	75 do.....171 feet 2 inches.	do.....	do.....	do.....	Sold at auction December 23, 1817.
31	Eugenio A. Sierra.....	Eugenio A. Sierra.....	Certificate of sale.....	Jan. 3, 1818	307	80 do.....170 do.....	Governor Masot.....	do.....	do.....	Sold at auction December 15, 1817.
32	Henry Michelet.....	Henry Michelet.....	do.....	do.....	99	40 do.....170 do.....	do.....	do.....	do.....	Sold at auction December 15, 1817.
33	James Gooch.....	James Gooch.....	do.....	Jan. 1, 1818	3	An arpent lot.....	do.....	do.....	do.....	Sold at auction December 15, 1817.
34	do.....	do.....	do.....	do.....	63	do.....	do.....	do.....	do.....	Sold at auction December 19, 1817.
35	do.....	do.....	do.....	do.....	64	do.....	do.....	do.....	do.....	Sold at auction December 19, 1817.
36	Daniel Ripley.....	Daniel Ripley.....	do.....	Jan. 3, 1818	82	do.....	do.....	do.....	do.....	Sold at auction December 7, 1817.
37	do.....	do.....	do.....	do.....	83	do.....	do.....	do.....	do.....	
38	John Chabeaux.....	John Chabeaux.....	do.....	Jan. 4, 1818	102	80 feet front by 170 feet in depth.....	Intendant Morales.....	Jan. 19, 1807	Vicente S. Putado.....	
39	Santiago Colman.....	Santiago Colman.....	Grant.....	Jan. 20, 1807	45	do.....201 do.....	By the cabildo.....	do.....	do.....	
40	Francisco Bonal.....	Francisco Bonal.....	Certificate of sale.....	Aug. 12, 1813	37	Arpent lot.....	do.....	do.....	do.....	

T.—Abstract of claims to lots in Pensacola, founded upon sales at auction by the Spanish government, &amp;c.—Continued.

No.	By whom claimed.	Original vendee.	Nature of claim.	Date of claim.	Number.	Dimensions of lot.	By whom sold.	When surveyed.	By whom surveyed.	General remarks.
41	Eugenio A. Sierra.....	Joaquin Barcia.....	Messe conveyance.....	Jan. 5, 1815	357	80 feet front by 170 feet in depth.....	By the cabildo.....			
42	do.....	do.....	do.....	do.....	365	80.....do.....170.....do.....	do.....			Sold at auction January 31, 1819.
43	do.....	Eugenio A. Sierra.....	do.....	Dec. 31, 1813	367	80.....do.....170.....do.....	do.....			
44	Joseph Tapiola.....	do.....	Certificate of sale.....	June 9, 1813	39	Arpent lot.....	do.....	Dec. 5, 1817	Pedro Reggio.....	
45	Lorenzo Bru.....	do.....	Deed from the cabildo.....	Dec. 23, 1813	368	80 feet front by 170 feet in depth.....	do.....			
46	M. Hanna & Widow McPherson.....	do.....	do.....	Dec. 30, 1813	368	80.....do.....170.....do.....	do.....			
47	do.....	Antonio Coltin.....	Messe conveyance.....	Feb. 18, 1814	352	Arpent lot.....	do.....	Jan. 11, 1814	Vicente S. Pinado.....	Sold at auction December 21, 1817.
48	Francisco Barrios.....	do.....	Certificate of sale.....	Aug. 14, 1813	32	do.....	do.....	do.....		
49	Alejandro Maroteau.....	do.....	do.....	do.....	35	do.....	do.....	do.....		
50	do.....	do.....	do.....	do.....	35	do.....	do.....	do.....		
51	Milan de la Carrera.....	do.....	do.....	June 21, 1813	12	do.....	do.....	do.....		
52	do.....	Antonio Montero.....	do.....	do.....	12	do.....	do.....	do.....		
53	do.....	do.....	do.....	do.....	60	do.....	do.....	do.....		
54	do.....	do.....	do.....	do.....	61	do.....	do.....	do.....		
55	do.....	do.....	do.....	do.....	62	do.....	do.....	do.....		
56	John Donahon.....	Fernandes Texeiro.....	Deed from the cabildo.....	June 9, 1813	310	80 feet front by 170 feet in depth.....	do.....	June 14, 1813	Vicente S. Pinado.....	
57	do.....	do.....	do.....	do.....	311	80.....do.....170.....do.....	do.....	do.....		
58	do.....	do.....	do.....	do.....	5	Arpent lot.....	do.....	do.....		
59	do.....	Antonio Montero.....	Certificate of sale.....	June 18, 1813	6	do.....	do.....	do.....		
60	do.....	do.....	do.....	do.....	394	80 feet front by 170 feet in depth.....	do.....	do.....		
61	do.....	do.....	Deed from the cabildo.....	June 22, 1813	4	Arpent lot.....	do.....	do.....		
62	do.....	do.....	Certificate of sale.....	June 18, 1813	16	do.....	do.....	do.....		
63	do.....	do.....	do.....	do.....	17	do.....	do.....	do.....		
64	do.....	do.....	do.....	June 19, 1813	7	do.....	do.....	do.....		
65	do.....	do.....	do.....	do.....	8	do.....	do.....	do.....		
66	do.....	do.....	do.....	do.....	14	do.....	do.....	do.....		
67	do.....	do.....	do.....	do.....	15	do.....	do.....	do.....		
68	do.....	do.....	do.....	do.....	13	do.....	do.....	do.....		
69	Maria Vellon.....	do.....	do.....	June 21, 1813	53	do.....	do.....	do.....		
70	Valerio Petit.....	Stephen Adams.....	do.....	June 4, 1813	53	do.....	do.....	do.....		
71	Miguel Constant.....	do.....	Messe conveyance.....	July 7, 1814	246	40 feet front by 170 feet in depth.....	do.....	do.....		
72	do.....	Carlos Sierra.....	Certificate of sale.....	June 4, 1814	31	Arpent lot.....	do.....	do.....		
73	Joseph Bonifay.....	do.....	Deed from the cabildo.....	Dec. 20, 1813	366	80 feet front by 170 feet in depth.....	do.....	do.....		
74	Manuel Gonzales.....	Rosalin Bonifay.....	do.....	do.....	359	80.....do.....170.....do.....	do.....	do.....		
75	do.....	Manuel Gonzales.....	Messe conveyance.....	May 3, 1817	381	80.....do.....170.....do.....	do.....	do.....		
76	Henry Michelt.....	do.....	Certificate of sale.....	June 23, 1813	40	do.....	do.....	do.....		
77	John Inerarity.....	do.....	Certificate of sale.....	do.....	40	do.....	do.....	do.....		
78	Harvey Elkins.....	Diego Palmes.....	Sale by the cabildo.....	Aug. 29, 1817	352	80.....do.....170.....do.....	do.....	do.....		
79	Lawrence Wood.....	do.....	Messe conveyance.....	Aug. 19, 1813	38	Arpent lot.....	do.....	do.....		
		do.....	do.....	Dec. 24, 1817	88	do.....	Governor Anad.....	do.....		

All of which is respectfully submitted.

SAMUEL R. OVERTON,  
 CLERK OF THE COURT.  
 GRAVEN P. LUCKETT.

The sales, it is understood, were made in conformity with the provisions of the 34th article of Morales' regulations, which requires all lots or seats belonging to the royal domain to be sold for ready money, with the formalities prescribed for the sale of lands. Such dispositions of public property were always made in obedience to a decree of the board of royal treasury, which was composed of the sub-delegate or intendant, the fiscal or King's attorney, and the auditor of war, with an escribano or notary, by whom these proceedings were countersigned and recorded.

In most cases the deraignment is completed by the papers filed, and certified extracts from the archives now remaining in this Territory. Where the chain of title is incomplete, the claimants adduced proof to show that their written evidences of title, constituting the absent links, could not be obtained in consequence of their being lost or destroyed by time or accidents, as explained in our preceding reports. This, with the possession of the property, and the recognition of the titles by the Spanish authorities, was believed to be the best evidence, and, in the opinion of the commissioners, authorized their confirmation.

Where the original title was filed, or its date recited in the mesne conveyance, we have inserted it in our abstracts; otherwise, we have given the date of the deed to the next oldest grantee. All of which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
GRAVEN P. LUCKETT.

G.

*Abstract of claims to land in West Florida, founded on grants, concessions, and orders of survey made gratuitously by the Spanish government, upon the condition of clearing and cultivation, and which have been rejected by the undersigned commissioners.*

Number.	By whom claimed.	Original grantee.	Nature of claim.	Date of claim.	Number of arpents.	Where situated.	By whom issued.	When surveyed.	By whom surveyed.	Cleared and cultivated.	
										From—	To—
1	Beltran Souchet.....	Beltran Souchet.....	Concession.....	Oct. 8, 1817.....	800.....	Bayou Mulatto.....	Governor José Maset.....	May 17 and 18, 1818.....	Pedro Regio.....	1818.....	.....
2	Augustin Lavison.....	Augustin Lavison.....	Order of survey.....	May 28, 1818.....	800.....	Escambia river.....	Intendant Ramirez.....	September 12, 1819.....	Antonio Ballester.....	1819.....	1821.....
3	Carlos Baron.....	Carlos Baron.....	Concession.....	Dec. 18, 1817.....	800.....	Island of St. Rosa.....	Governor José de Maset.....	July 5 and 6, 1820.....	.....do.....	1818.....	1820.....
4	Francisco Vidal.....	Francisco Vidal.....	.....do.....	Oct. 18, 1817.....	800.....	.....do.....	.....do.....	.....do.....	.....do.....	1818.....	.....
5	Peter Alba, sr.....	Joseph Garriga.....	.....do.....	Nov. 22, 1817.....	800.....	Pine Barren creek.....	.....do.....	July 15, 1820.....	Antonio Ballester.....	1817.....	1818.....
6	.....do.....	Pedro Alba, sr.....	.....do.....	Dec. 16, 1817.....	800.....	Escambia river.....	.....do.....	.....do.....	.....do.....	1820.....	.....
7	.....do.....	Manuel Maura.....	.....do.....	Oct. 2, 1817.....	1,600.....	Pine Barren creek.....	.....do.....	July 16, 1820.....	.....do.....	1817.....	1822.....
8	.....do.....	Carlo de Morant.....	.....do.....	Oct. 8, 1817.....	800.....	124 miles NW. of Pensacola.....	.....do.....	March 1 and 2, 1818.....	Pedro Regio.....	1821.....	.....
9	.....do.....	Desiderio Quina.....	.....do.....	Jan. 29, 1818.....	800.....	11 miles NW. of Pensacola.....	.....do.....	March 3, 1818.....	.....do.....	1821.....	.....
10	.....do.....	Ramon Villalta.....	Order of survey.....	March 9, 1818.....	800.....	Near the town of Pensacola.....	.....do.....	April 29, 1818.....	Vinc. S. Pinedo.....	1818.....	.....
11	William King.....	Joseph C. Canovas.....	.....do.....	March 9, 1818.....	800.....	On the eastern side of Perdido.....	Intendant Ramirez.....	.....do.....	.....do.....	.....	.....
12	Joseph C. Canovas.....	Juan Ximenes.....	.....do.....	May 25, 1818.....	800.....	West of Bayou Tezar.....	.....do.....	November 27, 1818.....	Pedro Regio.....	.....	.....

REMARKS UPON THE PRECEDING GRANTS ACCORDING TO THEIR NUMBERS.

- No. 1. Kelkel, who made the improvements, denies having done so as the agent of Souchet, and claims the land under the donation act.  
 No. 2. Francisco Vidal made the improvements, proves that he did not settle on Baron's tract, nor was he his tenant, and claims the land he improved.  
 No. 3. Carlos Baron made the improvements, proves that he did not settle on Baron's tract, nor was he his tenant, and claims the land he improved.  
 No. 4. Evidence of improvement contradicted by Antonio Collin.  
 No. 5. Alba purchased of Garriga August 4, 1820, long after the improvements are proved to have been made.  
 No. 6. In this case the letter was exhibited and proved, in which the claimant himself acknowledges that he had no title to this tract in 1820.  
 No. 7. John Gayler, who made the improvements, proves that he did so by permission of the Spanish authorities, and not as the tenant of Alba, and claims the land under the donation act.  
 Nos. 8, 9, and 10. No evidence of cultivation in these cases. In the latter case Mr. Vicente S. Pinedo, surveyor general of West Florida, dated his survey, December 29, 1818, reciting that he executed the survey, April 29, 1818, in obedience to the order of the Spanish government, and that he had no title to the land.  
 No. 11. On March 16, 1818, Vincenc S. Pinedo, surveyor general of West Florida, gave at Havana a plat and description of the land to be granted, but it does not appear to have ever been surveyed.  
 No. 12. No evidence produced in this case.

All which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
GRAVEN P. LUCKETT.



These claims have been rejected by the undersigned commissioners for various considerations. Some were believed to be antedated and fraudulent, and others contrary to the laws and ordinances of Spain. The claimants, in some instances, failed to fulfil, substantially, the conditions of their grant within the period required by the regulations of Morales, and were unable to show that they were entitled to the additional indulgence contained in the 8th article of the treaty between Spain and the United States. Where the party was proven to be entitled to this indulgence, there was no evidence adduced to prove that he or she had availed themselves of it. In other cases it appeared that the claims had not emanated from his Catholic Majesty, or his lawful authorities in West Florida, prior to January 24, 1718, or that the order of survey had not been actually executed anterior to that period. The claimants did not make out such a title as would have been valid under the treaty and acts of Congress or the laws and ordinances of Spain.

All of which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

## H.

*Abstract of claims to land in West Florida, founded upon actual inhabitation and cultivation previous to February 22, 1819, for which certificates of confirmation have been granted by the undersigned commissioners.*

Number.	By whom claimed.	Age.	Quantity of acres.	Where situated.	Occupation and cultivation.		General remarks.
					From—	To—	
1	Pablo Palmes.....	21	640	NE. of Pasa del Indio.....	1817	1820	As these claims are located in a section of country where the lands are not valuable, the commissioners have considered it advisable, in all cases, to allow 640 acres.
2	Vicente Batelongue .....	21	640	North of Bayou de la Foucha.....	1818	1824	
3	John Gayler.....	21	640	NW. and SE. of Pine Barron creek..	1817	1824	
4	Benjamin Hadley.....	21	640	Rich Lands ponds.....	1817	1819	
5	Joel A. McDavid.....	21	640	On Claiborne road.....	1817	1824	
6	James Wilkins.....	21	640	At the head of Indian Pass.....	1818	1819	
7	Drumy Manning.....	21	640	West of Escambia river.....	1819	1821	
8	Needham Parker.....	21	640	East side of Escambia river.....	1818	1819	
9	Elijah H. Holmes.....	21	640	NE. of Edgely's creek .....	1818	1819	Confirmed so as not to interfere with Miguel Quigles.
10	Henry O'Neal .....	21	640	West of river Escambia.....	1819	1824	
11	Abraham Pringle.....	21	640	North of river Escambia.....	1819	1824	
12	Joseph Nelson.....	21	640	East side of the Escambia river .....	1818	1819	
13	Jacob Keker.....	21	610	East side of Escambia river.....	1817	1824	
14	Jonathan Bunker.....	21	640	East side of Choctawhatchee river..	1817	1820	
15	Nathaniel Hawthorn.....	21	640	Pine Level, Edgely's creek.....	1818	1819	
16	James Bruster.....	21	640	East side of Escambia river.....	1819	1821	
17	Thomas Thrift.....	21	640	West of Escambia river.....	1819	1820	

All which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.  
CRAVEN P. LUCKETT.

### COMMISSIONERS' OFFICE, Pensacola, January 20, 1825.

SIR: In compliance with the requisitions of the several acts of Congress organizing the board of commissioners in the district of West Florida and regulating their duties, the undersigned have the honor to transmit herewith the following abstracts and reports, in addition to those already forwarded to your department:

*First.* A special report upon claims exceeding 3,500 acres, with the opinions of the commissioners, numbered from 10 to 11.

*Second.* Special reports on conflicting claims emanating from the British and Spanish governments, with an abstract of the evidence, numbered from 1 to 30.

*Third.* An abstract and report upon claims to lots in the village of St. Carlos de Barrancas, marked I.

*Fourth.* An abstract and report upon sales at auction which have been rejected by the undersigned commissioners, marked K.

*Fifth.* An abstract and report upon claims to lots laid out on the public square by the cabildo of Pensacola in 1813-'14, marked L, with a plan of said alteration.

*Sixth.* An abstract and report upon British claims, marked M.

*Seventh.* A general abstract and report upon claims, some of which fall within the preceding classes, and others of an anomalous character, marked N.

All of which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

Hon. WM. H. CRAWFORD, *Secretary of the Treasury, Washington.*

*First. A special report upon claims exceeding 3,500 acres, with the opinions of the commissioners, numbered from 10 to 11.*

No. 10.

A report of a claim of Vicente Sebastian Pintado to six lots in the city of Pensacola, Nos. 11, 13, 14, 15, 16, and 18, situated between the squares of Ferdinand and Seville, and also the space of ground situated between Seville square and the bay, bounded by high water in calm weather, besides 10,000 arpents of land and water situated in the district of West Florida, in the different places designated by the figurative plats presented, and the description of each set forth and mentioned in the following certificates from A to F, by titles emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provisions of an act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land in the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Vicente Sebastian Pintado to the above seven lots and 10,000 arpents of land, derived from Spanish titles, is founded on an original grant, or title in form, made by Don Alexandro Ramirez, intendant and superintendent general of the Island of Cuba and city of Havana, &c., &c., stating that whereas Vicente Sebastian Pintado, surveyor general, presented a petition to this intendency the 19th of November last, stating the considerable expenses he had incurred by his removal to this city by my order, in agreement with that of the captain general, for affairs interesting to his Majesty's service, and also the removal of his family, sacrificing his property, and praying that, as an indemnity, there may be conceded to him, in full property, six lots in the town of Pensacola, among those which were put up to sale in 1813 by a resolution of the town council then existing, situated between the squares which, in the general plan made out in 1808, were named, the one Ferdinand VII, and the other Seville, designated in the same plan by the Nos. 11, 13, 14, 15, 16, and 18; also, the space of ground situated between the said Seville square and the bay, bounded by high water in calm weather, the corners of the lots of Beltran Souchet, Thomas Villaseca, and that reserved for a hospital, and besides 10,000 arpents of land in West Florida, in the situations to be designated. And having transmitted the said petition to the fiscal of royal finance by decree of 20th of November last, he having taken into consideration the truth of what was advanced by the said surveyor, his well known merits, the engagements he had contracted in removing himself and family to the city, and the impossibility which he states of subsisting on his scanty emoluments, consented that his petition should be granted; I therefore decreed, on the 7th instant, as follows: "In conformity with the fiscal, and considering the merit and services of Captain Don Vicente Sebastian Pintado, I concede to him the six lots and 10,000 arpents belonging to the domain which he asks for in West Florida, without prejudice to a third; and on condition of building on the one and cultivating or improving the others in the most beneficial manner, according to the regulations on that matter for the peopling of that province, given to me in charge by his Majesty, let a little be given to him for the lots according to the plan presented, and that for the lands as soon as the description is presented under his responsibility in this respect as surveyor general of that province, to whose sub-delegate and minister of the royal treasury shall be given the necessary orders." Wherefore, making use of the powers invested in me by the King and in his royal name, I concede gratuitously to the said surveyor, Don Vicente Sebastian Pintado, the six lots designated in the plan under the Nos. 11, 13, 14, 15, 16, and 18, and the piece of ground indicated in the same plan as having 204 English feet and 4 inches between the corners of the lots belonging to Beltran Souchet, Thomas Villaseca, and that reserved for a military hospital, with a prolongation of its lateral lines to and on the bay, as far as the pebbly ground, or where the bank of sand terminates, in order that, as his property, he may, without prejudicing a third, the same to enjoy, possess, sell, or alienate, at will. In faith whereof, I have ordered this title to be made out. (Signed) Alexandro Ramirez, intendant general. Countersigned by Pedro Carambot, Secretary of War. Dated Havana, December 17, 1817.

Also, an original certificate, marked letter A, for 1,181 arpents, situated on the west end of St. Rose's island, from the point called Sigüenza, at the entrance of the port of Pensacola, extending four English miles to the east, and terminating at a line drawn from sea to sea, north and south, with all that is included in this *arid* and barren space, and bounded on the east, north, and south by the sea, conformably to the annexed plat.

Also, certificate B, nineteen arpents situated on the lands at the western extremity of Pensacola, fronting the bay of the same name, which bounds it on the south; through this land passes the creek of the Aguada, from its mouth in the bay to the lands conceded or sold to Don Pedro Reggio, with which, and others of Forbes & Co., it is bounded on the north, on the west by lands of Don Francisco Maximiliano de San Maxent, and part of the second creek of the Aguada, which makes a natural limit from its mouth a small way upward, and on the east by Pensacola, leaving between the necessary streets and roads.

Also, certificate C, an extension of the waters of the bay of Pensacola, whose superficies is equal to an area of 718½ arpents from the east point of the mouth of Bayou Chico to the west point of the mouth of Bayou Texar, and a line drawn southwest by the compass 95 Parisian perches into the bay from the said first point, and another line of 100 perches in length from the second point into the bay, in the same direction southwest which includes all the front between the mouths of the Bayous Chico and Texar, between which lies the town of Pensacola, all according to the plat annexed, which represents the figure of said extension in the water, and the limits in the bay of Pensacola; those on the side of the land and beach between the said two points of the said creeks being a curve produced by the highest tides in calm weather, and with its depth from the surface of the water till ten feet lower than the present bottom, or towards the centre of the earth, throughout all the space embraced by the plat; considering it as a solid, since it contains the three dimensions of length, breadth, and depth; but excluding that part which was conceded to me by the same title with the other lots, and which is also designated in the plat annexed, as likewise the wharf of Forbes & Co., also therein designated, and which they have been for many years in possession of; the whole in full property, and for the object of building wharves and bathing-houses, saving and excepting not only his Majesty's rights but also those of the public, whenever it may be found convenient to build wharves with municipal or other public funds, this concession being solely to the exclusion of individuals.

Also, certificate D, a piece of ground of 2,281½ arpents situated on the east side of the river Escambia, or rather its eastern branch, which forms the island called Antonio, lately granted to Don Francisco Bonal, at about sixteen miles from its mouth, in the bay of Escambia, and twenty-two miles N.W. from Pensacola, bounded on the north and east by public lands, on the south by lands lately ceded to Don Thomas Villaseca, and on the west by said branch of Escambia.

Also, certificate E, another tract of land of 5,000 arpents situated on the west bank of the Escambia river, between it and Pine Barren creek, about thirty-one miles NW. quarter N. from Pensacola, bounded on one side by the said river, 1,300 Parisian perches in front thereof, according to its course upwards, reckoned from its confluence with said Pine Barren creek, which bounds on the other side, and by public lands on the remaining side.

Also, certificate F, another tract of 800 arpents, to complete the 10,000 arpents conceded to me, situated on the east side of the Escambia, at about thirty-six or thirty-eight miles N.W. of Pensacola, in front of those selected by Juan Malgosa, to petition for on Turbin's Bluff, signed Vicente S. Pintado. Dated Havana, December 12, 1817.

Also, an original grant or title in form, similar to the preceding one, for lots made to the surveyor general, Vicente S. Pintado, by Don Alexandro Ramirez, intendant general, countersigned by Pedro Carambot, secretary of war, for the 10,000 arpents of land as described in the foregoing certificates. Dated Havana, December 17, 1817.

Pablo Palmes, being duly sworn, saith that he was for some time a clerk in the office of intendency at Havana; has often seen Ramirez, the intendant, and Pedro Carambot, the secretary, sign their names; and believes, from his familiar acquaintance with their signatures, that those affixed to the grant of 10,000 arpents of land to Vicente S. Pintado are genuine; and also believes the signatures of the same subscribed to the grant of the six lots in Pensacola to be likewise genuine; and further saith not.

#### *Opinion of the commissioners.*

As the whole amount of lands and lots embraced in these claims was included in one concession before the titles in form were given, we have considered it our duty to report the case to Congress. The lots Nos. 11, 13, 14, 15, 16, 18, and the space of ground situated between Seville square and the bay, bounded by high water in calm weather, and as described in the above title papers, are reported in our abstract of sales by the cabildo, and gratuitous concessions on the public square of Pensacola. For an opinion in relation to these lots see our report upon that class, marked L. We have further to remark, that no evidence has been adduced to prove that Mr. Pintado ever built upon those lots in compliance with the condition imposed by the grant of the intendant.

The grant of 1,181 arpents on the west end of St. Rosa's island, as described in certificate A, is worthy of some attention. It will be seen that this tract extends from a point called Siguenza, at the entrance of the port of Pensacola, and at the lower extremity of St. Rosa's island. It embraces the point on which Fort Arruinado stood, on the western side of the island, opposite to Fort Carlos de Barrancas, and upon which it is believed the Spanish government always had batteries erected for the defence of the entrance into the bay of Pensacola. This position seems to have been an indispensable auxiliary to that of Barrancas, and could not be appropriated to any other purposes but those of defence. It is an "arid and barren space," as described in the certificate, and entirely unfit for cultivation; under such circumstances, it is difficult to believe that the Spanish authorities would make such a grant as long as they expected to retain possession of the country.

The only remark we have to make relative to the 19 arpents described in certificate B is, that it embraces almost the whole of the space reserved, upon the English plan of Pensacola, for a navy yard and a watering place for the shipping, as well as several lots on the east side of the Aguada, laid out agreeably to the aforesaid plan of said city, which may be seen in the General Land Office at Washington city. It is a little singular that this reservation should have been continued until the year 1817, and then granted to Mr. Pintado, including a block-house which had been erected by the Spanish authorities for the defence of the city.

The space described in certificate C includes almost the whole of the shoal water, &c., in the bay immediately contiguous to the city of Pensacola, and extending about two miles from the mouth of Bayou Chico to that of Bayou Texar. It was granted for building wharves and bathing houses, and saves and excepts not only the rights of his Catholic Majesty, "but also those of the public, whenever it may be found convenient to build wharves with municipal or other public funds, this concession being solely to the exclusion of individuals." We believe this grant contrary to the laws of nations, as well as the municipal laws of Spain, and ought not to be confirmed.

A river or bay consists of three things—the *water*, the *bed*, and the *bank*. The last includes shoals and sand bars, covered with water at ordinary stages of the sea or river, as well as the band of land lying between high and low water mark. The bank shore, or beach, consists of *batture* above and below the water. The first is formed of the land beyond the reach of the highest floods; and the second, that which lies under the water and the land lying between high and low water mark.

This batture belongs to the adjacent proprietors. It is a natural right, and applies to *urban* as well as *rural* possessions.

Whilst a river, or the bed, is covered with water, the public have a right to the *use* or *servitude* in them as *common* property, as in the case of roads and highways. As soon as they are *deserted*, or alluvions are formed free from inundation, or reclaimed by levees, &c., they become *private* property.

The property of the *banks* belongs to those whose fields or lots are contiguous to the sea, bay, or river. Although they may be a given number of feet deep, yet, if their dimensions bound and butt them upon the beach, they are considered as extending to the water's edge, and the contiguous proprietors are entitled to alluvion. These banks are not sold or measured, but are understood to pass as an accessory to the field or lot sold. This is even the case where a *public* road intervenes which is not permitted to break the continuity of the claim. If the road is laid out on the *bank* of the sea or river, the public cannot own the ground on which it runs, unless it is so expressly stipulated, and can only have a *servitude* in it, as it passed with its principal the adjoining land. These positions are not only true in relation to *limited fields which go to the sea or river*, but are equally applicable to those without limits.

"The water fountains, the places where fairs and markets are held, where the city councils meet, the *sandy places on the banks of rivers, belong separately to the commons of cities and towns*, because they have



been appropriated and granted for the *common use* of each city, town, castle, or other place.”—(*Partidas*, tit. 28, l. 9.)

The same work, upon the subject of sale and purchase, tit. 5, l. 15, declares “that public squares, roads, threshy grounds, rivers, and other waters, which belong to the King, or the commons of any city, cannot be sold or alienated.” This authority would seem to be conclusive in proving that the land covered by water and granted to Mr. Pintado belonged to the commons of Pensacola, and could not be alienated.

The lots in Pensacola do not belong to the King, but to individuals, and their dimensions carry them to the water's edge at high tide. There is shoal water, or *bathure* under the water, for some distance towards the channel. Although there is a *use* or *servitude* in a public road on the beach, yet it was not stipulated that the public owned the ground, and it does not, as we have already remarked, break the continuity and present any impediment to the right of alluvion. The grants of Santiago Coleman, Manuel Hernandez, and José Bonifay, fully explain everything relative to the road. These grants were made on the bay above Pensacola, and they provide that a portion of the shore shall be left to “form a free and public passage along the coast, without prejudice to the rights of alluvion and avulsion.” The adjacent proprietors, then, were entitled to the bathure as an accessory which passed with its principal. The line in front was one of *admeasurement*, and not entirely a line of *boundary*, and the lot was sold *per aversionem*, and not *ad mensuram*; that is, it was disposed of in the gross, and not by the *measure*, or so much per acre.

The King, in this case, had no right to the bank, or alluvion shoals, or sand bars, and could not alienate them. As long as the bed of the river is covered with water, the public have a right only to the *use* or *servitude* of that element for the purposes of navigation. As regards this *use*, it is *common* property, and is only an appendage of sovereignty. The sovereign is barely the *trustee* of this common right; he can only prescribe laws how it is to be enjoyed, but cannot dispose of it, or reduce it to severalty. If the water advances upon the proprietors of the adjoining lands, they sustain the loss; if accretions are formed, or the water retires from the shore, they are entitled to the increase. This is naught but justice, and no doubt entered into the consideration paid for the lots when they were purchased. The Roman law, which was generally adopted in France and Spain, and the decisions of France and England, will, we believe, sustain the truth of these positions; we cannot avoid the belief, therefore, that this grant is illegal, even admitting that it emanated from his Catholic Majesty; and it is a provision of the common as well as civil law “that all patents, orders, &c., contrary to right and law, shall not be executed, and judges are directed to disregard them.”

For an opinion in relation to the lands described in certificates D, E, and F, we beg leave respectfully to refer to our general report upon Spanish claims, as also that upon large claims. Although plats are filed in all these cases, they are dated December 12, 1817, without being accompanied by certificates of survey. We therefore presume that they never were surveyed; and no proof has been exhibited to show that Mr. Pintado even cultivated or improved these lands “in the most beneficial manner, according to the regulations on that matter,” for the peopling of this province, in compliance with the conditions imposed by the grant.

These grants appear to be gratuitous, conveying a full property in the lands and lots, and intended as an indemnity for losses sustained. They are copies from the Havana, obtained subsequent to January 24, 1818, when we were entitled to the originals under the solemn stipulations of the treaty between Spain and the United States. This fact, combined with the character of the claim to part of the bay and St. Rosa's island, is calculated to create a presumption of fraud in relation to both of the grants.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 11.

A report of a claim of John Forbes to an island in the river Apalachicola, containing from six to eight thousand acres, more or less, by a title emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provisions of an act of Congress approved May 8, 1822, entitled “An act for ascertaining claims and titles to land in the Territories of Florida,” by the undersigned commissioners, to wit:

The claim of John Forbes to the above island is founded on the following title papers and testimony exhibited in support thereof, to wit:

*May it please your excellency:* John Innerarity, special attorney of Mr. John Forbes, begs leave respectfully to represent, that, as appears by the accompanying documents, No. 1, and its translation, No. 2, the principal chiefs, leaders, and headmen of the Lower Creek and Seminole towns, in consideration of the important services which the said Mr. John Forbes has rendered them, and the signal regard with which he has treated them since the year 1785, when the house and stores of Panton, Leslie & Co. were established in this province, unanimously resolved and determined, at a meeting held at the town of Tuscatulafa, on the river Chattahoochee, on the 10th day of April of the last year, 1810, to cede and convey, gratuitously, and of their own free will, to the said Mr. John Forbes an island of about seven miles in length and one or more in width, situated in the river Apalachicola, opposite to the store or factory which now exists there; to have and to hold the same in all its extent, or dispose of it in favor of his heirs and assigns. In virtue whereof, and as the said cession is shown to be ratified by the document No. 3, signed by the aforesaid chiefs before his honor the commandant of the fort of Apalachee, nothing else is wanting excepting the interposition of your excellency's authority to confirm the said cession and order the issuing of a title in form, in the same terms as that issued to the house of Panton, Leslie & Co., and the one about to be issued to Messrs. John Forbes & Co., which request he prays your excellency to grant. Pensacola, June 7, 1811. (Signed) John Innerarity.

Granted, with the understanding that Mr. John Forbes cannot dispose of the island in question, nor alienate it, without the express consent of this government, and that its acquisition is understood to be on the same footing as that for which a confirmatory title was issued December 3, 1806. (Signed) Folch.

I, Don Marcos de Villiers, captain of the regiment of infantry of Louisiana and civil and military commandant of this fort, certify that on this present day seven chiefs of the Seminole nation presented themselves before me, viz: Capizita Mico, Kinghachee of the Micasuckey town, with his principal warrior, Catcha Tustunnggie, and the two principal chiefs, Aza Mico and Cossa Facho, Yahulla Ematula, with his principal warrior, False Facho, of Chusquitulafa, and Nimi Humata Tustunnggie, of Totobuitlee;

who, after having given me their hands in token of friendship, declared that they acknowledged the foregoing signatures, made by some of themselves and the chiefs of their nation, to be legitimate and true, and that the gratuitous and generous cession contained in the foregoing instrument of writing was just and valid, having been executed with the full consent of all the nation, in whose name it was published and signed. In testimony whereof, I sign the present, with two assistant witnesses, at St. Mark's, Apalachy, this twenty-fifth day of May, one thousand eight hundred and eleven. (Signed) Marcos de Villiers. (Signed) José Urcullo, Lorenzo Vitrián.

At a congress of the chiefs and headmen of the lower towns of the Creek nation of Indians, held in the village of Tuskatalofa, on the river Chattahoochee, in the month of April, one thousand eight hundred and ten, composed of the following persons, viz: Payne, chief of the Seminole towns, Capitza Micco, Ufala Hadjoe, Hopoi Hadjoe, Tuskai Micco, Hopoi Micco, Yahulla Emathla, Efa Micco, Tootlea Tustunnuggie, Annai Micco, Nunni Humata Tustunnuggie, Tuskai Hadjoe, Juan Musquito, Juan Meally, Checha Tustunnuggie, Toothea Hosee, Tuskai Langhata, y Halaghta Tustunnuggie. Whereas we, the aforementioned chiefs and headmen of the Lower Creeks, for sundry good causes and considerations, have unanimously resolved and determined to cede and convey to John Forbes, esq., merchant, of Pensacola, in West Florida, a certain island in the river Apalachicola, at present belonging to us, and situated opposite to our actual trading store on the said river Apalachicola, which island we compute to be about seven miles in length and a mile in breadth, be it more or less, in order that the said John Forbes may hold and possess the same in all its extent, and for his sole use and benefit. And we, the aforesaid chiefs and headmen, in our own name, and in that of all the Lower Creek nation, whom we represent, do cede, and have ceded, all our right to the said island, conformable to the usage of Indians, in favor of the aforesaid John Forbes, esq., his heirs, executors, administrators, and assigns, now and for evermore. In testimony whereof, we have hereunto affixed our hands, with our signatures or marks. Done at Prospect Bluff, Apalachicola, this twenty-second day of April, one thousand eight hundred and eleven. Mark of Attaly, for Tustunnuggie Checha; mark of Hopoi Emathla, by Chupalocky; mark of Hopoi Micco, mark of Yahulla Emathla, mark of Capitza Micco, mark of Tuskai Micco, mark of Hopoi Cuchee, mark of Miccasuky Tuskinia, mark of Cuessa Emathla, mark of Yahulla Hadjoe, mark of Ninny Humata Tustunnuggie, mark of Eupala Hadjoe, mark of Ufala Micco, mark of Tulahta Hadjo, mark of Wasseca Tustunnuggie, mark of Tustunnuggie Chackuskany, mark of Tuskai Hadjoe, mark of Juan Meally. Signed and delivered in our presence: Edmund Doyle, Daniel Blue, William Hamby.

I, Don Vicente Sebastian Pintado, surveyor general of this province, exercising the functions of public interpreter, which office is at present vacant, certify that I have made the preceding translation truly and faithfully, according to the best of my understanding and capacity, and according to the literal sense of the annexed paper in the English idiom, and at the instance of Mr. John Innerarity, attorney of Mr. John Forbes. Pensacola, June 22, 1811. (Signed) Vicente Sebastian Pintado. Costs, 22rs.

Whereas, at a meeting of the chiefs of the lower towns of the nation of Creek Indians and Seminoles, held at Chisquitulufa on the twenty-sixth of April of the preceding year, one thousand eight hundred and ten, it was unanimously accorded and resolved by said chiefs, in the name of their towns and nations, to cede, gratuitously and generously, to Mr. John Forbes, an island which is situated on the western side of the river Apalachicola, fronting the place where the factory belonging to the house of Messrs. John Forbes & Co. is established, the limits of which, according to the instrument of writing in the English language, signed and executed by them in favor of the said John Forbes, esq., under date of the twenty-second day of April of the present year, in the said factory, at which we also assisted, accompanied by Mr. William Hamby, as agent and interpreter of the said John Forbes, esq., and Mr. Daniel Blue, a half-pay English officer, in the capacity of a surveyor, to trace the line, which runs thus: beginning its course from the place called the Three Mouths, running up the river Apalachicola, on the western side, for about nine miles, more or less; from its mouth it follows in different directions to the distance of about a mile and a half higher than the place where the said factory is situated, the directions, courses, and distances of which appear more particularly in the plan or map annexed to this deed, which island we have ceded to the said John Forbes, esq., to have and to hold the same, or to dispose of it at his option, and, as such, we order that it may be observed and respected by all, now, from henceforth, and forever. Given at St. Mark's, Apalachy, in presence of his honor the commandant of said post, Don Marcos de Villiers, and the subscribing witnesses, on the twenty-fifth day of May, one thousand eight hundred and eleven. Mark of Capitza Micco Kintahchee, mark of Cacha Tustunnuggie, mark of Aza Micco, mark of Coosa Facho, mark of Yahulla Emathla, mark of False Hacho, mark of Ninni Humata Tustunnuggie. We, the undersigned, declare that, although we were not present at the demarcation of the aforementioned boundary line, we know and are well satisfied with its accuracy and justness; and, in conformity, we sign the same on the day of the date, in presence of the commandant of this fort, interpreters, and assistant witnesses. Mark of Nocose Opay, mark of Cowa Emathla, mark of Tustunnuggie Facho, mark of Micco Hadjoe, mark of Nocose Hadjoe.

Don Marcos de Villiers, captain of the regiment of infantry of Louisiana, commandant and sub-delegate of the department of finance in this fort, certifies that, at a meeting held this day, the chiefs and warriors composing the same signed the foregoing paper in my presence, as also Don Felipe Prieto and Mr. William Hamby, by whom its contents were interpreted to them, with the intervention of the undersigned assistant witnesses. Apalachy, this twenty-fifth day of May, one thousand eight hundred and eleven. (Signed) Marcos de Villiers, Felipe Prieto, William Hamby, Lorenzo Vitrián. José Urcullo.

Don Francisco de St. Maxent, colonel of infantry, lieutenant colonel and commandant of the regiment of infantry of Louisiana, political and military governor, *ad interim*, of this province: I certify that the foregoing documents are conformable to the original record on file in the secretary's office of this government, and of the title delivered to the attorney of Mr. John Forbes; in evidence of which, I give the present under my hand, sealed with my armorial bearings, and countersigned by the undersigned secretary of this government. Pensacola, this twentieth of December, one thousand eight hundred and eleven. (Signed) Francisco Maximiliano de St. Maxent. (Signed) Pablo Larín. (Loc. Sig.)

Also, an original confirmation, or title in form, given by Governor Folch, countersigned by the secretary of the government, which reads in the words following, to wit:

Don Vicente Folch y Juan, brigadier general of the royal armies, military and political governor of the province of West Florida, inspector of the troops of the line and militia thereof, vice regius patronatus, judge, sub-delegate of the superintendency general, &c., &c.: Whereas Mr. John Innerarity, attorney of Mr. John Forbes, has represented to me in his memorial of the seventh day of the present month, that the principal chiefs, leaders, and headmen of the Lower Creek and Seminole Indians, at a meeting held at the



town of Tuskatalofa, on the river Apalachicola, on the tenth day of April of the preceding year, one thousand eight hundred and ten, unanimously resolved and determined, gratuitously, and of their own free will, to cede and convey to the said Mr. John Forbes an island of about seven miles in length, and one or more in width, situated in the river Apalachicola, facing the store or factory established there, in consideration of the important services which he has rendered them, and the regard he has shown them since the year one thousand seven hundred and eighty-five, when the house of Messrs. Pantón, Leslie & Co. was established, for which purpose the different chiefs, leaders, and headmen assembled at Prospect Bluff, Apalachicola, on the twenty-second day of April last, together with Mr. Edmund Doyle, agent of Mr. John Forbes, Mr. Daniel Blue, surveyor, and Mr. William Hambly, agent and interpreter, and signed the deed of cession and conveyance of the said island, which they ratified on the twenty-fifth of May last, before the commandant of the fort of St. Mark's, Apalache, Don Marcos de Villiers, and the official witnesses; the said chiefs and leaders being headed by the principal chief of the Mickasuky town, Capitza Micco Kenhachee, with other chiefs of the tribe commissioned for the purpose, and the ratification being renewed by another deed of the same date, with the marks of the chiefs in question, and certified by the aforesaid commandant, Don Marcos de Villiers, with the official witnesses, Don José Urcullo and Don Lorenzo Vitrian, and signed also by the interpreters, Don Felipe Prieto and Don Guillermo Hambly, it appears that the said island begins at a place called the "Three Mouths," distant about nine miles from the mouth of the river Apalachicola, and ascending the said river from the said place, in different directions and courses on the western side of the same, to about one and a half mile above or opposite to the site where the factory is at present established; and whereas it was one of the conditions and stipulations for the establishment of the said house that the government should afford it every possible support and assistance within its control for the recovery of their Indian and trading debts and claims, in order to preserve that friendship and good harmony which is so requisite; and this concession not being contrary to our laws, and to the sovereignty of our Catholic monarch, I gave my decree to the aforesaid memorial on the eighth day of the present month, in the following words: "Granted, with the understanding that Mr. John Forbes cannot dispose of the island in question, nor alienate it, without the express consent of this government, and that its acquisition is understood to be on the same footing as that for which a confirmatory title was issued on the third of December, one thousand eight hundred and six;" and the cession of the said island having been solemnly confirmed by the aforementioned deed of the twenty-second of April last, signed by Atlaty Tuskaman, Katchela of Chupaluckee, Hopoie Holaghta, Hopoie Micco, Yahulla Emathla, Capitza Micco, Hopoie Micco, Hopoie Cuckie, Mickasucky Tuskina, Conesa Emathla, Tohalla Hadjoe, Neny Hoomaghta Tuskanagge, Ufala Micco, Ufala Hadjoe, Talaghta Hayde, Wasaesa Tuskannucky, Tuskay Hadjoe, Juan Meally, in presence of Edmund Doyle, Daniel Blue, and William Hambly, which deed, with its translation annexed to the proceedings, is certified by the commandant of the fort of St. Mark's, Apalache, in presence of the official witnesses, Don José Urcullo and Don Lorenzo Vitrian; and the boundaries having been designated by the chiefs deputed for that purpose, Capitza Micco, King Hagee, Asa Micco, False Hadjoe, Catcha Tustannuggie, Cosafacho, Yahulla Emathla, Nimo Sumasta Tustannuggie, who, having made their declaration before the above-mentioned commandant, the same having been duly executed in writing, and with every formality, which deed was also signed by Nocose Opay, Tustannuggie Hadjoe, Nocose Hadjoe, Eava Emathla, and Micco Hadjoe, the whole of them unanimously consented, for their respective towns and nations, to the said gratuitous and generous concession in favor of John Forbes and his heirs, which act was certified by the aforesaid commandant, before the official witnesses, Don José Urcullo and Don Lorenzo Vitrian, and the interpreters, Messrs. Felipe Prieto and William Hambly. In consequence of all what is afore related, Mr. John Innerarity, as attorney of the aforesaid Mr. John Forbes, prayed me in the conclusion of his aforementioned memorial to interpose my authority in due form for the ratification of the island specified in the map or plan of the same, made by the surveyor general, Don Vincente Sebastian Pintado, which will be annexed to the present. Wherefore, exercising the powers which the King our sovereign (whom God preserve) has conferred upon me, I confirm and ratify, in his royal name, to the said John Forbes, the cession of the aforementioned island, made by the Seminole and Lower Creek nations of Indians, represented by their principal chiefs and headmen, with the dimensions, courses, and distances, as laid down in the aforesaid map or plan, which, together with all the original records of the same, are registered in the secretary's office of this government; and I declare the said John Forbes invested with the sole and absolute dominion thereof in fee simple, to have and to hold the same as his property, in order that he may possess, cultivate, sell, or alienate the same agreeable to the tenor of my decree inserted in the title hereof, and I grant him power to take possession, with which I hereby invest him in form. In faith whereof, I have ordered these presents to be despatched, signed with my own hand, sealed with my armorial bearings, and countersigned by the undersigned secretary of this government. Done in the town of Pensacola, the fifteenth day of June, one thousand eight hundred and eleven. (Signed) Vincente Folch. By order of his excellency. (Signed) Pablo de Larin. [L. s.]

Also, an original certificate of Pablo de Larin, secretary of the government, stating that the original proceedings of the cession, of which the foregoing is the patent of confirmation, remain deposited in the archives of this government office, and an authenticated copy thereof, and of the whole of the aforesaid proceedings, have been delivered this day to the surveyor general of this province, Don Vincente Sebastian Pintado, for the purpose of being registered in his office, and a notarial copy of the whole has also been delivered to the representative of the party interested. Pensacola, this twentieth day of December, one thousand eight hundred and eleven. (Signed) Pablo de Larin.

*Opinion of the commissioners.*

This grant is made by a congress of the chiefs and headmen of the Lower towns of the Creek nation of Indians and the Seminoles. They have ceded all their right to the said island, conformable to the usage of Indians, to John Forbes, to have and to hold the same, and to dispose of it at his option. This they have done, they say, for sundry good causes and considerations, which are explained in the petition of Mr. Innerarity, and the confirmatory title of Governor Folch, to be the important services which John Forbes has rendered them, and the regard he has shown them since the year one thousand seven hundred and eighty-five, when the house of Messrs. Pantón, Leslie & Co. was established. The grounds upon which the confirmatory title of Governor Folch seems to have been given, were, that it was one of the conditions and stipulations upon which said house was established, that the government should afford it any possible support and assistance within its control for the recovery of their Indian and trading debts and claims, in order to preserve that friendship and harmony which is so requisite. The title was



obtained with the same formalities, and under the same restriction or condition of not alienating the land without the consent of the government, as those observed in the two grants to Panton, Leslie & Co. and John Forbes & Co., on the east side of the Apalachicola river. In this claim the same questions are also presented to the minds of the undersigned commissioners, and, for an opinion in relation to it, they beg leave, respectfully, to refer to their opinion in those two cases already forwarded to the Secretary of the Treasury.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

*Second. Special report on conflicting claims emanating from the British and Spanish governments, with an abstract of the evidence, numbered from 1 to 30.*

#### No. 1.

A report of claims to a tract of land containing seven thousand arpents, situate on the eastern side of Escambia river, sometimes called an island, about twenty-six miles from Pensacola, in the district of West Florida, claimed in part by titles emanating from the British government, and in toto by a claim emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provisions of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Theodore Gaillard, Cornelia, his wife, formerly Cornelia Marshall, and Jane Marshall, citizens of the United States, to two hundred acres of land derived from the British government, is founded on—

An original patent, under the great seal, granted to Joseph Lamb by Peter Chester, captain general and commander-in-chief of his Britannic Majesty's province of West Florida, dated March 2, 1779, on the usual conditions; signed, countersigned, and recorded in due form.

Also, an original deed of bargain and sale from the grantee to William Marshall, dated March 8, 1779; acknowledged and recorded in due form.

Also, a certified copy of a deed of trust of William Marshall, jr., son of the aforesaid William, to Theodore Gaillard, and for the benefit of Cornelia, his wife, and Jane Marshall, of all the lands, &c., to which the said William was entitled in the province of West Florida, upon trust and conditions therein enumerated and expressed, dated November 2, 1803, with a schedule of the lands and lots thereunto annexed; certified to be a true copy by Charles S. Tucker, register, whose signature is authenticated by a certificate of the governor and secretary of South Carolina, under the great seal, dated September 19, 1822.

Also, a deposition of Elihu Hall Bay, duly certified and authenticated, stating that William Marshall, sen., was a staff officer in the British ordnance department, and resided in Pensacola until the province was surrendered to Spain; that during this period he had various grants of lands made to him by the different British governors; that the deponent was well acquainted with William Marshall and his affairs, and about the year 1781 or 1782 he left Pensacola and went to South Carolina and settled himself in the city of Charleston, and soon after became a citizen of said State; that he, the said William, died several years afterwards, leaving a son named William, one of the judges of the State, who died some years ago, leaving two daughters, Cornelia, wife of Theodore Gaillard, and Jane Marshall; that William Marshall, sen., had a number of negroes in West Florida and cultivated two tracts of land, and that he was in actual possession of several lots in Pensacola, on one of which he resided. Signed and sworn to before William S. Smith, clerk of the court of common pleas, whose signature and seal is accredited by the certificates of the presiding judge and governor, under their respective hands and seals.

Also, a deposition of John Black, stating that he resided for some time in Pensacola until the capture of that place by the Spaniards, and that he was well acquainted with William Marshall, who resided in his own house situated about two lots distant from the corner of George street, leading to Fort George, and that the said Marshall owned many tracts of land in the vicinity of Pensacola and elsewhere in the province; and further saith that the said William Marshall came to Charleston, with his family, where he became a citizen and resided the remainder of his life; his family were his son William, now dead, and his daughters Cornelia and Jane. Sworn to, certified, and authenticated as above.

Also, the claim of Theodore Gaillard, Cornelia, his wife, formerly Cornelia Marshall, and Jane Marshall, citizens of the United States, to two tracts of land of five hundred acres each, founded on—

A plat and certificate of survey made by Elias Durnford, surveyor general, pursuant to a warrant from Peter Chester, esq., captain general and commander-in-chief over his Britannic Majesty's province, dated February 22, 1779; certified on the 26th of the same month. Situated twenty-six miles from Pensacola, and bounded on the north by the lands of Joseph Lamb.

Also, an original patent for the same, under the great seal, to Charles Ward, granted by the said Peter Chester, dated March 2, 1779; signed, countersigned, and recorded.

Also, an original deed of bargain and sale for two tracts of land of five hundred acres each, dated March 12, 1779, reciting that he had obtained by letters patent two tracts of land—one bounded on the north by the lands of Joseph Lamb, the other bounded on the south by the said Lamb. He conveys the same to William Marshall.

Also, a copy of the plat and a certificate from the land office of the district of Washington, stating that the patent to the last mentioned tract, bounded on the south by Lamb, had been recorded in that office.

Also, a certified copy of a deed of trust of William Marshall, jr., son of the aforesaid William, to Theodore Gaillard, and for the benefit of Cornelia, his wife, and Jane Marshall, of all the lands to which the said William was entitled in the province of West Florida, upon trust and conditions therein enumerated and expressed, dated November 2, 1803, with a schedule of the lands and lots thereunto annexed; certified to be a true copy by Charles S. Tucker, register, whose signature is authenticated by a certificate of the governor and secretary, under the great seal, dated September 19, 1822. *Note.*—See the foregoing depositions of Elihu Hall Bay and John Black in the claim of two hundred acres.

Also, the claim of Theodore Gaillard, Cornelia, his wife, formerly Cornelia Marshall, and Jane Marshall, citizens of the United States, to two hundred and sixty acres of land, founded on an original patent, under the great seal, granted to George Burden by Peter Chester, esq., captain general and commander-in-chief in and over his Britannic Majesty's province of West Florida, dated January 29, 1780; signed, countersigned, and recorded in due form.

Also, a deed, poll, and letter of attorney executed by George Burden, reciting that he was entitled to three thousand acres of land as a lieutenant in his Majesty's service, and transferring his right to the same to William Marshall, or so much thereof as he will locate, dated May 10, 1799; acknowledged and recorded.

Also, a certified copy of a deed of trust of William Marshall, jr., son of the aforesaid William, to Theodore Gaillard, and for the benefit of Cornelia, his wife, and Jane Marshall, of all the lands, &c., to which the said William was entitled in the province of West Florida, upon trust and conditions therein enumerated and expressed, dated November 2, 1803, with a schedule of the lands and lots thereunto annexed; certified to be a true copy by Charles S. Tucker, register, whose signature is authenticated by a certificate of the governor and secretary, under the great seal, dated September 19, 1822.

See the foregoing depositions of Elihu Hall Bay and John Black, copied in the claim of two hundred acres.

The claim of Francisco Bonal, derived from the Spanish government, to an island circumscribed by the river Escambia, fronting the bluff called Durand's bluff, containing seven thousand arpents, situated about fifteen miles from the mouth of the said river, is founded on the following title papers and testimony exhibited in support thereof, to wit:

An original grant, or title in form, made to Francisco Bonal by Don José Masot, governor and sub-delegate of the intendant and superintendent general, for 7,000 arpents of land, an island in the Escambia river, under the seal of office; signed by the said governor, countersigned by Domingo Sausa and Joseph Cevallos, assistant witnesses, dated October 1, 1817.

A copy of a plat and certificate of survey, signed by Vicente Sebastian Pintado, surveyor general, dated Havana May 25, 1818, in which it is recited that the annexed figured plat and measurement were executed by his deputy, Don Pedro Reggio, on the 3d and 4th of October last, 1817, in favor of Francisco Bonal, in obedience to a decree of the governor and sub-delegate of royal finance of the province of West Florida, Don José Masot, dated September 19, 1817.

Also, an original grant or title in form made to Francisco Bonal by Don Alexandro Ramirez, intendant general, countersigned by Pedro Carambot, Secretary of War, dated Havana, May 2, 1818, setting forth that Francisco Bonal, of Pensacola, presented a petition to the intendency, accompanied by a copy of the proceedings instituted in the sub-delegation of that place for the obtaining a *gratuitous concession* of an island situated in the river Escambia, opposite the bluff called Durand's bluff, which island was conceded to him by the said Governor Masot, and a formal title delivered; and, in virtue of the powers conferred on him by his lord the King, and in his royal name, he confirmed and ratified to the said Bonal the 7,000 arpents of land containing the island aforementioned, and specified in the figured plat No. 1868, of which a copy is annexed to this title.

Pablo Palmes proved the signature of the intendant, escribano, and the subscribing witnesses attached to the grant.

F. H. Nisbet, being affirmed, says that he was upon the island claimed by Francisco Bonal in the month of August, 1821; that there was a family composed of two or three hands, who were engaged in cultivating the said land for Francisco Bonal; that there was a large clearing, and about seven or eight arpents planted with rice; that there were no houses on the land except a new unfinished barn. Does not recollect having seen anything else than rice growing; and further saith not.

Pablo Palmes, being duly sworn, saith that he was upon the land in the year 1819; saw two hands at work there in cultivating rice, corn, and potatoes; that there were two different clearings, the one planted in rice and the other in corn; thinks there were about seven or eight acres in rice, but does not know how many in corn and potatoes; that the hands had some time before erected a house on the island and adjacent to the river, and were forced to abandon it by high water; that the cultivation was continued from 1819 until about four months ago; and further saith not.

José Maura, being duly sworn, saith that he was upon the island in the year 1820, but knows that the improvements and cultivation were commenced in the year 1819; that the improvement consisted of a house and two clearings, one of which was planted in rice, and the other in corn, potatoes, and peas; thinks there were about seven or eight arpents in rice; and further saith not.

Joseph E. Caro, being duly sworn, saith that he knows that the grant made by the governor of this province, Don José Masot, to Francisco Bonal, was in the year 1817; and further, that the grant was sent to Havana for confirmation.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 2.

A report of claims to a lot of ground in the city of Pensacola, No. 150, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Theodore Gaillard, Cornelia, his wife, formerly Cornelia Marshall, and Jane Marshall, citizens of the United States, to lot No. 150, in the city of Pensacola, is founded on an original patent granted by Montford Browne, esq., lieutenant governor of the province of West Florida for his Britannic Majesty, under the great seal, signed and countersigned, dated January 12, 1768, to James Aria, of Pensacola, upon the usual condition. Also, an original deed of lease and release, executed by the grantee to Patrick Morgan on the 6th or 7th day of June, 1769, acknowledged and recorded in the

proper office, and certified accordingly. Also, an original deed of bargain and sale from Patrick Morgan to William Marshall, dated September 8, 1778; acknowledged and recorded in due form.

Also, a certified copy of a deed of trust of William Marshall, jr., son of the aforesaid William, to Theodore Gaillard, and for the benefit of Cornelia, his wife, and Jane Marshall, of all the lands, &c., to which the said William was entitled in the province of West Florida, upon trust and conditions therein enumerated and expressed, dated November 2, 1803, with a schedule of the lands and lots thereunto annexed; certified to be a true copy by Charles S. Tucker, register, whose signature is authenticated by a certificate of the governor and secretary under the great seal, dated September 19, 1822. Also, a deposition of Elihu Hall Bay, duly certified and authenticated, stating that William Marshall, sen., was a staff officer in the British department, and resided in Pensacola until that province was surrendered to Spain; that during this period he had various grants of land made to him by the different British governors; that the deponent was well acquainted with William Marshall and his affairs, and about the year 1781 or 1782 he left Pensacola and went to South Carolina, and settled himself in the city of Charleston, and soon after became a citizen of said State; that the said William died several years afterwards, leaving a son named William, one of the judges of the State, who died some years ago, leaving two daughters, Cornelia, wife of Theodore Gaillard, and Jane Marshall; that William Marshall, sen., had a number of negroes in West Florida, and cultivated two tracts of lands, and that he was in actual possession of several lots in Pensacola, on one of which he resided. Signed and sworn to before William S. Smith, clerk of the court of common pleas, whose signature and seal is accredited by the certificate of the presiding judge and governor, under their respective hands and seals.

Also, a deposition of John Black, stating that he resided for some time in Pensacola, until the capture of that place by the Spaniards, and that he was well acquainted with William Marshall, who resided in his own house, situated about two lots distance from the corner of George street, leading to Fort George; and that the said Marshall owned many tracts of land in the vicinity of Pensacola and elsewhere in the province; and further saith that the said William Marshall came to Charleston, with his family, where he became a citizen, and resided the remainder of his life. His family were his son William, now dead, and his daughters Cornelia and Jane. Sworn to, certified, and authenticated as above.

The claim of Maria Josephine Firou to the above-mentioned lot No. 150, derived from Spanish title, is founded on a copy of a mesne conveyance from Diego Cazorla to the claimant, passed before Governor Folch, and the assistant witnesses, Domingo Sausa and Anastacio Montes de Oca, June 15, 1808; certified to be a true copy by Joseph E. Caro, notary public, and charged with the archives, August 12, 1822. This deed recites that said Cazorla purchased the said lot July 15, 1804, held under a decree of the real hacienda, dated at New Orleans May 2, 1804.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

### No. 3.

A report of claims to a lot of ground in the city of Pensacola, No. 70, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of the heirs and legal representatives of James Sutton to a lot, No. 70, in the city of Pensacola, is founded on a copy of a patent granted by George Johnstone, esq., captain general and governor-in-chief in and over the province of West Florida, dated October 1, 1765; certified to be a true copy from the British records in the General Land Office, Washington city, by Josiah Meigs, commissioner thereof, under the seal of office.

The claim of Joseph Tapiola, derived from the Spanish government, to half the above lot No. 70, is founded on a copy of the grant made by the Intendant Morales, countersigned by Francisco F. G. Arroyo, secretary, dated March 7, 1810, to Louis Gonzales; certified to be a true copy by Joseph E. Caro, keeper of the public archives. Also, an extract from the protocols, certified to be a true one by Joseph E. Caro, keeper of the public archives, showing that said Gonzales conveyed to Pedro Mendoza, by act of sale, dated December 30, 1815, and that the said Mendoza conveyed to Tapiola, by act of sale, dated February 17, 1816.

In addition to the foregoing title papers, the said Joseph Tapiola proved, by parol testimony, the signatures of the Spanish officers annexed to the grant, and that the said half lot above mentioned was enclosed and a house erected upon it, in compliance with the conditions, within a year of the grant.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

### No. 4.

A report of claims to a lot of ground in the city of Pensacola, No. 203, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Elihu Hall Bay to lot No. 203, in the city of Pensacola, is founded on—

An original patent, made by George Johnstone, esq., captain general and governor-in-chief of his Britannic Majesty over the province of West Florida, under the great seal, countersigned by Alexander



McClelan, deputy provost secretary, to Thomas Huckstall, upon the usual conditions, dated October 4, 1765. Also, an original deed of lease and release from the grantee to David Ross, dated September 14, 1770, recorded in due form and certified accordingly. Also, an original confirmation patent issued by Peter Chester, captain general, &c., reciting the grant to Huckstall, his sale to Ross, and a sale from Ross to Elihu Hall Bay, on October 10, 1778, and confirming the title to the said Elihu Hall Bay; signed, countersigned, and recorded. Also, an affidavit of Elihu Hall Bay, of the city of Charleston, South Carolina, made before William S. Smith, clerk of the court of common pleas, stating that he "never, at any time since the surrender of West Florida to Spain in the year 1781, either directly or indirectly, received any payment or consideration for any lands he ever owned or possessed in the said province of West Florida from the British government, or its officers or agents;" dated at Charleston, June 5, 1822; signed and sealed by William S. Smith, clerk as aforesaid.

The claim of John Donalson, derived from the Spanish government, to half the above lot No. 203, is founded on—

An original grant, or title in form, made to José and Antonio de Vegas, by Intendant Morales, countersigned by secretary Arroyo, and dated April 14, 1810. Also, a copy of a mesne conveyance from the grantee to the claimant, passed before Governor Masot, and the assistant witnesses, Sausa and Cevallos, on February 11, 1818.

Joseph E. Caro proved all the foregoing signatures.

Henry Michelet, being sworn, saith that, in the year 1810, José and Antonio de Vegas enclosed lot No. 203, and built a house thereon; and further saith not.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 5.

A report of claims to a lot of ground in the city of Pensacola, No. 227, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Elihu Hall Bay to lot No. 227, in the city of Pensacola, is founded on—

An original patent granted to the claimant by Peter Chester, captain general and commander-in-chief in and over his Britannic Majesty's province of West Florida, dated June 9, 1769; signed and countersigned under the seal. Also, an affidavit of Elihu Hall Bay, of the city of Charleston, South Carolina, made before William S. Smith, clerk of the court of common pleas, stating that he "never, at any time since the surrender of West Florida to Spain in the year 1781, either directly or indirectly, received any payment or consideration for any lands he ever owned or possessed in the said province of West Florida from the British government, or its officers or agents;" dated at Charleston, June 5, 1822; signed and sealed by William S. Smith, as aforesaid.

The claim of Eugenio Antonio Sierra to the above lot No. 227, derived from Spanish titles, is founded on—

An original grant made by Intendant Morales, countersigned by Francisco Gutierrez de Arroyo, secretary, to Santiago Dauphin, dated November 26, 1811. Also, a copy of a mesne conveyance from said Dauphin to Eugenio Antonio Sierra, executed before Governor San Maxent, ad interim, with the assistant witnesses, Domingo Sausa and Juan Villaverde, dated April 11, 1812; certified to be a true copy by said Maxent, with the same assistants, on June 8, 1812.

In addition to the foregoing title papers, the said Eugenio Antonio Sierra proved, by parol testimony, the signatures of the Spanish officers annexed to the grant, and that the said lot above mentioned was enclosed and two houses erected upon it, in compliance with the conditions, within a year of the grant.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 6.

A report of claims to a lot of ground in the city of Pensacola, No. 231, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of David McCaleb, a citizen of the United States, for himself and the heirs and legal representatives of Alexander McCullaugh, deceased, to lot No. 231, in the city of Pensacola, is founded on an extract from the indices of the British records of West Florida in the General Land Office of the United States, showing that lot No. 231 was granted to William Marshall on October 6, 1767; certified by John McLean, Commissioner of the General Land Office. Also, a certified copy of a bill of sale or deed of conveyance from Alexander McCullaugh, nephew and heir-at-law of Alexander, sen., to David McCaleb, of Mississippi, of one equal half part of all the lands and lots owned by Alexander, sen., in the former British province of West Florida; executed, acknowledged, and recorded in Mississippi Territory, dated February 5, 1813; certified and authenticated in due form from the records of Washington county, Mississippi.

Also, a deposition taken before a justice of the peace, in the city of New Orleans, of William McCullaugh, who saith that Alexander McCullaugh, the owner of various lands and lots in the former

British province of West Florida, died at Pensacola, and that the father of deponent was his heir-at-law, and, after his death, Alexander, jr., being the eldest son, was his heir-at-law. Sworn and subscribed to before Simeon Knight, whose signature is authenticated by a certificate of the governor of Louisiana under the seal of the State.

Also, a deposition of Robert Fleming, formerly of Charleston, South Carolina, taken at Philadelphia on March 4, 1823, stating that Alexander McCullaugh, jr., frequently mentioned to him that he was the heir of his uncle, Alexander, sen., who died at Pensacola intestate, and that the deponent was informed by other relations of the family of the same facts; and that the said Alexander, jr., showed him divers documents, duly authenticated in Ireland, proving that his father died intestate, and that he was the heir-at-law, or eldest son, of his father, William, who died intestate; that all the documents were authenticated in Ireland with a view of his taking possession of his uncle's lands in West Florida; that the said Alexander, as deponent verily believes, became a citizen of the United States in South Carolina, as he could not carry on business on his own account as a merchant without; that some time thereafter he moved to Jacksonborough, where his house and all his papers were consumed by fire; and that, in 1803 or 1804, the said Alexander went out to Mississippi in search of his lands and lots, &c. Sworn to before Robert Wharton, mayor of the city of Philadelphia.

Also, the deposition of Elihu Hall Bay, taken in a suit in Mississippi, and certified from the records of that court, in which he states that Alexander McCullaugh, sen., died at Pensacola, without children, shortly after June, 1781, and that his brother, John Bay, was one of his administrators, and took possession of all his title papers, grants, &c., and carried them to South Carolina and deposited them with the deponent for safe keeping; and that some time thereafter a young man, calling himself Alexander McCullaugh, arrived from Ireland, in consequence of letters written to him by the administrators of his deceased uncle, and called on deponent, and informed him that his father, the brother of Alexander, sen., had died intestate, and that he was the heir and nephew of Alexander, sen., deceased; and at the same time produced certificates and testimonials, all authenticated in such a manner, by competent tribunals in Ireland, as left no doubt on deponent's mind that the said Alexander, jr., was heir-at-law of Alexander, sen., in consequence of which he gave him all his uncle's grants, deeds, &c., certified in due form.

The claim of John J. Simpson to lot No. 231, in the city of Pensacola, derived from Spanish titles, is founded on a copy of a mesne conveyance from Manuel Gonzales to the claimant, passed before Governor Callava and the assistant witnesses, Sausa and Rioboo, on May 10, 1819, certified to be a true copy by the same persons on the same day. Also, an extract from the protocols, certified to be a true one by Joseph E. Caro, keeper of the public archives, which states that Gonzales purchased the said lots, with the improvements thereon, from Vicente Ignacio Ramos, by act of sale passed before Governor Maxent and the assistant witnesses, Sausa and Villaverde, on June 2, 1810, which recites that the said lot was granted to Ramos by Intendant Morales on January 29, 1810, and that the improvements were made by him.

In addition to the foregoing title papers, the said John J. Simpson proves the signatures of the Spanish officers annexed to the grant.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 7.

A report of claims to a lot of ground in the city of Pensacola, No. 142, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the fourth section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of David McCaleb, a citizen of the United States, for himself and the heirs and legal representatives of Alexander McCullaugh, to lot No. 142, in the city Pensacola, is founded on—

*First.* Letters patent, signed and countersigned under the great seal of the province, granted by George Johnstone, esq., captain general and commander-in-chief over his Britannic Majesty's province of West Florida, for lot No. 142, in the city of Pensacola, to Ralph Wardlaw, dated October 4, 1765; certified to have been recorded in due form, having the usual front and depth, according to the British plan of Pensacola. An original deed of conveyance from Ralph Wardlaw, the grantee, to William Marshall for the above lot No. 142, dated November 6, 1765; acknowledged, recorded, and certified. Also, an original lease and release from William Marshall to Alexander McCullaugh for said lot; signed, acknowledged, and recorded; dated the 18th and 19th of August, 1777.

Also, a certified copy of a bill of sale or deed of conveyance from Alexander McCullaugh, nephew and heir-at-law of Alexander, sen., to David McCaleb, of the State of Mississippi, of one equal half part of all the lands and lots owned by Alexander, sen., in the former British province of West Florida; executed, acknowledged, and recorded in Mississippi Territory, dated February 5, 1813; certified and authenticated in due form from the records of Washington county, Mississippi.

Also, a deposition, taken before a justice of the peace in the city of New Orleans, of William McCullaugh, who saith that Alexander McCullaugh, the owner of various lands and lots in the former British province of West Florida, died at Pensacola, and that the father of the deponent was his heir-at-law, and after his death, Alexander, jun., being the eldest son, was his heir-at-law. Sworn and subscribed before Simeon Knight, whose signature is authenticated by a certificate of the governor of Louisiana, under the seal of the State.

Also, a deposition of Robert Fleming, formerly of Charleston, South Carolina, taken at Philadelphia on March 4, 1823, stating that Alexander McCullaugh, jun., frequently mentioned to him that he was the heir of his uncle, Alexander, sen., who died at Pensacola intestate; and that the deponent was informed by other relations of the family of the same facts, and that the said Alexander, jun., showed him divers documents, duly authenticated in Ireland, proving that his father died intestate, and that he was the heir-at-law, or eldest son, of his father, William, who died intestate; that all the documents were authenticated in Ireland with a view of his taking possession of his uncle's lands in West Florida; and that the said

Alexander, as deponent verily believes, became a citizen of the United States in South Carolina, as he could not carry on business on his own account as a merchant without; that some time thereafter he moved to Jacksonborough, where his house and all his papers were consumed by fire; and that, in 1803 or 1804, the said Alexander went out to Mississippi in search of his lands and lots, &c. Sworn to before Robert Wharton, mayor of the city of Philadelphia.

Also, a deposition of Elihu Hall Bay, taken in a suit in Mississippi, and certified from the records of that court, in which he states that Alexander McCullaugh, sen., died at Pensacola, without children, shortly after June, 1781, and that his brother, John Bay, was one of his administrators, and took possession of all his title papers, grants, &c., and carried them to South Carolina and deposited them with the deponent for safe keeping; and that some time thereafter a young man, calling himself Alexander McCullaugh, arrived from Ireland, in consequence of letters written to him by the administrators of his deceased uncle, and called on deponent, and informed him that his father, the brother of Alexander, sen., had died intestate, and that he was the heir and nephew of Alexander, sen., deceased; and at the same time produced certificates and testimonials, all authenticated in such a manner, by competent tribunals in Ireland, as left no doubt on deponent's mind that the said Alexander, jun., was heir-at-law of Alexander, sen.; in consequence of which he gave him all his uncle's grants, deeds, &c., certified in due form.

The claim of Joseph Roche to part of lot No. 142, in the city of Pensacola, derived from Spanish title, is founded on—

A copy of an act of sale at auction made to Marcos Riera by Francisco Paula Gelabert, governor, in obedience to a decree of the Baron de Carondelet, governor general of Louisiana, dated August 5, 1776, being for one lot No. 142 as the property of Zenon Balls, deceased; certified to be a true copy by Joseph E. Caro, keeper of the public archives, on December 10, 1822. Also, a copy of a mesne conveyance from Marcos Riera to the claimant, passed before Governor Maxent and the assistant witnesses, Sausa and Montes de Oca, on June 30, 1810; certified to be a true copy by the same persons on the same day.

In addition to the foregoing, the said Joseph Roche proves the signatures of the Spanish officers annexed to the title papers, and that the said lot before mentioned was enclosed and a house erected upon it for upwards of thirty-five years.

The claim of Neilson and Randolph to one-fifth part of the above lot No. 142, derived from Spanish titles, is founded on—

A copy of mesne conveyance from William King to the claimant, passed before Governor Callava and the assistant witnesses, Domingo Sausa and Joseph E. Caro, on February 16, 1820; certified to be a true copy by Joseph E. Caro, keeper of the public archives, on December 30, 1822. Also, an extract from the protocols, certified to be a true copy by Joseph E. Caro, keeper of the public archives, which states that William King purchased of John de la Rua, attorney in fact of James Fontenals, on November 27, 1818; that James Fontenals purchased at a public sale of the estate of Marcos Riera, deceased, on August 12, 1812.

NOTE.—See documentary and parol testimony adduced in the above claim of Joseph Roche to a part of the said lot, which likewise applies to this claim.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 8.

A report of claims to a lot of ground in the city of Pensacola, No. 233, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the fourth section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of David McCaleb, a citizen of the United States, for himself and the heirs and legal representatives of Alexander McCullaugh, deceased, to lot No. 233, in the city of Pensacola, is founded on an extract from the indices of the British records of West Florida now in the General Land Office, showing that the above-mentioned lot was granted to Laughlin McGuire January 10, 1767, certified by John McLean, Commissioner of the General Land Office. Also, an original lease and release, signed, acknowledged, and recorded, from the grantee to Alexander Moore, dated September 10 and 11, 1767. Also, a deed of bargain and sale from Alexander Moore and wife to Alexander McCullaugh, dated July 8, 1777, for the said lot.

Also, a certified copy of a bill of sale, or deed of conveyance, from Alexander McCullaugh, nephew and heir-at-law of Alexander, sr., to David McCaleb, of the State of Mississippi, of one equal half part of all the lands and lots owned by Alexander, sr., in the former British province of West Florida, executed, acknowledged, and recorded in Mississippi Territory, dated February 5, 1813, certified and authenticated in due form from the records of Washington county, Mississippi.

Also, a deposition, taken before a justice of the peace in the city of New Orleans, of William McCullaugh, who saith that Alexander McCullaugh, the owner of various lands and lots in the former British province of West Florida, died at Pensacola, and that the father of the deponent was his heir-at-law, and after his death, Alexander, jr., being the eldest son, was his heir-at-law. Sworn and subscribed before Simeon Knight, whose signature is authenticated by a certificate of the governor of Louisiana, under the seal of the State.

Also, a deposition of Robert Fleming, formerly of Charleston, South Carolina, taken at Philadelphia March 4, 1823, stating that Alexander McCullaugh, jr., frequently mentioned to him that he was the heir of his uncle, Alexander, sr., who died at Pensacola intestate, and that the deponent was informed by other relations of the family of the same facts; and that the said Alexander, jr., showed him divers documents, duly authenticated in Ireland, proving that his father died intestate, and that he was the heir-at-law, or eldest son, of his father, William, who died intestate; that all the documents were authenticated in Ireland with a view of his taking possession of his uncle's lands in West Florida; and that the said Alexander, as deponent verily believes, became a citizen of the United States in South Carolina, as he could not carry on business on his own account as a merchant without; that some time thereafter he moved to Jacksonborough,



where his house and all his papers were consumed by fire; and that, in 1803 or 1804, the said Alexander went out to Mississippi in search of his lands and lots, &c. Sworn to before Robert Wharton, mayor of the city of Philadelphia.

Also, a deposition of Elihu Hall Bay, taken in a suit in Mississippi, and certified from the records of that court, in which he states that Alexander McCullaugh, sr., died at Pensacola, without children, shortly after June, 1781, and that his brother, John Bay, was one of his administrators, and took possession of all his title papers, grants, &c., and carried them to South Carolina, and deposited them with the deponent for safe keeping; and that some time thereafter a young man, calling himself Alexander McCullaugh, arrived from Ireland, in consequence of letters written to him by the administrators of his deceased uncle, and called on deponent, and informed him that his father, the brother of Alexander, sr., had died intestate, and that he was the heir and nephew of Alexander, sr., deceased; and at the same time produced certificates and testimonials, all authenticated in such a manner, by competent tribunals in Ireland, as left no doubt on deponent's mind that the said Alexander, jr., was heir-at-law of Alexander, sr.; in consequence of which he gave him all his uncle's grants, deeds, &c., certified in due form.

The claim of Mariana Bonifay to lot No. 233, in the city of Pensacola, derived from Spanish title, is founded on an original grant to John B. Aleck made by the Intendant Morales, countersigned by F. G. Arroyo, secretary, and dated May 9, 1810. Also, a copy of a mesne conveyance from the grantee to the present claimant, executed before William King, temporary governor, and James Scallan, secretary, June 17, 1818, certified to be a true copy by said King and Scallan.

In addition to the foregoing title papers, the said Mariana Bonifay proves, by parol testimony, the signatures of the Spanish officers annexed to the grant, and that the said lot above mentioned was enclosed and a house erected upon it, in compliance with the conditions, within a year of the grant.

All of which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 9.

A report of claims to a lot of ground in the city of Pensacola, No. 157, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the fourth section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of David McCaleb, a citizen of the United States, for himself and the heirs and legal representatives of Alexander McCullaugh, deceased, to lot No. 157, in the city of Pensacola, is founded on a deed poll from Alexander McCullaugh, deputy provost marshal, to Thomas Underwood, dated March 31, 1774, reciting that the lot was granted to James Cavanaugh, and sold to satisfy a judgment against him. Also, an original deed of lease and release from Thomas Underwood to Alexander McCullaugh, dated January 16 and 17, 1775; acknowledged, recorded, and certified.

Also, a certified copy of a bill of sale, or deed of conveyance, from Alexander McCullaugh, nephew and heir-at-law of Alexander, sr., to David McCaleb, of the State of Mississippi, of one equal half part of all the lands and lots owned by Alexander, sr., in the former British province of West Florida, executed, acknowledged, and recorded in Mississippi Territory, dated February 5, 1813; certified and authenticated in due form from the records of Washington county, Mississippi.

Also, a deposition, taken before a justice of the peace in the city of New Orleans, of William McCullaugh, who saith that Alexander McCullaugh, the owner of various lands and lots in the former British province of West Florida, died at Pensacola, and that the father of this deponent was his heir-at-law, and after his death, Alexander, jr., being the eldest son, was his heir-at-law. Sworn and subscribed before Simeon Knight, whose signature is authenticated by a certificate of the governor of Louisiana, under the seal of the State.

Also, a deposition of Robert Fleming, formerly of Charleston, South Carolina, taken at Philadelphia March 4, 1823, stating that Alexander McCullaugh, jr., frequently mentioned to him that he was the heir of his uncle, Alexander, sr., who died at Pensacola intestate, and that the deponent was informed by other relations of the family of the same facts, and that the said Alexander, jr., showed him divers documents, duly authenticated in Ireland, proving that his father died intestate, and that he was the heir-at-law, or eldest son, of his father, William, who died intestate; that all the documents were authenticated in Ireland with a view of his taking possession of his uncle's lands in West Florida; and that the said Alexander, as deponent verily believes, became a citizen of the United States in South Carolina, as he could not carry on business on his own account as a merchant without; that some time thereafter he moved to Jacksonborough, where his house and all his papers were consumed by fire; and that, in 1803 or 1804, the said Alexander went out to Mississippi in search of his lands and lots, &c. Sworn to before Robert Wharton, mayor of the city of Philadelphia.

Also, a deposition of Elihu Hall Bay, taken in a suit in Mississippi, and certified from the records of that court, in which he states that Alexander McCullaugh, sr., died at Pensacola, without children, shortly after June, 1781, and that his brother, John Bay, was one of his administrators, and took possession of all his title papers, grants, &c., and carried them to South Carolina, and deposited them with the deponent for safe keeping; and that some time thereafter a young man, calling himself Alexander McCullaugh, arrived from Ireland, in consequence of letters written to him by the administrators of his deceased uncle, and called on deponent, and informed him that his father, the brother of Alexander, sr., had died intestate, and that he was the heir and nephew of Alexander, sr., deceased; and at the same time produced certificates and testimonials, all authenticated in such a manner, by competent tribunals in Ireland, as left no doubt on deponent's mind that the said Alexander, jr., was heir-at-law of Alexander, sr.; in consequence of which he gave him all his uncle's grants, deeds, &c., certified in due form.

The claim of H. H. B. Hays and John Duncan to the eastern half of lot No. 157, derived from Spanish title, is founded on a copy of mesne conveyance from José Maura, attorney in fact of Elena Gayarra, to the claimants, passed before Governor Callava, countersigned by Domingo Sausa and Joseph E. Caro, assistant

witnesses, dated March 20, 1820. Also, an extract from the protocol, certified to be a true one by Joseph E. Caro, keeper of the public archives, showing that Elena Gayarra purchased from Juan Galguera on June 1, 1810. Also, was produced by Joseph E. Caro, keeper of the public archives, an original grant, or title in form, made to Galguera by the Intendant Morales, countersigned by Gutierrez de Arroyo, secretary, dated February 20, 1810.

In addition to the foregoing title papers, the said H. H. B. Hays and John Duncan proved, by parol testimony, the signatures of the Spanish officers annexed to the grant, and that the said lot above mentioned was enclosed and a house erected upon it, in compliance with the conditions, within a year of the grant.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 10.

A report of claims to four lots of ground in the city of Pensacola, (Nos. 96, 230, 265, and 266,) in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of David McCaleb, a citizen of the United States, for himself and the heirs and legal representatives of Alexander McCullaugh, deceased, to lots Nos. 96, 230, 265, and 266, in the city of Pensacola, is founded on an extract from the indices of the British records of West Florida in the General Land Office of the United States, certified by John McLean, Commissioner thereof, showing that lots Nos. 96, 230, 265, and 266, were granted by letters patent from the British government to Montford Browne. Also, an original lease and release from the grantee to Alexander McCullaugh, dated November 2 and 3, 1775, for the said lots; acknowledged, recorded, and certified.

Also, a certified copy of a bill of sale, or deed of conveyance, from Alexander McCullaugh, nephew and heir-at-law of Alexander, sr., to David McCaleb, of the State of Mississippi, of one equal half part of all the lands and lots owned by Alexander, sr., in the former British province of West Florida, executed, acknowledged, and recorded in Mississippi Territory, dated February 5, 1813; certified and authenticated in due form from the records of Washington county, Mississippi.

Also, a deposition, taken before a justice of the peace in the city of New Orleans, of William McCullaugh, who saith that Alexander McCullaugh, the owner of various lands and lots in the former British province of West Florida, died at Pensacola, and that the father of the deponent was his heir-at-law, and after his death, Alexander, jr., being the eldest son, was his heir-at-law. Sworn and subscribed before Simeon Knight, whose signature is authenticated by a certificate of the governor of Louisiana, under the seal of the State.

Also, a deposition of Robert Fleming, formerly of Charleston, South Carolina, taken at Philadelphia on March 4, 1823, stating that Alexander McCullaugh, jr., frequently mentioned to him that he was the heir of his uncle, Alexander, sr., who died at Pensacola intestate, and that the deponent was informed by other relations of the family of the same facts, and that the said Alexander, jr., showed him divers documents, duly authenticated in Ireland, proving that his father died intestate, and that he was the heir-at-law, or eldest son, of his father, William, who died intestate; that all the documents were authenticated in Ireland with a view of his taking possession of his uncle's lands in West Florida, and that the said Alexander, as deponent verily believes, became a citizen of the United States in South Carolina, as he could not carry on business on his own account as a merchant without; that some time thereafter he removed to Jacksonborough, where his house and all his papers were consumed by fire; and that, in 1803 or 1804, the said Alexander went out to Mississippi in search of his lands and lots, &c. Sworn to before Robert Wharton, mayor of the city of Philadelphia.

Also, a deposition of Elihu Hall Bay, taken in a suit in Mississippi, and certified from the records of that court, in which he states that Alexander McCullaugh, sr., died at Pensacola, without children, shortly after June, 1781; and that his brother, John Bay, was one of his administrators, and took possession of all his title papers, grants, &c., and carried them to South Carolina, and deposited them with deponent for safe keeping; and that some time thereafter a young man, calling himself Alexander McCullaugh, arrived from Ireland, in consequence of letters written to him by the administrators of his deceased uncle, and called on deponent, and informed him that his father, the brother of Alexander, sr., had died intestate, and that he was the heir and nephew of Alexander, sr., deceased; and at the same time produced certificates and testimonials, all authenticated in such a manner, by competent tribunals in Ireland, as left no doubt on deponent's mind that the said Alexander, jr., was heir-at-law of Alexander, sr.; in consequence of which he gave him all his uncle's grants, deeds, &c., certified in due form.

The claim of Joseph Maria Mesa to the western half of lot No. 96, in the city of Pensacola, derived from Spanish titles, is founded on an original decree of concession made to the claimant by John Ventura Morales, intendant general, countersigned by John Morales and Vicente Ignacio Ramos, assistant witnesses, dated May 21, 1812.

Also, an original certificate of survey, executed and returned by Vicente Sabastian Pintado, surveyor general, dated July 7, 1812, reciting that, in obedience to the foregoing decree, he surveyed and measured for the claimant the western half of lot No. 96, situated on Cuna street, containing forty feet front on said street by 170 feet depth.

In addition to the foregoing title papers, the said claimant proved, by parol testimony, the authenticity of the title papers; that he enclosed the half of lot No. 96 soon after he obtained the grant, and that he built a frame house thereon about the end of the year 1812.

The claim of Antonio Montero to lot No. 230, in the city of Pensacola, derived from Spanish titles, is founded on an original grant from the Intendant Morales, countersigned by F. G. Arroyo, secretary, made to Antonio Montero, and bearing date February, 26, 1810.

In addition to the foregoing title papers, the said Antonio Montero proves, by parol testimony, the signatures of the Spanish officers annexed to the grant, and that the said lot above mentioned was enclosed and a house erected upon it, in compliance with the conditions, within a year of the grant.

The claim of Eugenio Antonio Sierra to lot No. 265, in the city of Pensacola, derived from a Spanish title, is founded on an original grant made by the Intendant Morales, countersigned by Secretary Arroyo, to Andres Cadet, dated March 24, 1812. Also, a copy of a mesne conveyance from said Cadet to E. A. Sierra, passed before San Maxent, governor *ad interim*, and the assistant witnesses, Domingo Sausa and Juan Villaverde, on April 12, 1812; certified, on the same day, to be a true copy by said Maxent and the same assistants.

In addition to the foregoing title papers, the said Eugenio Antonio Sierra proves, by parol testimony, the signatures of the Spanish officers annexed to the grant; and that the said lot above mentioned was enclosed and a house erected upon it, in compliance with the conditions, within a year of the grant.

The claim of Charles de Grandpre to lot No. 266, in the city of Pensacola, derived from Spanish title, is founded on an original grant, or title in form, made to the claimant by the Intendant Morales, countersigned by F. G. Arroyo, secretary, and dated March 24, 1812.

In addition to the foregoing, the said Charles de Grandpre proves, by parol testimony, the signatures of the Spanish officers annexed to the grant; and that the said lot above mentioned was enclosed within a year after it was granted to him, but never built on in consequence of its marshy situation.

All of which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.

JOSEPH M. WHITE.

#### No. 11.

A report of claims to a tract of land containing eight hundred arpents, situated forty-seven perches to the south of the suburb of the city of Pensacola, bounded with Galvez Spring, in the district of West Florida, claimed in part by titles emanating from the British government, and *in toto* by a claim emanating from the Spanish government, with an abstract of the evidence reported in conformity to the provision of the fourth section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Theodore Gaillard, Cornelia, his wife, formerly Cornelia Marshall, and Jane Marshall, citizens of the United States, to two hundred and fifty acres of land derived from the British government, is founded on—

A plat and certificate of survey made by Elias Durnford, surveyor general of the province of West Florida, pursuant to a warrant from Montfort Browne, esquire, lieutenant governor of his Britannic Majesty's province aforesaid; certified August 28, 1768.

Also, an original patent, under the great seal, granted by the said Montfort Browne to William Marshall for the said land, on the usual conditions, dated December 15, 1768; signed, countersigned, and recorded.

Also, a certified copy of a deed of trust of William Marshall, sr., of all the lands, &c., son of the aforesaid William, to Theodore Gaillard, and for the benefit of Cornelia, his wife, and Jane Marshall, to which the said William was entitled in the province of West Florida, and upon trust and condition therein enumerated and expressed, dated November 2, 1803, with a schedule of the lands and lots thereunto annexed; certified to be a true copy by Charles S. Tucker, register, whose signature is authenticated by a certificate of the governor and secretary of South Carolina, under the great seal, dated September 19, 1822.

Also, a deposition of Elihu Hall Bay, duly certified and authenticated, stating that William Marshall, sr., was a staff officer in the British ordnance department, and resided in Pensacola until the province was surrendered to Spain; that, during this period, he had various grants of land made to him by the different British governors; that the deponent was well acquainted with William Marshall and his affairs, and, about the year 1781 or 1782, he left Pensacola, and went to South Carolina, and settled himself in the city of Charleston, and soon after became a citizen of said State; that the said William died several years afterwards, leaving a son named William, one of the judges of the State, who died some years ago, leaving two daughters, Cornelia, wife of Theodore Gaillard, and Jane Marshall; that William Marshall, sr., had a number of negroes in West Florida, and cultivated two tracts of land; and that he was in actual possession of several lots in Pensacola, on one of which he resided. Signed and sworn to before William S. Smith, clerk of the court of common pleas, whose signature and seal is accredited by the certificate of the presiding judge and governor of South Carolina, under their respective hands and seals.

Also, a deposition of John Black, stating that he resided some time in Pensacola, until the capture of that place by the Spaniards, and that he was well acquainted with William Marshall, who resided in his own house, situated about two lots distant from the corner of George street, leading to Fort George, and that the said Marshall owned many tracts of land in the vicinity of Pensacola and elsewhere in the province; and further saith, that the said William Marshall came to Charleston, with his family, where he became a citizen, and resided the remainder of his life. His family were, his son William, now dead, and his daughters Cornelia and Jane. Sworn to, certified, and authenticated as above.

The claim of William King, derived from the Spanish government, to eight hundred arpents of land, situated about forty-seven perches to the south of the suburb of the city of Pensacola, bounded with San Maxent's tract of land, and north with Galvez Spring, is founded on the following title papers and testimony exhibited in support thereof, to wit:

A copy of a plat and an original certificate, made by Vicente Sebastian Pintado, surveyor general, dated Havana, December 3, 1819, stating that the annexed plat is a true copy from the original attached to the original proceedings instituted by Thomas P. Rioboo, on October 8, 1819, and by a decree of the intendant and superintendent general of Havana, dated 26th of November last, an authenticated copy of the following proceedings were granted to said Rioboo. Signed and sealed as above.

Also, a copy of a certificate signed by Carlos Reggio, Pedro Reggio, José Noriega, Lewis Daunoy, and Santiago Dauphine, dated Pensacola, August 2, 1819, proving that Thomas P. Rioboo cultivated a tract of land at the place known by the name of Galvez Spring. Signed and dated as above.

Also, a copy of a petition signed by Rioboo, dated Havana, October 8, 1819, addressed to the



intendant and superintendent general, setting forth that, on September 13, 1806, Don Juan Ventura Morales, intendant of the province of West Florida, ordered that a tract of land of eight hundred arpents, situated at Galvez Spring, should be surveyed and measured for Gregorio Artacho, having petitioned for the same, and afterwards conveyed to your petitioner, praying that, by the surveyor general, Vicente Sebastian Pintado, a certified copy of the said grant, or of the title in form, should be given to him.

Also, a copy of a decree of the intendant general, dated Havana, October 9, 1819, referring the proceedings to the fiscal.

Also, a copy of the fiscal's opinion, dated Havana, October 16, 1819, stating that the proceedings be referred to the surveyor general, Vicente Sebastian Pintado, to report according to the solicitude of the petitioner.

Also, a copy of a decree by the intendant general, dated Havana, October 16, 1819, stating that, in conformity with the fiscal's opinion, let the proceedings be referred to the surveyor general, Vicente Sebastian Pintado, for the report so required.

Also, a copy of a report made by Vicente Sebastian Pintado, surveyor general, dated Havana, October 29, 1819, in obedience to the foregoing decree, stating that, by decree of the intendant of the province of West Florida, dated September 13, 1806, there was granted and surveyed for Gregorio Artacho a tract of land situated in the contiguities of the town of Pensacola, containing twenty arpents front by forty in depth, at Galvez Spring, which original grant for the said land I have delivered at the secretary's office on the 29th of March last. Signed and dated as above.

Also, a copy of the fiscal's opinion, dated Havana, November 26, 1819, stating that, by reference to the report of the surveyor general, Vicente S. Pintado, and other documents hereunto annexed, it is proved that the concession of eight hundred arpents of land, made in the year 1806, by the intendant to Don Gregorio Artacho, (now the property of Thomas P. Rioboo,) is a lawful one, as made in the time qualified for, and by competent authority; in consequence of which he is of opinion that the said Rioboo can maintain the possession of the said land in virtue of the above statement and the loss of the original title papers, without interfering with a third person. (Signed) Figueroa.

Also, a copy of a decree by the intendant general, dated Havana, November 26, 1819, ordering that an authenticated copy of the proceedings be granted to the petitioner; certified to be a true copy by José Noy, secretary of the royal hacienda, dated December 3, 1819. The signature of José Noy is accredited by Francisco Ayala, Manuel de la Torre, and Mauricio Parras Pita, notaries public of the city of Havana, dated December 3, 1819.

Also, a copy of a mesne conveyance from Thomas P. Rioboo to the claimant, passed before William King, governor *ad interim*, countersigned by Miguel McKinsee, dated November 28, 1818, certified to be a true copy by Governor Callava, countersigned by Domingo Sausa and Thomas P. Rioboo, April 5, 1819.

In addition to the foregoing title papers, the said William King proved, by parol testimony, that Gregorio Artacho settled upon the above tract of land in the year 1806; that there were two small houses, and about six arpents cleared and enclosed; that he continued the cultivation about three or four years, and obtained the said tract of land by a grant of Morales.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 12.

A report of claims to a lot of ground in the city of Pensacola, No. 101, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the fourth section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to land within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Bernard Marigny, curator of his minor sons, Gustave and Prosper Marigny, Henry McCall, acting for and in behalf of his wife, Lise McCall, citizens of the United States, to lot No. 101, and the corresponding garden lot, in the city of Pensacola, is founded on a certificate of survey executed by Elias Durnford, surveyor general, pursuant to a warrant from his excellency George Johnstone, esq., governor and commander-in-chief in and over his Britannic Majesty's province of West Florida, bearing date May 24, 1766, setting forth that he measured and laid out for Evan Jones, esq., lot No. 101, in the town of Pensacola, eighty feet front by three hundred and forty feet in depth, with the corresponding garden lot; certified November 10, 1766.

Also, an original patent granted to Evan Jones, esq., by Montfort Browne, esq., lieutenant governor in and over his Britannic Majesty's province of West Florida, under the great seal; signed and certified by Alexander McLellan, deputy provost secretary, dated December 18, 1766, upon the usual conditions.

Also, a deposition of Thomas and David Urquhart, stating that they were acquainted with both Evan and James Jones, who formerly resided in West Florida while the same was a British province; that they were brothers; that James Jones died first, and that Evan became his heir. Deponents further say, that they know that Evan Jones is now also deceased; that said Evan Jones had two daughters, Maria and Lise; that the former was married to Bernard Marigny, of New Orleans, by whom she had two sons, Gustave and Prosper, and that she is now deceased, leaving said two sons; that the second daughter (Lise) of said Evan Jones is now the wife of Henry McCall, of the State of Louisiana. Sworn to and subscribed before L. M. Pancy, justice of the peace, dated New Orleans, August 11, 1824, whose signature is accredited by Thomas Bolling Robertson, governor of the State of Louisiana, under seal of the State, dated August 12, 1824.

The claim of John Chabeaux to the above-mentioned lot No. 101, derived from Spanish title, is founded on an original grant, or title in form, made to Eufrosina Hinard by Governor Masot, countersigned by the assistant witnesses, Sausa and Cevallos, and dated December 6, 1817.

Also, a copy of a mesne conveyance from Cirilo de Morant to the claimant, passed before Governor Masot and the assistant witnesses, Sausa and Cevallos, March 10, 1818; certified to be a true copy by Joseph E. Caro, keeper of the public archives, April 7, 1823; which deed recites that Morant purchased of Eufrosina Hinard.

In addition to the foregoing title papers, the said John Chabeaux proved, by parol testimony, the signatures of the Spanish officers annexed to the grant, and that the said lot above mentioned was enclosed and had a house erected upon it, in compliance with the conditions, within a year of the grant. All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 13.

A report of claims to a lot of ground in the city of Pensacola, No. 43, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Bernard Marigny, curator of his minor sons, Gustave and Prospere Marigny, Henry McCall, acting for and in behalf of his wife, Lise McCall, citizens of the United States, to lot No. 43, and the corresponding garden lot, in the city of Pensacola, is founded on a certificate of survey made by Elias Durnford, surveyor general, pursuant to a warrant from his honor Montfort Browne, esq., lieutenant governor and commander-in-chief in and over his Britannic Majesty's province of West Florida, bearing date December 23, 1767, stating that he surveyed for Alexander Carlisle a town lot No. 43, with the corresponding garden lot, having the usual front and depth; certified January 12, 1768.

Also, an original patent granted to Alexander Carlisle by Montfort Browne, esq., lieutenant governor and commander-in-chief in and over his Britannic Majesty's province of West Florida, under the great seal; signed and certified by Daniel Clark, deputy provost secretary, dated January 26, 1768, upon the usual conditions.

NOTE.—See Thomas and David Urquhart's deposition, which likewise applies to this claim, in report No. 12.

The claim of Manuel Joseph Penalbert to the above-mentioned lot No. 43, in the city of Pensacola, derived from Spanish title, is founded on—

A copy of an act of sale from Augustin Ruiz to the claimant, executed before Governor San Maxent February 21, 1808; certified to be a true copy by Enrique de Grandpre, constitutional alcalde.

In addition to the foregoing title paper, the said Manuel Joseph Penalbert proved, by parol testimony, the signatures of the Spanish officers annexed to the title paper, and that in the year 1806 there was a small framed house and enclosure on said lot; that a large house was erected on it in 1807; that the said lot has been viewed as private property ever since, and was occupied by said Penalbert; and further saith not.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 14.

A report of claims to a lot of ground in the city of Pensacola, No. 85, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Bernard Marigny, curator of his minor sons, Gustave and Prospere Marigny, Henry McCall, acting for and in behalf of his wife, Lise McCall, citizens of the United States, to lot No. 85, and the corresponding garden lot, in the city of Pensacola, is founded on—

A certificate of survey made by Elias Durnford, surveyor general, pursuant to a warrant from his excellency George Johnstone, esq., captain general and governor-in-chief in and over his Britannic Majesty's province of West Florida, bearing date June 6, 1765, reciting that he surveyed and laid out for Richard Payne lot No. 85, in the town of Pensacola, with the corresponding garden lot, having the usual front and depth; certified August 19, 1765.

Also, an original patent, granted to Richard Payne by George Johnstone, esq., captain general and governor-in-chief in and over his Britannic Majesty's province of West Florida, under the great seal; signed and certified by Alexander McClellan, deputy provost secretary, dated September 26, 1765, upon the usual conditions.

NOTE.—See Thomas and David Urquhart's deposition, which likewise applies to his claim, in report No. 12.

The claim of Joseph Noriega to the above-mentioned lot No. 85, derived from Spanish title, is founded on—

A copy of a mesne conveyance from Louis Christian, attorney in fact for John Joyce, executor of Daniel Ward, to José Noriega, sen., executed before Governor White and the assistant witnesses, Benigno Garcia Calderon and Francisco Canedo, dated January 21, 1795; certified to be a true copy by Governor White, the same assistants, and on the same day.

Eugenio Lavalle, being sworn, saith that he has known lot No. 85 ever since the year 1781; that there was a framed house and other improvements then on it; that it has been considered private property ever since he knew it; and further saith not.

Henry Michelet, being sworn, saith that lot No. 85 has been respected as the property of Joseph Noriega ever since he first came to this place, seventeen years ago; that the family of Noriega has lived

upon it since that period; that the improvements consist of a large framed dwelling-house, kitchen, &c.; and further saith not.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

### No. 15.

A report of claims to a lot of ground in the city of Pensacola, No. 198, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish Governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Bernard Marigny, curator of his minor sons, Gustave and Prosper Marigny, Henry McCall, acting for and in behalf of his wife, Lise McCall, citizens of the United States, to lot No. 198, in the city of Pensacola, and to corresponding garden lot, is founded on—

A certificate of survey made by Elias Durnford, surveyor general, pursuant to a warrant from his excellency George Johnstone, esq., governor and commander-in-chief in and over his Britannic Majesty's province of West Florida, bearing date January 21, 1766, setting forth that he surveyed and laid out for William Litch a town lot, No. 198, with the corresponding garden lot, having the usual depth and front; certified February 14, 1766.

Also, an original patent granted to William Litch by George Johnstone, esq., governor and commander-in-chief in and over his Majesty's province of West Florida, under the great seal; signed and certified by Alexander McLellan, deputy provost secretary, dated September 2, 1766, upon the usual conditions.

NOTE.—See Thomas and David Urquhart's deposition, which likewise applies to this claim, in report No. 12.

The claim of John H. Howard to a part of the above lot, being fifty feet, fronting on Palafox street, derived from Spanish title, is founded on—

A copy of a mesne conveyance from Charles Baron, attorney in fact of Alexander Baron, to William Devreux, agent of John H. Howard, passed before Governor Callava, and the assistant witnesses, Sausa and Joseph E. Caro, November 2, 1819; certified to be a true copy by Joseph E. Caro, keeper of the public archives, October 16, 1823.

Also, an extract from the protocols, certified to be a true one by Joseph E. Caro, keeper of the public archives, which states that Alexander Baron purchased of John de la Rua and Margarita Bonifay, July 15, 1818; that La Rua and Bonifay obtained the said lot by deed of gift from Mariana Bonifay, February 28, 1811; that Mariana Bonifay purchased of Manuel, January 21, 1811; that Manuel Bonifay purchased of Manuel Gonzales, February 15, 1806; that Gonzales purchased the whole of said lot of William Welber, August 28, 1802; that Welber purchased of Gerald Byrnes by an act of sale dated February 1, 1799. This deed recites that the said lot was granted to the said Byrnes, August 22, 1796.

The claim of John H. Howard to a part of the same lot, No. 198, being forty feet front on Palafox street, and eighty deep on Romana street, is founded on a copy of a mesne conveyance from John Brosnahan to William Devreux, agent of John H. Howard, passed before Governor Callava and the assistant witnesses, Sausa and Joseph E. Caro, November 2, 1819; certified to be a true copy by Joseph E. Caro, keeper of the public archives, October 15, 1823.

Also, an extract from the protocols, certified to be a true one by Joseph E. Caro, keeper of the public archives, which states that Brosnahan purchased at public sale of the property of Augustine Lavack, September 16, 1819; that Lavack purchased of Mary Weaver, March 12, 1817; that Mary Weaver purchased of Manuel Gonzales, July 19, 1806; that Gonzales purchased of William Welber, August 28, 1802; that Welber purchased of Gerald Byrnes by an act of sale dated February 1, 1799, which recites that the said lot was granted to the said Byrnes, August 22, 1796.

In addition to the foregoing title papers, the said John H. Howard proved, by parol testimony, the signatures of the Spanish officers annexed to the title papers; and that there was a house and other improvements on lot No. 198 thirty-two years ago, which were occupied by an Englishman, who afterwards sold the same to Manuel Gonzales, who maintained possession of the said lot until he sold out to others.

The claim of Pedro Yniestra to a part of lot No. 198, being eighty-five feet front on Palafox street, is founded on a copy of a mesne conveyance from Manuel Gonzales to the claimant, passed before Richard I. Easter, acting alcalde, countersigned by Joseph E. Caro, and dated May 22, 1822; certified to be a true copy by the same persons on the same day. This deed recites that Manuel Gonzales purchased of William Welber, August 22, 1802.

NOTE.—See parol testimony adduced in support of the claim of John H. Howard, which likewise applies to this claim.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

### No. 16.

A report of claims to a lot of ground in the city of Pensacola, No. 89, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Bernard Marigny, curator of his minor sons, Gustave and Prosper Marigny, Henry McCall, acting for and in behalf of his wife, Lise McCall, citizens of the United States, to lot No. 89, and



the corresponding garden lot, in the city of Pensacola, is founded on an original deed of lease and release from Robert Collins to David Waugh for one-half of the town lot No. 89, and the half of the corresponding garden lot; signed, sealed, and delivered December 18, 1766.

Also, an original deed of lease and release from David Waugh to William Morrison for the same halves of the town and garden lots; signed, sealed, and delivered December 18, 1766.

Also, an original deed of lease and release from William Morrison to Evan and James Jones for the above-mentioned halves of the town and garden lots; signed, sealed, and recorded December 18, 1766.

Also, an original deed of lease and release from Peter Thompson to Robert Collins for the halves of the town and garden lots No. 89, dated November 26, 1766; signed, sealed, and delivered.

Also, an original deed of lease and release from Robert Collins to Evan and James Jones and Joseph Blackwell for the other halves, dated July 11 and 12, 1768; signed, sealed, and recorded in due form.

NOTE.—See Thomas and David Urquhart's deposition, which likewise applies to this claim, in report No. 12.

The claim of Eugenio Antonio Sierra to the above-mentioned lot No. 89, derived from Spanish title, is founded on—

A copy of a bill of sale executed by Governor Folch and the assistant witnesses, Matias Cervera and Francisco Xavier Navarro, dated July 9, 1804, in which he states that the above lot was sold on the 14th of June, same year, in obedience to a decree of the royal treasury, passed at New Orleans May 2, 1804, and was bidden off to Don Sierra for the sum of \$330; certified to be a true copy by Governor Folch and the assistant witnesses July 9, 1804.

In addition to the foregoing title papers, the said Eugenio Antonio Sierra proved, by parol testimony, the signatures of the Spanish officers annexed to the grant.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 17.

A report of claims to a lot of ground in the city of Pensacola, No. 22, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Bernard Marigny, curator of his minor sons, Gustave and Prospere Marigny, Henry McCall, acting for and in behalf of his wife, Lise McCall, citizens of the United States, to lot No. 22, and the corresponding garden lot, in the city of Pensacola, is founded on—

An original deed of lease and release from William Aird to Evan and James Jones and Joseph Blackwell, dated August 12 and 13, 1768; signed, sealed, delivered, and recorded in due form.

NOTE.—See Thomas and David Urquhart's deposition, which likewise applies to this claim, in report No. 12.

The claim of Eugenio Antonio Sierra to part of the above-mentioned lot No. 22, derived from Spanish title, is founded on—

A copy of a mesne conveyance from Pedro Enrique to Eugenio Antonio Sierra, executed before Governor Folch and the assistant witnesses, Matias Cervera and Francisco Xavier Navarro, dated July 19, 1804, certified to be a true copy by Carlos Hernandez, Secretary of War, and acting as governor *pro tem.*, February 12, 1807. This deed recites the original grant, dated July 14, 1804, and that the grantor purchased the said lot at auction on the same day, ordered by a decree of the royal treasury, passed at New Orleans, May 2, 1804.

In addition to the foregoing title papers, the said Sierra proved, by parol testimony, the signatures of the Spanish officers annexed to the said grant.

The claim of Turner Starke to a part of the above-mentioned lot No. 22, being twenty-six feet fronting on the bay, derived from Spanish title, is founded on—

A copy of a mesne conveyance from Charles Deville to the claimant, acknowledged before William King, colonel of the 4th regiment of infantry, civil and military governor of West Florida; countersigned by James Scallan, secretary, July 3, 1818; certified to be a true copy by Joseph E. Caro, keeper of the public archives, December 30, 1822.

John de la Rúa, being sworn, saith that he has seen the papers relative to the title of said piece of ground, amongst which was a grant to Charles Deville, made to him by Governor Folch; that Deville improved the same and occupied it in the year 1807, and from that time until 1811; and further saith that the grant included lot No. 21 and twenty-six feet of lot No. 22; and further saith not.

Eugenio Antonio Sierra, being sworn, saith that the said part of the lot was granted to Charles Deville by Governor Folch in the year 1805; and that the said Deville did not comply with the conditions of the grant; and further saith not.

The claim of Joseph Gagnet to part of the above-mentioned lot No. 22, in the city of Pensacola, fronting fifty-four feet on the bay by sixty-three feet in depth, derived from Spanish title, is founded on—

An original mesne conveyance from Widow Gagnet to the claimant, acknowledged before John Miller, clerk of the county court for the county of Escambia, dated August 2, 1824.

Also, an extract from the protocols, certified to be a true one by Joseph E. Caro, keeper of the public archives, showing that Widow Gagnet purchased from Eugenio Lavalie, July 5, 1821; that Lavalie inherited the above lot from Pedro Bordenave, deceased, July 23, 1806; that Bordenave purchased from John Tourson, by act of sale passed before Governor Folch, countersigned by Matias Cervera and Francisco Xavier Navarro, assistant witnesses, February 13, 1806. This deed recites that the above lot was granted to Tourson by Governor Folch July 18, 1804.

Eugenio Lavalie, being duly sworn, saith that lot No. 22 was granted to John Tourson by Governor Folch in the year 1804, and that the said Tourson enclosed the said lot and built a frame house thereon within the year of the grant; and further saith not.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

## No. 18.

A report of claims to a lot of ground in the city of Pensacola, No. 39, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Bernard Marigny, curator of his minor sons, Gustave and Prospere Marigny, Henry McCall, acting for and in behalf of his wife, Lise McCall, citizens of the United States, to lot No. 39, in the city of Pensacola, and the corresponding garden lot, is founded on—

An original deed of release from the Hon. James Jones, esq., surviving executor of Anthony Forehand, deceased, Abraham Bates and Ann, his wife, late Anne Griffiths, executrix of the said Anthony Forehand, to the Hon. James Bruce, for the town and garden lots No. 39, dated November 9, 1773; signed, sealed, and acknowledged in due form, before Alexander McCullaugh, deputy secretary, November 20, 1773.

Also, an original reconveyance from James Bruce and Isabella, his wife, to James Jones, Abraham Bates and Anne, his wife, for the same town and garden lots, dated —, —, 1775; signed, sealed, and delivered.

NOTE.—See Thomas and David Urquhart's deposition, which likewise applies to this claim, in report No. 12.

The claim of Solomon Siler to the abovementioned lot No. 39, in the city of Pensacola, derived from Spanish titles, is founded on—

A copy of a mesne conveyance from Cirilo Lessassier to the claimant, passed before William King, colonel 4th regiment United States infantry, civil and military governor of West Florida, and James Scallan, secretary, June 22, 1818; certified to be a true copy, by the same persons, June 23, 1818.

Also, was produced by Joseph E. Caro, keeper of the public archives, an original grant, or title in form, made to Cirilo Lessassier by the intendant, Morales; countersigned by Arroyo, secretary, and dated March 20, 1811.

In addition to the foregoing title papers, the said Solomon Siler proved, by parol testimony, the signatures of the Spanish officers annexed to the title papers, and that lot No. 39 was enclosed and had a framed house on it in the year 1812, which improvements were made by Cirilo Lessassier; and further saith not.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

## No. 19.

A report of claims to a lot of ground in the city of Pensacola, No. 69, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Bernard Marigny, curator of his sons, Gustave and Prospere Marigny, Henry McCall, acting for and in behalf of his wife, Lise McCall, citizens of the United States, to lot No. 69, in the city of Pensacola, and the corresponding garden lot, is founded on—

An original deed of lease and release from James Jones, Abraham Bates and Anne, his wife, late Anne Griffiths, executrix of Anthony Forehand, deceased, to James Bruce, esq., for the town and garden lots No. 69, with all the buildings thereon, dated June 23 and 24, 1775; signed, sealed, and delivered; reciting that lot No. 69 and the corresponding garden lot were granted to Timothy Tryon, by letters patent, under the great seal of the province of West Florida, February 18, 1766.

NOTE.—See Thomas and David Urquhart's deposition, which likewise applies to this claim, in report No. 12.

The claim of Francisco Suarez to the above-mentioned lot No. 69, in the city of Pensacola, derived from Spanish title, is founded on—

A copy of a mesne conveyance from Julian Caravalló to the claimant, passed before Governor Folch and the assistant witnesses, Sausa and Montes de Oca, May 23, 1818, including the improvements thereon; certified to be a true copy by Joseph E. Caro, May 31, 1824. This deed recites that the said lot was granted to Caravalló by Governor Folch, and the improvements made at his own expense.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

## No. 20.

A report of claims to a lot of ground in the city of Pensacola, No. 86, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Bernard Marigny, curator of his minor sons, Gustave and Prospere Marigny, Henry McCall, acting for and in behalf of his wife, Lise McCall, citizens of the United States, to lot No. 86, in the city of Pensacola, and the corresponding garden lot, is founded on—

An original deed of lease and release from Richard Payne to William Litch for the above lots and all the buildings thereon, dated September 8, 1766; signed, sealed, and recorded in due form.

NOTE.—See Thomas and David Urquhart's deposition, which likewise applies to this claim, in report No. 12.

The claim of Samuel M. Smith and Thomas B. Robinson to the above-mentioned lot No. 86, in the city of Pensacola, derived from Spanish titles, is founded on—

An original certificate of sale made by Governor Masot, dated December 10, 1817, which recites that the said lot was exposed to sale, at public auction, in obedience to a decree of the tribunal of royal hacienda, and that John de la Rua became the purchaser.

Also, a copy of an act of sale from said La Rua to the claimant, executed before Colonel William King, temporary governor, &c., July 7, 1818; certified under the seal of office to be a true copy by Joseph E. Caro, keeper of the public archives.

The original proceedings, showing the sale of a number of lots at auction by order of Governor Masot, including the above lot No. 86, was exhibited by Joseph E. Caro, keeper of the public archives, embracing the decree appointing the appraisers, dated December 2, 1817; decree ratifying the act of sale, dated December 12, 1817; certificate of the payment of the purchase money of the said lot into the office of government, dated December 12, 1817; certificate of survey and of possession given, executed by Pedro Reggio, dated December 19, 1817.

In addition to the foregoing title papers, the said Smith and Robinson proved, by parol testimony, the signatures of the Spanish officers annexed to the said title papers.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 21.

A report of claims to a lot of ground in the city of Pensacola, No. 33, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Bernard Marigny, curator of his minor sons, Gustave and Prospere Marigny, Henry McCall, acting for and in behalf of his wife, Lise McCall, citizens of the United States, to quarter of lot No. 33, in the city of Pensacola, is founded on—

An original deed of lease and release from Bryce McCumming to James Stewart for the above quarter of lot, dated October 8 and 9, 1768; signed, sealed, and delivered.

NOTE.—See Thomas and David Urquhart's deposition, which likewise applies to this claim, in report No. 12.

The claim of William Pinchbeck to the whole of the above-mentioned lot No. 33, in the city of Pensacola, derived from Spanish titles, is founded on—

An original grant made to Orsino Bouligny by the intendant, Morales, countersigned by Francisco G. Arroyo, and dated May 2, 1811.

Also, an original private mesne conveyance from Enrique de Grandpre, attorney in fact of Carlos de Grandpre, to the claimant, dated July 17, 1819, attested by Francisco Moreno, Daniel Long, and Pedro de Alba.

Also, an extract from the protocols, certified to be a true one by Joseph E. Caro, keeper of the public archives, which states that Carlos de Grandpre purchased of Vicente S. Pintado March 23, 1812; that Pintado purchased of Orsino Bouligny May 4, 1811.

In addition to the foregoing title papers, the said William Pinchbeck proved, by parol testimony, the signatures of the Spanish officers annexed to the said title papers, and that thirteen or fourteen years ago the said lot was enclosed and a framed house built thereon by order of Orsino Bouligny; and further saith not.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 22.

A report of a claim to a lot of ground in the city of Pensacola, No. 199, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of James Scallan, a citizen of the United States, to lot No. 199, in the city of Pensacola, and the corresponding garden lot, is founded on an original deed of release from Charles Stuart, esq., to William Ogilvy and John Falconer, for said town and garden lots, dated August 11, 1778; signed, acknowledged, and recorded in due form; reciting that the same was granted to William Nackasson by his Majesty King George III, by letters patent, under the great seal of the province of West Florida, bearing date November 5, 1765; and further, that William Mathias, attorney in fact of the said William Nackasson, conveyed the said town and garden lots to Charles Stuart by certain indentures of lease and release bearing date March 22 and 23, 1768.

Also, an original private conveyance from Charles Roberts, attorney in fact of Alexander Livingston, heir and devisee of William Ogilvy, late of Pensacola, deceased, and surviving partner of the firm of



Ogilvy & Falconer, to Abner L. Duncan, esq., of the city of New Orleans, attested by David B. Morgan and John Beatty, dated July 12, 1821.

Also, an original private conveyance from Abner L. Duncan to James Scallan, attested by David B. Morgan and John Beatty, dated July 13, 1821.

The claim of Daniel Duval to one-half of the town lot No. 199, in the city of Pensacola, derived from Spanish titles, is founded on an original decree of concession made to Martin de Madrid by Governor Folch for the whole lot, April 16, 1804.

Also, an extract from the protocols, certified to be a true one by Joseph E. Caro, keeper of the public archives, showing that Eugenio Antonio Sierra became the purchaser of one-half of the above lot at the sale of the estate of Martin de Madrid, September 1, 1815; that Sierra conveyed the same to William McVoy March 4, 1816; that McVoy conveyed to Carlton Cooper November 22, 1816.

Also, a copy of a mesne conveyance from the said Cooper to Daniel Duval of said half lot, passed before Governor Masot and the assisting witnesses, Sausa and Cevallos, June 26, 1817; certified to be a true copy by Joseph E. Caro, keeper of the public archives, September 14, 1823.

In addition to the foregoing title papers, the said Daniel Duval proved, by parol testimony, the signatures of the Spanish officers annexed to the grant, and that the said lot was enclosed and a frame house built thereon within a year of the grant by the original grantee.

The claim of William McVoy to the other half of the lot No. 199, in the city of Pensacola, derived from Spanish title, is founded on an original decree of concession made to Martin de Madrid by Governor Folch April 16, 1804.

Also, the original testamentary proceedings of the estate of Martin de Madrid were produced from the public archives by Joseph E. Caro, keeper thereof, showing that the said half lot was sold as the property of the said Madrid, and purchased by William McVoy July 3, 1817.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 23.

A report of a claim to a lot of ground in the city of Pensacola, No. 134, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of the heirs of James Thompson, citizens of the United States, to the above town and garden lots No. 134, in the city of Pensacola, is founded on an original certificate of survey executed by Elias Durnford, surveyor general of the province of West Florida, pursuant to a warrant from his excellency George Johnstone, esq., captain general and commander-in-chief in and over his Britannic Majesty's province aforesaid; certified June 23, 1766.

Also, an original grant made to David Johnstone by George Johnstone, esq., captain general and commander-in-chief in and over his Britannic Majesty's province of West Florida, upon the usual conditions, dated December 8, 1766; signed and countersigned under the great seal.

Also, an original deed of lease and release from David Johnstone to James Thompson, dated August 28 and 29, 1769; signed and delivered.

Also, an original deposition of Thomas Barclay, late his Britannic Majesty's consul general for the Eastern States of America, and at present his said Majesty's commissioner under the 6th article of the treaty of Ghent, stating that he was born in the city of New York, now a part of the United States of America, in the year 1753; that he was well acquainted with James Thompson, of the said city, merchant, and Catharine, his wife, from the year 1764 to the year 1775, and with the son and daughters of the said James Thompson and Catharine, his wife, to wit: with Jacob Thompson, the son; Mary Thompson, deceased, late the wife of Jacob Ricketts; Ann Thompson, who married Elbridge Gerry, late Vice President of the United States, deceased; and Catharine Thompson, who married Isaac Coles, all and each of whom were born in the said city of New York, and are native citizens of the United States. Sworn to and subscribed before John I. Irving, first judge of the court of common pleas for the city and county of New York, dated December 3, 1824.

Also, an original deposition of James Morris, stating that James Thompson, formerly a merchant of the city of New York, married a daughter of Jacob Walton, also merchant of the said city, and grandfather to this deponent; and that the said James Thompson, at the time of his decease, left several children, to wit: Ann, widow of the late Elbridge Gerry, who, at the time of his decease, was Vice President of the United States; and that the said Ann Gerry, formerly Ann Thompson, as this deponent is informed and believes, was born in the city of New York, and resides in Boston, in the State of Massachusetts; and this deponent further saith that the said James Thompson left another daughter, to wit, Catharine Coles, formerly Catharine Thompson, who, as this deponent is informed and believes, was born in the said city of New York, and who resides, as this deponent is informed, in the State of Virginia; and this deponent further saith that the said James Thompson left another daughter, to wit, Mary, who married Jacob Ricketts, and that the said Mary Ricketts, formerly Mary Thompson, is since dead; and this deponent further saith that he is informed and believes that the said Mary Ricketts, formerly Mary Thompson, at the time of her decease, left several children, to wit, William, George, Jacob, Elizabeth, Anna Maria, and Henrietta, and that they are, as this deponent is informed and believes, citizens of the United States; and this deponent further saith that Jacob Thompson is the only surviving son of the said James Thompson, and that the said Jacob Thompson, as this deponent is informed, resides at Bath, in the kingdom of Great Britain; and further this deponent saith not. Sworn to and subscribed before Smith Thompson, one of the judges of the supreme court of the United States of the State of New York, dated November 29, 1824.

Also, an original deposition of John Pintard, of the city of New York, stating that he is a resident of the said city, and has been such the greater part of his life; that he is aged sixty years and upwards;

that he knew James Thompson, of the said city, merchant; that Mary Thompson, one of his daughters, was the wife of Jacob Ricketts, also of the said city of New York; that Jacob Ricketts, the husband of said Mary, had six children, to wit, William, George, Jacob, jr., Anna Maria, Elizabeth, and Henrietta; that the said Jacob Ricketts resided with his family a great part of his life in the said city, and that all of the said children above named are citizens of the United States, to the best of the knowledge, recollection, and belief of this deponent. Sworn to and subscribed before Samuel D. Craig, of the State of New York, a commissioner to take affidavits, and dated December 8, 1824.

The claim of Severino Palao to the above lot No. 134, in the city of Pensacola, derived from Spanish title, is founded on—

A copy of a mesne conveyance from Eloisa Marcos, executrix of Adelaida Chapron, deceased, passed before Governor Zuniga, countersigned by Domingo Sausa and Joseph Cevallos, assistant witnesses, dated July 23, 1816; certified to be a true copy by Henrique de Grandpre, constitutional alcaide, countersigned by Luis Daunoy and Sebastian Caro, assistant witnesses, July 14, 1821.

Also, an extract from the protocols, certified to be a true one by Joseph E. Caro, keeper of the public archives, stating that Adelaida Chapron purchased the said lot and buildings thereon from John Forbes September 23, 1809.

In addition to the foregoing title papers, the said Severino Palao proved, by parol testimony, the signatures of the Spanish officers annexed to the said title papers.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 24.

A report of a claim to a lot of ground in the city of Pensacola, No. 205, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of the heirs of James Thompson, citizens of the United States, to the above town and garden lots No. 205, in the city of Pensacola, is founded on—

An original certificate of survey executed by Elias Durnford, surveyor general of the province of West Florida, pursuant to a warrant from his excellency George Johnstone, esq., captain general, &c.; certified June 23, 1766.

Also, an original patent made to James Thompson by George Johnstone, esq., captain general and governor-in-chief in and over his Britannic Majesty's province of West Florida, under the great seal, countersigned by Alexander McLellan, deputy provost secretary, dated November 10, 1766, upon the usual conditions.

NOTE.—Vide depositions of Thomas Barclay, James Morris, and John Pintard, copied in report No. 23. The claim of Joseph Bonifay to the above lot No. 205, in the city of Pensacola, derived from Spanish titles, is founded on—

A copy of a mesne conveyance from Louis Gayarre to the claimant, passed before H. M. Brackenridge, alcaide and notary public, countersigned by Joseph E. Caro, dated October 1, 1821; certified to be a true copy by Joseph E. Caro, notary public, and charged with the archives, dated August 22, 1822.

Also, an extract from the protocols, certified to be a true copy by Joseph E. Caro, keeper of the public archives, stating that Joseph Bonifay purchased from Louis Gayarre January 15, 1819. This deed recites that Gayarre purchased from Francisca Albert, widow Rafael Ramos, by private act of sale, April 1, 1818.

In addition to the foregoing title papers, the said Joseph Bonifay proved, by parol testimony, that lot No. 205 was granted to Rafael Ramos by Governor Folch in the year 1804 or 1805, and that the said lot was enclosed and a frame house built thereon by the said Ramos.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 25.

A report of a claim to a lot of ground in the city of Pensacola, No. 56, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of Jacob Thompson, citizen of the United States, to the above town and garden lots No. 56, in the city of Pensacola, is founded on an original certificate of survey executed by Elias Durnford, surveyor general of the province of West Florida, pursuant to a warrant from his excellency George Johnstone, esq., captain general and governor-in-chief in and over his Britannic Majesty's province aforesaid; certified June 23, 1766.

Also, an original patent granted by George Johnstone, esq., captain general and governor-in-chief in and over his Britannic Majesty's province of West Florida, to Jacob Thompson, dated December 8, 1766; signed and countersigned under the great seal.

NOTE.—Vide depositions of Thomas Barclay, James Morris, and John Pintard, copied in report No. 23. The claim of Santiago Colman to the northern half of the above lot No. 56, in the city of Pensacola, derived from Spanish titles, is founded on a copy of a mesne conveyance from Joaquin Barela to the

claimant, passed before Governor Folch and the assistant witnesses, Mathias Cervera and Francisco Xavier Navarro, August 29, 1815; certified to be a true copy by the same persons on the same day. This deed recites that a house on the said lot is likewise conveyed.

Also, an extract from the protocols, certified to be a true one by Joseph E. Caro, keeper of the public archives, which shows that Barcelona purchased of William McVoy, August 21, 1805; that McVoy purchased of John Innerarity, January 16, 1804; that Innerarity purchased of Francisco Duverges, by an act of sale passed before Governor Howard and the assistant witnesses, Cervera and Navarro, January 16, 1804. This deed recites that the whole of the said lot was granted to the said Duverges by Baron de Carondelet, governor general of Louisiana, February 24, 1796.

In addition to the foregoing title papers, the said Santiago Colman proved, by parol testimony, the signatures of the Spanish officers attached to the said title papers, and that the said lot No. 56 was enclosed anterior to the grant of the same to Francisco Duverges by William Pantón.

The claim of Joseph Roche to the southern half of the above lot No. 56, in the city of Pensacola, derived from Spanish titles, is founded on a copy of a mesne conveyance from William McVoy to the claimant, passed before Governor Howard and the assistant witnesses, Mathias Cervera and Francisco Xavier Navarro, January 17, 1804; certified to be a true copy by the same persons on the same day.

Also, an extract from the protocols, certified to be a true one by Joseph E. Caro, keeper of the public archives, which states that William McVoy purchased of John Innerarity January 16, 1804, and that Innerarity purchased of Francisco Duverges January 16, 1804.

NOTE.—Vide the above testimony adduced in support of the claim of Santiago Colman, which likewise applies to this claim.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 26.

A report of a claim to a lot of ground in the city of Pensacola, No. 80, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of the heirs of James Thompson, citizens of the United States, to the above town and garden lots No. 80, in the city of Pensacola, is founded on an original certificate of survey executed by Elias Durnford, surveyor general of the province of West Florida, pursuant to a warrant from his excellency George Johnstone, esq., captain general and governor-in-chief in and over his Britannic Majesty's said province; certified June 23, 1766.

Also, an original grant made to Hamilton Young by George Johnstone, esq., captain general and governor-in-chief in and over his Britannic Majesty's province of West Florida, dated December 8, 1766; signed and countersigned under the great seal.

Also, an original deed of lease and release from Hamilton Young to James Thompson, dated August 29 and 30, 1769; acknowledged and recorded in due form.

NOTE.—Vide depositions of Thomas Barclay, James Morris, and John Pintard, copied in report No. 23.

The claim of Josefina Granpera to the above lot No. 80, in the city of Pensacola, derived from Spanish titles, is founded on—

A copy of a mesne conveyance from Charles Lavalle to Josefina Granpera, executed before H. M. Brackenridge, alcalde, and Joseph E. Caro, July 16, 1822; certified to be a true copy by the said Brackenridge.

Also, an extract from the public archives, certified to be a true one by Joseph E. Caro, keeper thereof, which states that said Lavalle purchased of Joseph Verignon November 29, 1821; that the said Verignon purchased at public auction, as the property of John McGonnegal, November 2, 1821; that McGonnegal purchased of Genevieve Dubuisson Baldiras, attorney in fact of Vincente Sebastian Pintado, August 14, 1819; that said Pintado purchased of James Wilson August 19, 1816; that said Wilson purchased of Charles Lavalle April 24, 1815; that said Lavalle purchased of Pantón, Leslie & Co., by act of sale duly authenticated, dated April 1, 1803, in which it is recited that said lot was granted to said Pantón, Leslie & Co. April 16, 1796, by the Baron de Carondelet, governor of Louisiana and West Florida.

In addition to the foregoing title papers, the said Josefina Granpera proved, by parol testimony, the signatures of the Spanish officers annexed to the title papers, and that the said lot was enclosed and two small frame houses built thereon by William Pantón in the year 1797 or 1798.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 27.

A report of a claim to a lot of ground in the city of Pensacola, No. 79, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity with the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of the heirs of James Thompson, citizens of the United States, to the above town and garden lots No. 79, in the city of Pensacola, is founded on—

An original certificate of survey made by Elias Durnford, surveyor general of the province of West Florida, pursuant to a warrant from his excellency George Johnstone, esq., captain general and governor-in-chief in and over his Majesty's province; certified June 23, 1766.



Also, an original grant made to Robert Ross Waddle by George Johnstone, esq., captain general and commander-in-chief in and over his Britannic Majesty's province of West Florida, upon the usual conditions, dated December 8, 1766; signed and countersigned under the great seal.

Also, an original deed of lease and release from Robert Ross Waddle to James Thompson, dated September 14 and 15, 1767; acknowledged and recorded in due form.

NOTE.—Vide depositions of Thomas Barclay, James Morris, and John Pintard, copied in report No. 23. The claim of John Brosnahan to the above lot No. 79, in the city of Pensacola, derived from Spanish titles, is founded on—

A copy of a mesne conveyance from Ana O'Connor, widow Gray, to the claimant, passed before William King, colonel of the 4th regiment of United States infantry, and temporary governor, and Michael McKinzie, secretary, January 14, 1819; certified to be a true copy on the 25th of the same month. This deed recites that the widow Gray purchased of John Innerarity, attorney in fact of John Forbes & Co., October 18, 1811.

Also, a copy of a mesne conveyance from John Innerarity, executor of the widow Trouillet, to John Forbes & Co., passed before Governor Folch and the assistant witnesses, Domingo Sausa and Antonio Montes de Oca, July 18, 1809; certified to be a true copy by the same persons August 4, 1809; conveying likewise a frame house thirty-four feet square on the said lot; said lot having been sold by the said executor at public auction.

In addition to the foregoing title papers, the said John Brosnahan proved, by parol testimony, the signatures of the Spanish officers annexed to the said title papers.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### No. 28.

A report of a claim to a lot of ground in the city of Pensacola, No. 135, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of the heirs of James Thompson, citizens of the United States, to the above town and garden lot No. 135, in the city of Pensacola, is founded on—

An original certificate of survey executed by Elias Durnford, surveyor general of the province of West Florida, pursuant to a warrant from his excellency George Johnstone, esq., governor and commander-in-chief in and over his Majesty's province aforesaid; certified June 23, 1766.

Also, an original patent made to Abraham Walton by George Johnstone, esq., captain general and governor-in-chief in and over his Britannic Majesty's province of West Florida, upon the usual conditions, dated December 8, 1766; signed and countersigned by Alexander McLellan, deputy provost secretary, under the great seal.

Also, an original deed of lease and release from Abraham Walton to James Thompson, dated June 1, 1769; signed and acknowledged, and recorded in due form.

NOTE.—Vide depositions of Thomas Barclay, James Morris, and John Pintard, copied in report No. 23.

The claim of Pedro Senac to one-half of the above lot No. 135, in the city of Pensacola, derived from Spanish titles, is founded on—

A copy of a mesne conveyance from Vicente Crespo, attorney in fact of John Domingues, to the claimant, passed before Governor Howard and the assistant witnesses, Barrios and Navarro, August 27, 1806; certified to be a true copy by Governor Maxent, Sausa and Montes de Oca, assistant witnesses, May 8, 1809.

In addition to the foregoing title paper, the said Pedro Senac proved, by parol testimony, the signatures of the Spanish officers annexed to the said title paper, and that about the year 1789 there was a building on the said lot, which was built by John Domingues, and that it has been occupied as private property ever since.

The claim of Maria Vellon to the other half of lot No. 135, in the city of Pensacola, derived from Spanish titles, is founded on—

A copy of a mesne conveyance from Estevan Adam to the claimant for the above half lot and buildings thereon, passed before Governor Cullell, countersigned by Domingo Sausa and Juan Villaverde, dated January 5, 1811; certified to be a true copy by the same persons on the same day. This deed recites that Estevan Adam purchased the same from Maria Lafrang December 7, 1809.

In addition to the foregoing title papers, the said Maria Vellon proved, by parol testimony, the signatures of the Spanish officers annexed to the said title paper.

NOTE.—Vide documentary and parol proof adduced in support of the claim of Pedro Senac, which likewise applies to this claim.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

## No. 29.

A report of a claim to lot of ground in the city of Pensacola, No. 254, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provisions of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of the heirs of James Thompson, citizens of the United States, to the above town and garden lots No. 254, in the city of Pensacola, is founded on—

An original certificate of survey, executed by Elias Durnford, surveyor general of the province of West Florida, pursuant to a warrant from his excellency George Johnstone, esq., captain general and commander-in-chief in and over his Majesty's province aforesaid; certified June 23, 1766.

Also, an original grant made to James Thompson by George Johnstone, esq., captain general and commander-in-chief in and over his Britannic Majesty's province of West Florida, under the usual conditions; signed and countersigned under the great seal, and dated November 10, 1766.

Also, an original deed of lease and release from James Thompson to David Johnstone, dated November 13 and 14, 1767; signed, acknowledged, and recorded in due form.

Also, an original deed of lease and release from David Johnstone to James Thompson for the said town and garden lots No. 254, dated August 28 and 29, 1769; signed, acknowledged, and recorded in due form.

NOTE.—Vide depositions of Thomas Barclay, James Morris, and John Pintard, copied in report No. 23.

The claim of John de la Rua to the above lot No. 254, in the city of Pensacola, derived from Spanish titles, is founded on—

An original grant from the intendant, Morales, made to Joseph de la Pena, countersigned by Francisco G. Arroyo, secretary, dated March 24, 1812.

Also, a copy of a mesne conveyance from said Pena to John de la Rua, executed before Governor Masot and the assistant witnesses, Domingo Sausa and José Cevallos, December 2, 1817; certified to be a true copy by Masot and the same assistants on the day of the execution thereof.

In addition to the foregoing title papers, the said John de la Rua proved, by parol testimony, the signatures of the Spanish officers annexed to the said title papers, and that between the years 1812 and 1814 the said lot was enclosed and a small framed house built upon it; ever since which period the said lot has been considered private property.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

## No. 30.

A report of a claim to a lot of ground in the city of Pensacola, No. 81, and the corresponding garden lot, in the district of West Florida, by titles emanating from the British and Spanish governments, with an abstract of the evidence reported in conformity to the provision of the 4th section of the act of Congress approved May 8, 1822, entitled "An act for ascertaining the claims and titles to lands within the Territories of Florida," by the undersigned commissioners, to wit:

The claim of the heirs of James Thompson, citizens of the United States, to the above town and garden lots No. 81, in the city of Pensacola, is founded on—

An original certificate of survey made by Elias Durnford, surveyor general of the province of West Florida, pursuant to a warrant from his excellency George Johnstone, esq., captain general and governor-in-chief in and over his Majesty's province of West Florida; certified June 23, 1766.

Also, an original grant made to Robert Thompson by George Johnstone, esq., captain general and governor-in-chief in and over his Britannic Majesty's province of West Florida, upon the usual conditions, dated December 8, 1766; signed and countersigned under the great seal.

NOTE.—Vide depositions of Thomas Barclay, James Morris, and John Pintard, copied in report No. 23.

The claim of Domingo Torri to one-fourth of the above lot No. 81, in the city of Pensacola, derived from Spanish titles, is founded on—

A copy of a mesne conveyance from Joseph Tello to the claimant, passed before Governor Colléll, and the assistant witnesses, Domingo Sausa and Juan Villaverde, October 16, 1810; certified to be a true copy by Joseph E. Caro, notary public, and charged with the public archives, August 23, 1822. This deed recites that the said Tello purchased of John Domingues March 22, 1810.

In addition to the foregoing title paper, the said Domingo Torri proved, by parol testimony, that John Domingues built a house on lot No. 81, and enclosed it more than twenty years ago, which house was afterwards consumed by fire; that the said Domingues held possession of the said lot three or four years; that there are buildings at present on the lot, and that it has been in the possession of those claiming under said Domingues ever since.

The claim of Ana Maestre to one-half of the above lot No. 81, in the city of Pensacola, derived from Spanish titles, is founded on—

A copy of a mesne conveyance from Louis Maestre to the claimant, passed before Enrique de Grandpre, constitutional alcade, and the assistant witnesses, Louis Dounoy and Sebastian Caro, March 22, 1822; certified to be a true copy by Joseph E. Caro, keeper of the public archives, January 2, 1823.

Also, an extract from the protocols, certified to be a true copy by Joseph E. Caro, keeper of the public archives, which states that Maestre purchased the said half lot at a public sale of the estate of Domingo Salas, deceased, October 18, 1820; that Salas purchased of Francisco Bonal August 25, 1818; that Bonal purchased of Domingo Salas, executor of Dalmacio Salas, on the day last aforesaid; that Dalmacio Salas purchased of Vicente Crespo, attorney in fact of John Domingues, May 11, 1805.

NOTE.—See the foregoing claim for proof of the performance of conditions.

The claim of the legal representatives of John Keyser, deceased, to one-fourth of the above lot No. 81, in the city of Pensacola, derived from Spanish titles, is founded on—

A copy of a mesne conveyance from Francisco Garriga and Alfonso Salas, attorneys in fact of Joseph Gomez, to John Keyser, passed before Enrique de Grandpre, constitutional alcalde, and the assistant witnesses, Louis Dounoy and Sebastian Caro, May 1, 1821; certified to be a true copy by the same persons on the same day.

Also, an extract from the protocols, certified to be a true one by Joseph E. Caro, keeper of the public archives, which states that Joseph Gomez purchased of James Barcelo December 15, 1815; that Barcelo purchased of the estate of Manuel Camps December 15, 1815; that Camps purchased of Francisco Simon May 23, 1815; that Simon purchased of Vicente Crespo, attorney in fact of John Domingues, by an act of sale passed before Governor Folch August 8, 1804.

NOTE.—See the claim of Domingo Torri for proof of the performance of condition.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

## I.

*Abstract of claims to lots in the village of St. Carlos de Barrancas, founded on permits of improvements which have been reported to Congress by the undersigned commissioners.*

Number.	Present claimant.	Original claimant.	Nature of claim.	Date of claim.	Number.	Dimensions of lots.	By whom issued.	Built and enclosed.
1	Marianna Bonifay .....	Joaquin Barela .....	Permit of improvement .....	.....	10	.....	Governor Folch .....	1799
2	Fernando Moreno .....	Francisco Ximenes .....	.....do.....	1786	11	170 feet front by 340 deep. ....	.....do.....	1806
3	Ana Folch .....	Francisco Duverge .....	.....do.....	.....	6	.....do.....	.....do.....	1799
4	Alfonso Salas .....	Carreras and Barcala .....	.....do.....	.....	9	.....do.....	.....do.....	1800
5	Ygnacio Serra .....	Manuel Maldonado .....	.....do.....	.....	26	Arpent lot .....	.....do.....	1804
6	.....do.....	.....do.....	.....do.....	.....	37	.....do.....	.....do.....	1804
7	.....do.....	Pedro Rola .....	.....do.....	.....	.....	.....do.....	Commandant of Eng. ....	1814
8	.....do.....	.....do.....	.....do.....	.....	.....	.....do.....	.....do.....	1814
9	Joaquin Barela .....	John Lacosta .....	.....do.....	.....	4	.....do.....	Governor Folch .....	1807
10	.....do.....	.....do.....	.....do.....	.....	.....	.....do.....	.....do.....	1807
11	*Rosalia Segoria, Widow Barnard .....	Diego Zalazar .....	.....do.....	.....	.....	.....do.....	.....do.....	1814
12	Joaquin Barela .....	Joaquin Barela .....	.....do.....	1802	.....	.....do.....	Governor Folch .....	1817
13	.....do.....	.....do.....	.....do.....	1802	.....	.....do.....	.....do.....	1817
14	*Juan Suarez .....	Vicente Crespo .....	.....do.....	.....	.....	.....do.....	.....do.....	1823

\* The origin of this claim is not recited.

All which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

In the year 1795 or 1796 Governor Folch laid out a town between a quarter and a half mile from the fort of Barrancas, and on the same side of the entrance into the bay of Pensacola. It is in evidence before us that it was his intention to have removed the city of Pensacola to that place, but was probably prevented from doing so in consequence of a failure to obtain the ratification of the King. His sanction seems to have been indispensable, from an examination of the proceedings touching the alteration and sale of the public square by the cabildo. Representations are said to have been made to his Catholic Majesty, in opposition to the measure, by the citizens of Pensacola, but whether any reply was ever received we have been unable to learn.

All these claims are founded on mesne conveyances, the original permits being lost, as stated in our reports upon abstracts A and E. We have, however, had access to one of them. From an examination of it, and the parol testimony exhibited to this board, it appears that there never was anything more given by Governor Folch than permits to improve and occupy the lots, intending to give them grants whenever the plan should be approved by the King. In one of these mesne conveyances the grantor recites "that he conveys the improvements on said lot, and, should he obtain the grant, conveys thereby the lot also;" whilst in other cases the improvements and lots were transferred in the proper offices; thus, it would seem, recognizing a property in the lots.

These lots have been improved as other gratuities, and in all of them the deraignment is complete. The mesne conveyances recite the names of the original claimants, as well as the fact of improvements having been made, without giving the date, in some instances, at which they were made. We have, in such cases, dated the improvements from that of the mesne conveyances.

The lots embraced in this class are within musket shot of Fort Carlos de Barrancas; and if the claimants are considered as having a title to them, we presume it could be only upon the condition that they should be subject to all the restrictions imposed by the laws and usages of Spain relative to lands contiguous to forts and fortifications. As we have been unable to obtain access to the laws upon this subject, we have considered it most proper, both for the United States and the claimants, that we should report the cases for the final determination of Congress.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.



## K.

*Abstract of claims to lots in Pensacola, founded upon sales at auction made by the Spanish government, and which have been rejected by the undersigned commissioners.*

No.	By whom claimed.	Original vendee.	Nature of claim.	Date of claim.	No.	Dimensions of lot.	By whom sold.	General remarks.
1	Mary Weaver	Mary Weaver	Certificate of sale.	April 27, 1818.	69	Arpent lot	Governor Mased.	Sold to Joseph Swett at public auction December 2, 1817, and adjudicated to the claimant April 27, 1818, at the price it was bidden off to Swett.
2	do	do	do	do	70	do	do	do.
3	do	do	do	do	71	do	do	do.
4	do	do	do	do	72	do	do	do.
5	Salvador Ruby	Salvador Ruby	do	March 20, 1818.	24	do	do	Purchased by the claimant at public auction December 23, 1817.
6	do	do	do	do	36	do	do	do.
7	John Losada	John Losada	do	February 27, 1818.	73	do	do	Adjudicated to the claimant February 26, 1818, for the same price at which it was sold to Joseph Swett in December, 1817.
8	do	do	do	do	74	do	do	do.
9	do	do	do	do	75	do	do	do.
10	do	do	do	do	78	do	do	do.
11	do	do	do	do	84	do	do	do.
12	do	do	do	do	85	do	do	do.
13	do	do	do	do	86	do	do	do.
14	Gregorio Caro	Gregorio Caro	do	May 30, 1818.	27	80 feet front by 170	do	Purchased by the claimant at public auction December 19, 1817.
15	do	do	do	do	333	do	do	do.
16	do	do	do	do	334	do	do	do.
17	do	do	do	do	382	do	do	do.
18	John Broomham	John Broomham	do	April 25, 1819.	27	Arpent lot	do	do.
19	do	do	do	do	32	do	do	do.
20	do	do	do	do	33	do	do	do.
21	do	do	do	do	34	do	do	do.
22	do	do	do	do	35	do	do	do.
23	do	do	do	do	45	do	do	do.
24	do	do	do	do	53	do	do	do.
25	do	do	do	do	65	do	do	do.
26	do	do	do	do	314	80 feet front by 170	do	Adjudicated to the claimant February 16, 1818, for the same price at which it was sold to Joseph Swett in December, 1817.
27	do	do	do	do	317	do	do	do.
28	do	do	do	do	49	Arpent lot	do	do.
29	do	do	do	do	50	do	do	do.
30	do	do	do	do	51	do	do	do.
31	John Donaldson	John de la Rua	Miscellaneous conveyance.	February 4, 1818	383	80 feet front by 170	do	Purchased by John de la Rua at public auction December 19, 1817.
32	do	do	do	do	384	do	do	do.
33	do	do	do	do	96	Arpent lot	do	do.
34	do	do	do	February 3, 1818.	18	do	do	Purchased by Carlos Baron December 20, 1817, at public auction.
35	do	do	do	February 4, 1818.	41	do	do	Purchased by Francisco Morena December 24, 1817, at public auction.
36	do	do	do	February 3, 1818.	309	80 feet front by 170	do	Purchased by Francisco Morena at public auction December 20, 1817.
37	W. P. Anderson	Pedro Reggio	do	June 6, 1818.	46	Arpent lot	do	Purchased by Pedro Reggio at public auction December 24, 1817.

## K.—Abstract of claims to lots in Pensacola, &amp;c.—Continued.

No.	By whom claimed.	Original vendee.	Nature of claim.	Date of claim.	No.	Dimensions of lot.	By whom sold.	General remarks.
38	Cirilo de Morant.....	Cirilo de Morant.....	Deed of adjudication.....	February 26, 1818.....	144	80 feet front by 170.....	Governor Misc.....	Sold to Joseph Swett at public auction December 19, 1817, and adjudicated to the claimant. There is a receipt for the amount taxed on the sale, but no acknowledgment of the payment of the purchase money.
39	do.	do.	do.	do.	145	do.	do.	do.
40	do.	do.	do.	do.	146	do.	do.	do.
41	do.	do.	do.	do.	147	do.	do.	do.
42	do.	do.	do.	do.	148	do.	do.	do.
43	do.	do.	do.	do.	149	do.	do.	do.
44	John Donalson.....	Pedro Alba.....	Meane conveyance.....	February 3, 1818.....	10	Arpent lot.....	do.	Purchased by Pedro Alba at public auction December 21, 1817.
45	do.	do.	do.	do.	58	do.	do.	do.
46	do.	do.	do.	do.	318	80 feet front by 170.....	do.	do.
47	do.	do.	do.	do.	315	do.	do.	Purchased by Manuel Gonzales at public auction December 24, 1817.
48	do.	Manuel Gonzales.....	do.	do.	59	Arpent lot.....	do.	Purchased by Juan Allick at public auction December 24, 1817.
49	do.	Juan Allick.....	do.	January 28, 1818.....	299	do.	do.	Purchased by Antoine Colein at public auction December 20, 1817.
50	do.	Antoine Colein.....	do.	January 21, 1818.....	303	80 feet front by 170.....	do.	do.
51	do.	do.	do.	do.	225	do.	do.	Sold to Joseph Swett at public auction December 20, 1817, and adjudicated to John de la Rua February 7, 1818.
52	do.	do.	do.	do.	297	do.	do.	do.
53	do.	do.	do.	do.	1	Arpent lot.....	do.	Sold to Joseph Swett at public auction December 21, 1817, and adjudicated to Juan de la Rua February 7, 1818.
54	do.	do.	do.	do.	2	do.	do.	do.
55	do.	do.	do.	do.	11	do.	do.	do.
56	do.	do.	do.	do.	19	do.	do.	do.
57	Pedro Alba, Jr.....	Pedro Alba, Jr.....	do.	February 13, 1818.....	30	do.	do.	The evidence in this case proves that the certificate of sale for this lot is a forgery.
58	do.	do.	do.	do.	87	do.	do.	do.
59	do.	do.	do.	do.	305	80 feet front by 170.....	do.	do.
60	do.	do.	do.	do.	321	do.	do.	do.
61	do.	do.	do.	do.	342	do.	do.	do.
62	do.	do.	do.	do.	343	do.	do.	do.
63	do.	do.	do.	do.	344	do.	do.	do.
64	do.	do.	do.	do.	345	do.	do.	do.
65	do.	do.	do.	do.	346	do.	do.	do.
66	do.	do.	do.	do.	347	do.	do.	do.

All which is respectfully submitted.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

These lots purport to have been sold by the constitutional ayuntamiento in 1813, and by Governor Masot in 1817. Most of the latter lie in the rear of Romana street, within the alteration of the suburbs of the city made by Intendant Morales in 1807 and 1808, by which the garden lots upon the British plan were converted into arpent and building lots.

From an examination of the original proceedings relative to these sales, we find a dictamen of Governor Masot, dated December 2, 1817, reciting that he had convoked the junta of royal hacienda, and that it was ordered that the King's houses and lots in the town of Pensacola, and in the suburb thereof, be exposed to sale at public auction. Also, a decree of said governor, dated February 4, 1818, stating that, a number of persons who had purchased at the public sale aforesaid not having paid the amount of their purchase money, advertisements be set up in the most public places notifying them that unless they came forward within three days and complied with the conditions of the sale, the said lots would be adjudged to others who petitioned for the same. Also, a decree of said Masot, dated February 7, 1818, setting forth that the prolongation allowed by the foregoing decree of the 4th instant had elapsed, declaring the sales made to those who had not complied with the conditions, nor availed themselves of the indulgence thereby extended, null and void, and that the said lots be adjudicated to others who might petition for them at the price at which they were originally sold.

In some cases deeds and certificates of sale were given to the parties as evidence of title; in others their claims are founded alone upon the original proceedings relative to the sales, which show that the lots were stricken off to the claimants at various prices, or were afterwards adjudicated to them in consequence of the original vendees failing to pay the purchase money in compliance with the conditions of the sales. The certificates were granted when the party applied for them and paid the price at which the lots were sold; and in them was uniformly an acknowledgment of the receipt of the money. The original proceedings, in some instances, show that the purchase money was paid where no certificates were issued, which we have supposed should be received as conclusive. Where no such proof is exhibited the presumption must be that the payment has never been made.

The claims embraced in this class have been rejected from various considerations. Some were believed to be antedated or fraudulent; in other cases the purchase or adjudication was made and the certificates of sale issued subsequent to January 27, 1818. Even where the purchase or adjudication was completed prior to, and the certificates were given after, the limitation, we did not consider ourselves authorized, under the acts of Congress, to give them confirmation.

In our abstract we have been particular in giving both the date of the certificates and that at which the purchase or adjudication was made. We have also stated in our column of general remarks the cases in which the payment of the purchase money appears not to have been acknowledged in any of the documents within our possession. The claims rejected from a belief that they are antedated or fraudulent are clearly identified in the same part of our abstract. Except the two last-mentioned claims, we have no doubt that the titles included in this abstract are bona fide, and ought to be confirmed. Under such circumstances the claimants have at least an equity to sustain their titles, and we cannot hesitate to recommend them to Congress for their confirmation.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.



## I.

*Abstract of claims to lots on the public square in Pensacola, founded on the sales of the cabildo and ignatious concessions, and which have been reported to Congress by the undersigned commissioners.*

No.	Present claimant.	Original claimant.	Nature of claims.	Date of claim.	No.	Dimensions of lot.	By whom issued.	When surveyed.	By whom surveyed.	Build upon & enclosed.
1	Antonio Montero	Antonio Montero	Site by the cabildo	Dec. 31, 1813	19	Eighty feet by ninety-three	Cabildo	December 7, 1812	Vicente S. Pinado	do.
2	Fernando Moreno	Doningo Olivier	do.	Dec. 30, 1813	17	do.	do.	do.	do.	do.
3	Joseph Viola	Joseph Viola	do.	Dec. 30, 1813	9	do.	do.	do.	do.	do.
4	Heirs of Whittiers Brinson	Whittiers Brinson	do.	March 18, 1814	6	do.	do.	do.	do.	do.
5	Lane and White	Ignacio Pressa	do.	Dec. 24, 1814	30	do.	do.	do.	do.	do.
6	Olho W. Callis	Lane and White	do.	Nov. 28, 1818	3	do.	do.	do.	do.	do.
7	do.	Francisco Baube Failer	Messe conveyance.	Nov. 28, 1818	4	do.	do.	do.	do.	do.
8	Iane P. Smith	Joseph Bonifay	do.	Nov. 29, 1819	7	do.	do.	do.	do.	do.
9	Smith and Whitehead	John B. Baquer	Site by the cabildo	Dec. 30, 1813	8	do.	do.	do.	do.	do.
10	Gavron C. Forsyth	do.	do.	Dec. 30, 1813	12	do.	do.	do.	do.	do.
11	James L. Goree	Francisco Barnes	Messe conveyance.	May 1, 1823	10	do.	do.	do.	do.	do.
12	Vicente S. Pinado	John B. Allick	Site by the cabildo	Dec. 31, 1813	11	do.	do.	do.	do.	do.
13	do.	Vicente S. Pinado	Grant.	Dec. 17, 1817	13	do.	Intendant Ramirez	do.	do.	do.
14	do.	do.	Grant.	Dec. 17, 1817	14	do.	do.	do.	do.	do.
15	do.	do.	Grant.	Dec. 17, 1817	15	do.	do.	do.	do.	do.
16	do.	do.	Grant.	Dec. 17, 1817	16	do.	do.	do.	do.	do.
17	do.	do.	Grant.	Dec. 17, 1817	18	do.	do.	do.	do.	do.
18	do.	do.	Grant.	Dec. 17, 1817	18	do.	do.	do.	do.	do.
19	Manuel Gonzales	Manuel Gonzales	Concession	Jan. 1, 1817	352	As described in certificate C	Governor Masot	do.	do.	do.
20	Joseph Noriega	Joseph Noriega	Permit of improvement.	May 31, 1788	352	Eighty feet front by eighty	Governor O'Neil	September 30, 1818	do.	1817
						Eighty feet front by 93	Governor O'Neil	do.	do.	1810

## GENERAL REMARKS.

No. 3. The grantee has improved and inhabited the said lot from 1813 to the present date.  
 No. 6. Sold at public auction March 14, 1814.  
 No. 7. Sold at public auction March 14, 1814.  
 No. 10. Sold at public auction December 31, 1813.

No. 18. See Report No. 10.  
 No. 19. This lot is the site of erecting a market-house. This lot lies on the square of Ferdinand VI, as laid out by the cabildo.  
 No. 20. This lot interferes with the claim of James L. Goree and others, which was laid out by the cabildo, numbered by 11, and 13, and old barracks K.

• All which is respectfully submitted.

SAMUEL B. OVERTON.  
 JOSEPH M. WHITE.

The above claims are in that part of the city of Pensacola commonly called the plaza, or public square, lying between Alcanis and Palafox streets on the east and west, and New street on the north, according to the Spanish plan of Pensacola, and between George and Charlotte streets in the British plan of the same.

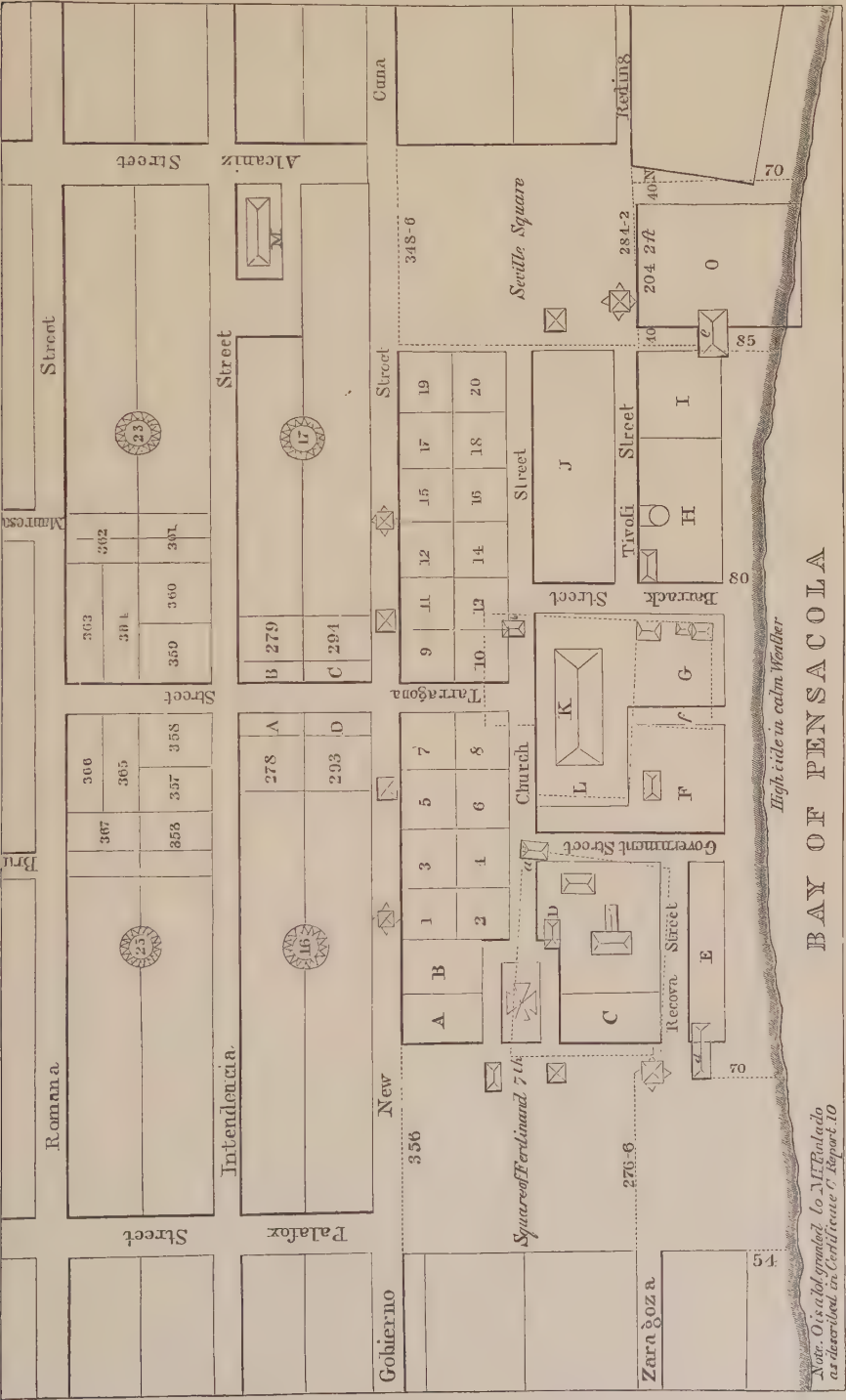
The undersigned commissioners, aware of the deep interest that is felt by the individual claimants, as well as the municipal authorities, in the decision which must be given upon the validity of these claims, have entered upon their examination with the reluctance and diffidence which their importance and difficulties have imposed, and with the deliberate consideration which the various questions of national, municipal, and local law involved in their decision require, so far as they had access to any information on the subject.

The town of Pensacola was founded by the Spaniards in the year 1696. When the Spanish and French governments were contending for colonial aggrandizement in America, it was taken by the French and retaken by the Spaniards; but whether it was only a military post or a regular town it is difficult to determine from any information within our reach. It is presumed, however, that during these changes and revolutions no regular plan of the town was formed until it came into the possession of the British government by the treaty of 1763; and whether there was an act of incorporation or not made under the directions of the Board of Trade and Plantations, or the local authorities, is a question of equal uncertainty. From the records in our possession it is evident that there was a regular plan made under the British government, with a large public square and other reserves, and all the town and garden lots granted to individuals according to that plan; and during the period that the British government exercised jurisdiction and sovereignty over these provinces there was no grant to any part of the public square, and no buildings erected thereon, except those for public and common purposes.

The most important question involved in the consideration of the subject is, in what light was the public square viewed by the British government, and what right did Spain acquire under the conquest in 1781, and the subsequent treaty of cession in 1783? It is evident from the British plan of Pensacola and the records that the above-mentioned portion of the town was yet a part of a common to the town, which could not be intruded upon or reduced to private property without manifest injury to the individual grantees and purchasers contiguous thereto. It is believed that under the common law of England a public square in a town and city could not be granted by the sovereign any more than a street or highway; and it has been settled by repeated adjudications, both in that country and in the United States, that any power or privilege contained in an act of incorporation cannot be repealed by a subsequent act of Parliament or legislature without the insertion of a special clause conferring that authority. That there was a charter or act of the local legislature for the establishment of the town there can be no doubt, and laid out by the surveyor general of the province in conformity thereto. That the British authorities considered that no part of the square thus laid off in the general plan could be granted is conclusively demonstrated by the circumstance that during the twenty years they occupied the place no portion of it was appropriated to individual uses. Whether there was an act of incorporation in addition to the one establishing the town would not materially affect the main question above stated, or lessen the force of the vested rights of the contiguous grantees and purchasers, as well as the community, in their privilege of ingress and egress upon that part of the town appropriated for the common benefit of the whole, and acquired in by an uninterrupted continuity of possession for twenty years.

Property, as defined by writers on general and national law, is either public, common, or private; and although the sovereign can appropriate private property for public uses by making a fair compensation to the individual owner, it arises from the principle recognized by all governments, that individual rights must bend to the pressing exigency of a whole community; but when a resort of that kind is made, it is not by arbitrary compulsion, but by giving an ample indemnity and equivalent for the property thus appropriated, and in such cases all that the sovereign does is to compel a relinquishment of his possessions for a fair price. It is said by Blackstone and De Lolme, on the British constitution, that none but the sovereign or legislature can exercise this power. The right which a community enjoy in a public highway or public square is as perfect as any right of private property secured by law. It follows, necessarily, that where a right of common is established it cannot be taken away without the consent of the owners, or without indemnification for the injuries they sustain. They can, at any time, voluntarily surrender their privileges and rights in favor of the sovereign, and their alienation would make it public property and subject to the disposition of the sovereign authorities wherever they may be lodged. That the inhabitants of the town and the contiguous grantees had a common interest and right in the public square of the town there can be but little doubt, and this right they cannot be deprived of without their free consent or a fair equivalent. Upon the principle above stated, an alteration of the square between a front proprietor and the bay would materially injure the price of his property, obstruct a free circulation of air, and destroy his prospect—privileges for which he may have paid much more than he would have done had he anticipated the alteration—and render his position less valuable for business. Any alteration of that kind without his consent would be a serious injury to his right of property without remuneration, and upon the principle above stated could not legally be done.

The next inquiry is, what change did the conquest of this province, in the year 1781, make in the existing rights of individuals? It is believed to be a well-established principle of the laws of nations that a sovereign can alienate any portion of his domain without a provision in favor of individual rights, by making compensation, which grows out of the paramount right, denominated the right of eminent domain. Of the propriety of this principle it is needless here to enter into any discussion. The conqueror would enforce the position at the point of the bayonet, and the conqueror must submit. This place having been captured by the Count de Galvez, such conditions might have been imposed on the inhabitants; but in the articles of capitulation, and subsequently in the treaty of cession, a provisional reservation of the rights of British grantees was made. These were permitted to sell within a limited period. The purchasers from the conquered inhabitants, in whose favor such indulgence had been given by treaty, succeeded to all the rights and privileges which they enjoyed, and among others the right of common. The plan of the town remained unaltered for twenty years under the Spanish government, during which period her own subjects acquired rights, contiguous to the square, of the same character as those which existed in the British grantees, and no alteration was thought of until the mines of Mexico ceased to pour their floods of gold into the coffers of the provincial government, when the hungry rulers began to devise ways and means, at any sacrifice, to fill their exhausted and decayed treasury. They soon forgot the *res communes*, and the distinction *de divisione rerum* during this period. However, permits were granted in one or two instances to erect temporary improvements, by officers of the garrison, to those who wished to supply the







garrison or town with marketing, &c., which is a common practice under the Spanish government in the vicinity of forts, where they are forbidden by law to grant titles of property. These permits are presumed to have been of that character, with special clauses to that effect, and conferring usufructuary rights only.

The first alteration of the square was projected by Governor Folch y Juan in 1802, and the most of the lots granted in the year 1804 and 1805. The alteration was of that part most remote from the bay and lying between the streets east and west before mentioned, and between Intendencia and New streets, a continuation of Government street on the north and south, and contained *thirty-three* lots. Folch, at the same time, contemplated a removal of the town of Barrancas. In 1806, when the intendant and superintendent general, Morales, arrived here, he disapproved of the project, and refused to confirm the titles given by Folch, as also to concede the ungranted lots, (vide title of Caso y Luengo,) but decreed that the grantees should remain in possession until the decision of his Majesty should be known. Whether it ever received the royal sanction we are unable to determine; but several years afterwards Morales granted some of those lots. The arguments above stated would equally apply to this alteration, but it was the duty of those interested, whose rights and privileges were invaded by this proceeding, to have prosecuted their rights under the Spanish government by petition or suit. Their failure to do so is an acquiescence and presumed consent of the community and municipal authorities, which, combined with the ratification of the intendant, as is evidenced by his granting the lots, the long possession of the claimants, their undisturbed possession for twenty years, place those claims in a different point of view from the sales of the *cabildo*. The commissioners will do what the authorities of Spain could legitimately perform; and as these lots have been improved and occupied for that length of time with the consent of the officers of the government, the local authorities, and the contiguous grantees, although there might have been an original defect of power, they will give confirmation to them. The laws of all well-regulated societies make a distinction between long-established and prescriptive rights and those undetermined and *in fieri*. Even usages which are sanctified by immemorial practice assume the character of law. The recent plan under the constitutional government, however, has none of those sanctions; it is *res integra*; the Spanish authorities have never approved it; and the United States are now required to do what Spain would have done had not the sovereignty been transferred. What Spain would have done can only be ascertained by her laws and ordinances; for we must presume that those only are the rules by which every government is regulated.

The water fountains, the places where *fairs* and *markets* are held, where the city councils meet, the sandy places on the banks of rivers, *belong separately to the commons of cities and towns*, because they have been appropriated and granted for the *common use* of each city, town, castle or other place.—(Partidas, tit. 28, l. 9.) The same work, tit. 5, l. 15, upon the subject of sale and purchase, declares that "*public squares, roads, threshing grounds, rivers, and other waters which belong to the King, or the commons of any city, cannot be sold or alienated.*" Title 32, law 23, provides that "no one ought to erect a house or other building or works on the public places, or threshing grounds or roads, which are common to cities, towns, or other places; for, as they are left open for the sake of regularity and the common good of all who come there, no one ought to take possession of them to labor there for his own particular benefit. And if any one contravenes this law, that which he builds there ought to be pulled down and destroyed; and if the corporation of the place where the works are constructed choose to retain them for their own use, and not pull them down, they may do so; and they may make use of the revenue derived therefrom in the same manner as of any other revenue they possess."

According to Vattel, b. 1, c. 20, s. 245-26, the eminent domain confers on the sovereign barely the power to regulate the manner in which common property is to be used. He cannot alienate or take away the right of those who have a share in that property, but the care he ought to take, as the trustee and guardian of the public repose, invests him with the power to prescribe laws regulating the manner in which common things are to be enjoyed. The exercise of a different power would place this species of property upon the ground occupied by that of a public nature, and destroy every feature which would indicate its being held and enjoyed in common. The idea inseparably connected with this description of property is, that it shall not be reduced to severality, unless with the consent of all interested. All have a right to a free use and servitude in it. The sovereign cannot alone alienate it, but is bound, as the protector of his subject's rights, to prevent any one, either by alienation or otherwise, from usurping more of the common use and servitude than that to which he is justly entitled; or disturbing any other in the use of it, or rendering it less fit for public purposes. He is obliged to see that this common use is in no way injured or impaired by excluding any one, or making a distinction to his disadvantage, by assigning some less, and others more, than they could rightfully claim.

This incontestably proves that the civil law of Spain was as explicit on the subject as that of the common law of England. The reference made to the work entitled "*Recopilacion de las Leyes de las Indias*," in the proceedings instituted to obtain a ratification of the alteration of the square by the constitutional ayuntamiento, has been examined with great care, and by no means will bear the construction endeavored to be given it. This appears also to have been the opinion of the commandant of engineers. It does not confer any authority to alter a square already made, but directs the manner in which squares shall be laid off, referring, of course, to the future.

We have already remarked that the squares of cities, which are considered in the light of common property, can only be altered by the concurrence of all the parties concerned. The citizens or corporation must legally consent, as well as the sovereign, who stands in the attitude of a trustee. In the case now before us, the citizens present themselves in opposition to the measure, and we have no evidence that his Catholic Majesty ever acceded to it, which seems to have been indispensable from the proceedings instituted to effect its ratification. Anastacio de Arango, commander of engineers, reports that the case is "full of obstacles," and should be submitted to the supreme government. He also intimates, if we understand him, that the powers of the *cabildo*, both under the constitution and decrees of the King, relate to the sale of lands only. On April 13, 1814, speaking of the new plan of the *cabildo*, he says: "I never believed it could be possible they could interfere with the royal buildings, as such decisions have no connexion with those which ought to belong to the constitutional ayuntamiento." The surveyor general and minister of finance of West Florida approve of the alteration, to whom no difficulty was presented. However, the King's attorney at Havana, to whom no reference appears to have been regularly made by the intendant, reports inconveniences in the case, and suggests that it should be reported to his Majesty. Under the constitution, it should have been forwarded to the provincial deputation, to be approved by the Cortes; but whether this was ever done or not, or what was the result, we have been unable to learn.

Upon a careful examination of these proceedings, it seems that, in addition to the difficulty growing out of the square being *common* property, it was considered as a *military* square, with which the cabildo could not interfere, agreeable to the opinion of the commandant of engineers. The director of engineers, in his communication to Apodaca, captain general of Cuba, after protesting against varying the position of the military buildings by the new plan of the cabildo, says: "As little could they sell or dispose of either the whole or a part of the King's lots without his sovereign consent; so that I conceive the whole ought to revert to the same situation in which it was before any such innovation took place." In this opinion Apodaca concurs, unless it should be attended with prejudicial consequences, in which event he would represent the case to his Majesty. José de Soto, governor of West Florida, after an examination of the whole proceedings, had previously decreed that "there was no authority by which the plan of the town could be altered so as even to interfere with the military buildings," and prohibited all improvements upon the lots sold upon the new plan until the decision of his Majesty should be known.

From a view of the whole case, the undersigned commissioners cannot believe that the alteration of the public square by the cabildo, or the gratuitous concessions, were authorized by law, but with due deference submit the case to the decision of Congress. If we have been right in considering it as *common* property, and were to confirm the claims to the lots, it would amount to nothing more than giving the assent of the government to the new plan as the *trustee* of the citizens of Pensacola. The claim of the citizens would still be open to investigation before the judicial tribunals. Should it be viewed in the light of a *military* square, it is submitted how far it becomes *public* property, to the alteration of which the commandant of engineers, to whom it was properly referred, never consented; on the contrary, he reported against it as illegal, and a matter with which the ayuntamiento had no concern, being without the pale of the powers with which they were vested. This is admitted to be a hard case upon most of the claimants. The original vendees, it appears, paid a valuable consideration for the lots, and some of them have since passed into the hands of innocent purchasers. In equity and justice they are either entitled to the lots, or the money with which they were purchased; but how they are to obtain redress Congress must determine.

The alteration of division twenty-four, which was reserved in the original plan for public buildings, and to which the proceedings in part relate, appears to us to stand upon different grounds from that of the square of the city. The first was reserved for special purposes of a public nature; it was *public* property, and as such was subject to the disposal of the lawful authorities of West Florida. We have therefore given them confirmation.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

#### THE ACT OF THE CABILDO, YEAR 1816.

Judicial proceeding, followed up by sundry inhabitants of this town, in order to obtain possession of the lots which they purchased at public sale, to which the collateral (incidental) claim for the piece of land appropriated for the church was annexed by order, as brought forward by the reverend vicar general and ecclesiastical judge.

*A statement of the individuals who purchased the under-mentioned lots, which were sold at public judicial sale by order of the superiority of this town in the months of December, 1813, and January, 1814.*

Lot No. 357, adjudged to Don Joaquin Barela, for .....	\$350 00
Lot No. 358, adjudged to Don Lorenzo Bru, for .....	340 00
Lot No. 359, adjudged to Don Manuel Gonzales, for .....	312 00
Lot No. 360, adjudged to Don Joseph Goumarin, for .....	145 00
Lot No. 361, adjudged to Ma. Cha. Grandpre, for .....	127 00
Lot No. 365, adjudged to Don Joaquin Barela, for .....	50 00
Lot No. 366, adjudged to Charles Sierra, (colored man,) for .....	33 00
Lot No. 367, adjudged to Don Eugenio A. Sierra, for .....	156 00
Lot No. 368, adjudged to Don Antonio Collins, for .....	55 00
Lot No. 369, adjudged to Don Antonio Montero, for .....	77 00
Lot No. 7, adjudged to Don B. Bacquet, for .....	232 00
Lot No. 8, adjudged to Don B. Bacquet, for .....	231 00
Lot No. 9, adjudged to Don Joseph Viola, for .....	200 00
Lot No. 10, adjudged to Don John B. Alleck, for .....	252 00
Lot No. 12, adjudged to Don Fran. Barrios, for .....	212 00
Lot No. 17, adjudged to Don Domingo, for .....	137 50
Lot No. 19, adjudged to Don Antonio Montero, for .....	164 00
Lot No. 20, adjudged to Don Ignacio Presas, for .....	200 00
Lot No. —, adjudged to Charles Sierra, (colored man,) being part of lot No. 246, valued at....	35 00
Lot No. 3, adjudged to Don Elias Papin, for .....	124 00
Lot No. 4, adjudged to Don Charles Lavalle, for .....	205 00
Lot No. 5, adjudged to Mr. Thomas Boils, for .....	165 00
Lot No. 6, adjudged to Mr. John Bruison, for .....	177 00
	<hr/>
	3,980 00

Pensacola, September 4, 1815. Signed on the part of all concerned, by Francisco Barrios, Carlos Lávalle.



## PETITION FIRST.

To his honor the GOVERNOR and SUB-DELEGATE:

The undersigned, inhabitants of this place, with decorum and the respect due to your honor, present themselves and state that the ayuntamiento, heretofore of this place, did, at the request of the governor, Colonel Don Matthew Gonzales Manrique, and with the consent of the deputy minister intendant of finance, Don Antonio Cabanis, and of the commander of engineers, Don Anastacio de Arango, by their acts and council, ordain the sale, in a public judicial manner, of the additional lots occasioned by the regulation of the two squares of Ferdinand the Seventh and of Seville, in the intermediate space; and also the division destined for a church, situate between the house of Don Francisco Gonzales de Jente, King's storekeeper, and that of the widow Francisco Albert y Ramos. The object of said sale was to procure with the proceeds thereof the indispensable necessities of subsistence for the garrison and those attached to it, then under the most urgent circumstances of misery, in which they were placed by a failure of their supplies of provisions, and their want of means to procure relief. The exponents, in consequence thereof, purchased the lots numbered as in the adjoining statement for the prices detailed therein, four of which only are occupied by their owners, which are those of Don Eugenio Antonio Sierra, Don Francisco Gonzales de Jente, and Don Lorenzo Bru, in the church division, and Don Joseph Viola on lot No. 9, in the space between the two squares, where he has built a house of becoming appearance. But your honor having been informed that it was the intention of Don Carlos Lavalle likewise to enclose and build upon the lot which he bought near the government house, *has put a stop to it* because the approbation of his Majesty respecting the sale has not been received, notwithstanding those who make this representation paid the prices for which the lots were sold, and were put into the possession of them by the members of the council commissioned for the sale, and who executed the corresponding writings in the public archives. It becomes, therefore, a matter of doubt whether they are or are not legitimate owners, and whether they can or cannot dispose of what they believe they have acquired a just title to at public sale, with the sound of drum and voice of the crier, because, by any other mode, they ought to believe they have been defrauded by the authorities acting in the said sale. They therefore entreat your honor will have the goodness to determine, by decree, if they ought to consider themselves owners of the said lots, and if they really are not, so that the money which they have paid for them may be returned to them, that by this means may be prevented their incurring a greater injury which might probably occur to them; the which act will be to put your petitioners a favor and courtesy. Pensacola, September 4, 1815.

Furthermore, as this affair may require other judicial communications, such as your honor may choose to dictate, a particular notification of which to each individual interested would occasion embarrassment, your petitioners ask and entreat your honor will please to order it to be understood that such proceedings will be treated of with Don Carlos Lavalle and Don Francisco Barrios, on whom, from this time forward, we confer ample power to represent us, and to do for all of us whatever may be consistent with our rights. We ask as before written. (Signed) Juan Alleck, Carlos Lavalle, Joaquin Barela, Antonio Calcires, Manuel Gonzales, Widow Montero, Lorenzo Bru, Eugenio Antonio Sierra, Frk. Goumarin, Whithers Bruison, Francisco Barrios, for his mother, Luis Guyarre, Ignacio Presas, Carlos Sierra.

*Decree.*—Pensacola, September 5, 1815. Taking into consideration that *there is no authority by which the plan of the town could be altered so as even to interfere with the military buildings*, the declaratory decree which the parties solicit cannot be issued. It will be understood that no innovation is to be permitted until after the decision of his Majesty, to whom I am going to refer the affair by the first opportunity. (Signed) Soto Hernandez; (countersigned) Sousa, Cevallos.

*Notification.*—In the same day, month, and year, we made it known to Don Carlos Lavalle and Don Francisco Barrios. We certify the same. (Signed) Sousa, Cevallos.

*Petition.*—We, Don Carlos Lavalle and Don Francisco Barrios, inhabitants of this place, for ourselves, and in behalf of the individuals who purchased several public lots in the years 1813 and 1814, and who have authorized us to this effect before your honor, as may be most conformable to law, and with reservation of whatever plea may avail us, present ourselves and say that, in the month of September of last year, (1815), we presented a petition in common to the intendant (commander) *ad interim*, predecessor of your honor, Colonel José de Soto, in which we explained all the circumstances which preceded and occasioned the sale and adjudication at auction of the twenty-two complete lots, and part of another, which we purchased for the sum of three thousand nine hundred and eighty dollars and four bits, as also the subsequent circumstances resulting from our having delivered the money to the person authorized to receive it; in virtue of all which we consider ourselves lawful possessors of said lots. We stated also what had occurred with Don Carlos Lavalle at the time he wished to build on the one he purchased near the government house, and we concluded our petition by requesting that the commander would please to declare if we might consider ourselves owners of the said lots, adding that, in case we were not so, the money we had disbursed ought to be repaid us, together with an allowance for the detriment occasioned us.

The result of this petition was that Don José de Soto decreed on the day following, with the advice of Don Carlos Hernandez Barrutia, auditor of government and assessor of this intendency, that, "taking into consideration that there was no authority by which the plan of the town could be altered so as even to interfere with the military buildings, the declaratory decree which was solicited could not be issued, and that no innovation would be allowed until after the decision of his Majesty, to whom he was going to report the affair by the first opportunity."

Sufficient time has already elapsed, if Don José de Soto realized that part which he exposed in his decree, for the answer to have reached this place; and as we are interested in knowing what is the determination of his Majesty, or of whatever other subordinate authority the said gentleman might address himself, so that at sight of what it might be, if our rights should be infringed upon thereby, we may press our claims, so much the more just, as it is impossible to believe that we will be deprived of what was sold to us by the authorities of the country with the sound of a drum and of a crier.

We therefore entreat your honor will decree that a certified copy be put in continuation herewith, of the answer that may have been addressed to Don José de Soto, and, being done, that the same be delivered to us, so that we may proceed consistently with justice, which we ask. We swear we proceed not from malice, but necessity, &c. (Signed) Francisco Barrios, Carlos Lavalle. Pensacola, August 6, 1816.

*Decree.*—Put them an official certificate of the answer they solicit, and, being done, deliver it to them as they ask. (Signed) Zuniga; (countersigned) Domingo Sousa, José Cevallos.

*Notification.*—On the same day we communicated to Don Carlos Reggio, secretary of this government, and we also delivered him the judicial proceeding for the purpose above mentioned. (Signed) D. Sousa, José Cevallos.

*Copy.*—In an official note of the sixteenth of the preceding month the director of engineers of this place has written me as follows: "May it please your excellency: *The late cabildo of Pensacola could not nor ought to vary the position of the military buildings of that place without the sovereign approbation, as provided in the conclusion of the article 9, title 1, regulation 3, of the ordinance of the royal corps of engineers, and much less without the direction of the said corps, to whom, by the first article of the same title and regulation, it exclusively appertains.* As little could they sell or dispose of either the whole or part of the King's lots without his sovereign consent; so that I conceive the whole ought to revert to the same situation in which it was before any such innovation took place, and for which it appears to me your excellency is invested with the power, according to the aforesaid article 9, or otherwise, to give information thereof to his Majesty for his sovereign decision, *continuing, in the meantime, the prohibition to use the said lots and vary the buildings.* This in submission to the superior judgment of your excellency, to whom I return the documents. *My own opinion being conformable,* I transmit you a copy thereof, in answer to your official note relative to the affair No. 570, to the end that you may carry into effect what relates to the first point, unless the execution should be attended by injurious circumstances; in which case your honor will instruct me thereof, that I may state the same to his Majesty. God preserve your honor many years. Havana, January 20, 1816. (Signed) Apodaca." (Addressed to his honor the commander of West Florida, *ad interim.*)

*Certificate.*—The foregoing is a copy of the original official document which exists among the papers of this office under my charge, to which I refer. Pensacola, August 6, 1816. (Signed) Carlos Reggio.

*Petition.*—We, Don Carlos Lavalle and Don Francisco Barrios, having filed petitions for the purpose of obtaining for ourselves, and for the inhabitants whom we represent, possession of the lots of the crown which were sold to us at public judicial sale under all the formalities which were prescribed by the rules of the time in which the sale was effected, or, in case possession could not be given us, that the sums we have paid might be reimbursed us, together with an indemnification for the detriment we have sustained from a deprivation of our money—we say that, in consequence of the request contained in our last writing, your honor was pleased to decree, on 6th instant, "that a certified copy should be put in continuation by your honor's secretary of the answer of which we treated, and, being done, it should be delivered to us." This has been done, and we have found that his excellency the captain general, to whom the commander, the predecessor of your honor, stated the case in an official note, No. 570, on the ground of a communication from the director of engineers of Havana, dated December 16th of the last year, advised the government of this province with date of January 20th of the present year, to let the affair remain as it was, unless attended by prejudicial circumstances, in which case this government ought to instruct him thereof, that he might report the same to his Majesty.

At sight of this decree we are obliged to conclude that Don José de Soto omitted in his official paper No. 570 what he ought to have stated, and that he expressed what he was not authorized to say.

In effect, if, in his report, he had stated that the sale of the said lots was determined upon by the cabildo of that time, incited to it by his honor the military governor of this province and president of the said cabildo; that the fundamental motive for this was the low state to which the royal coffers of this place were reduced and the necessity of some food for the garrison, then perishing for want; that the commander of engineers, Don Anastacio de Arango, not only made verbal insinuations to the governor, Don Matthew Manrique, that he ought to avail himself, as much as possible, of his discretionary powers to sell the lots and lands of the royal domain, but also, as we have heard, he executed the same in writing; that in the new form given to the plan of the town, and which was drawn by the surveyor general with strict adherence to the rules prescribed by the laws of these provinces, the position of the military buildings was in nowise varied; that the sale was published by large bills, and was effected according to the custom of the country, at the sound of the drum, for which reason the commander of engineers could not be ignorant of it, and if he could have had anything to object to or to reclaim he would not have kept silence; that the disbursement was made, on our part, of the real and effective sums for which the lots were respectively adjudged to us as the best bidders, the possession of which we were despoiled of by this same Don José de Soto; and, finally, that with the amount which we paid for the same the garrison was sustained—if all and each one of these circumstances, we again repeat, should have been explained in the official paper No. 570 with that exactness and impartiality which justice requires, how was it possible that the director of engineers of Havana could have censured the cabildo of this place, and less, have added what his answer to his excellency the captain general contains? Or, how his excellency (the position of the military buildings not having been varied in the least) would, in conformity therewith, have ordered that what related to the first point should be carried into effect, and manifested a doubt that the execution thereof might be attended with prejudicial circumstances.

When thus much is evident, it becomes necessary to believe that the report was not adjusted to the reality of the events, but that some circumstances were omitted which were in our favor, and, for some particular end, others were introduced to our prejudice. For these reasons, therefore, we consider ourselves authorized to protest one, two, and three times, and as many times oftener as by law may be necessary, against the author or authors of all the injuries and detriments which have resulted to us from having sold us the aforementioned lots, to obtain the amount for which they were adjudged to us; and, under the pretext of having altered the plan of the town so as even to interfere with the military buildings, have prohibited us from building, selling, or making any use of our property.

We will suppose, for an instant, that the thing might be such as it appears that it has been represented to be to his excellency the captain general in the official paper No. 570: would this be a reason that we should be the victims of any irregularities with which the cabildo, the military governor, Don Matthew Manrique, the commander of engineers, Don Anastacio de Arango, and the other authorities, might have proceeded, who were concerned in the affair and ordered the judicial sale? Could we, in so serious and solemn an act, doubt their authority to separate from the royal patrimony the lots which they put up at public auction? Would we not have exposed ourselves to just confusion and even to punishment if we would have attempted such an investigation? We believe there can be no man in his senses of this opinion. We also judge that there can exist neither reason nor justice, even if there is cause to invalidate sales made with so many formalities and so much solemnity, that there should be any to deprive us of the right to obtain the reimbursement of our money, together with an indemnification, justly graduated by the privation thereof from the time that we paid the prices for which the lots were adjudged to us until the moment when the restoration of the same may be effected. We know that, in the situation in which



the affair is placed, your honor is not at liberty to act, and can resolve nothing. The decision ought to emanate from his excellency the captain general, if, as we suppose, in compliance with prompt justice, he drops the idea of reporting it to his Majesty; but that he may be able so to do with less scrupulousness and greater security, in that case it will be convenient that all which we have alleged in this writing should be fully proven. Therefore,

We entreat your honor to order that, by the secretary of this government, in whose charge it appears the books and papers of the late ayuntamiento are found, there may be annexed in continuation herewith certified copies of all the acts, official papers, and other documents and proceedings which preceded and regulated the aforesaid sale; as, likewise, certificates from the captain of infantry, Don V. S. Pintado, surveyor general of this province, of the proceedings, orders, and official papers, by which was brought to pass the alteration and regulation made of the old plan of the town; annexing a copy thereof, and of that which he formed anew, together with the explanations necessary for a better comprehension of the same. All which being done, your honor will please to transmit a copy of the judicial proceedings to his excellency the captain general, in compliance with his provision of the 20th of January of the present year, and which, according to our limited comprehension, ought to have been done without our solicitation by your honor's predecessor, within the terms required by justice, which we ask. We swear we proceed not from malice, but necessity. (Signed) Francisco Barrios, Carlos Lavalle.

*Decree.*—Let them have the certificates they request for the individuals mentioned in the petition. (Signed) Zuniga. (Countersigned) Domingo Sousa, José Cevallos.

*Notification.*—On the same day we made it known to Francisco Barrios and D. Carlos Lavalle, which we certify. (Signed) Sousa, Cevallos.

No. 1.—*Act of the cabildo.* In the town of Pensacola, April 10, 1813, in extraordinary sitting, summoned by his honor the governor *ad interim* of this province and president of this ayuntamiento, his honor began by observing that the object of this meeting was to state that having received intelligence that the Americans were forming an expedition at Pass Christian for the purpose of attacking and obtaining possession of Mobile in case those of that post should not be able to defend themselves, and that, in consequence, they would not cease to disquiet this town, for which reason he esteemed it his duty to recommend to the gentlemen present that they ought, on their part, to use every possible effort to insure a punctual compliance with respect to what he was about to propose: 1st. That they make interest with such persons as may have any provisions, and encourage them to make a delivery of them to supply the troops with rations, by insuring them pay for the same from the national treasury of Havana, and put up public bills to that effect. 2d. That because the treasury coffers of this place are found absolutely without funds, they endeavor to prevail with the owners of carts to perform the service of hauling a few timbers obtained from an individual *for the purpose of completing the powder magazine and glacis of Fort St. Michael.* 3d. To urge those who own stock, either of beef, cattle, horses, or hogs, to have them brought over on this side of the river Perdido for the greater security of the same. 4th. That, by means of public advertisements, this faithful and loyal vicinity (community) be entreated to contribute as much as possible towards clearing the ground contiguous to Fort St. Michael, so that the firing from the same may have the better effect in case of an attack. The which propositions of his honor the president having been heard with the greatest attention by the alcalde and other gentlemen of this cabildo, they all unanimously promised not to omit any step or effort in order to give effect to what had been recommended.

Afterwards, at the request of the syndic, was taken into consideration the (vacant) lots found in the town and its environs; that it would be well to put them up to sale in order that, with the proceeds thereof, purchases of provisions, &c., might be made for the royal magazine of this place, with respect to which it was resolved that his honor the president be charged with the passing of an official note to the intendant in order to obtain this object, which is rendered of so much importance by the necessity which is prevailing.

Lastly, I, the secretary, was ordered to pass to the dwelling of the lady, widow of the Adjutant Major D. José Noriega, and inform her that in the course of three days the writing of property would be required of the lot contiguous to the barracks, situate in the middle of the military square, which she says she owns, and speaks of again putting up its buildings, but which is said not to belong to her; with which this sitting was closed, and was signed by his honor the president and the other gentlemen of this ayuntamiento, which I certify. Mauricio de Zuniga, Vicente Ordosgoity, Martin de Madrid, Francisco Gomez, Antonio Montero, Lorenzo Vitrian, and Francisco Barrios, secretary.

No. 2.—*Act of the cabildo of April 21, 1813.* In the town of Pensacola, April 21, 1813, in extraordinary sitting, summoned by his honor the governor of this province and president of this ayuntamiento; the gentlemen who composed it having assembled, his honor the governor commenced by showing the official note he had passed to the minister of royal finance, as charged in cabildo on the 10th instant, together with the answer and what else had been done with respect to the affair and sale of the lots in this town, according to what appears from the copy thereof which exists in the archives under my charge, when, after reflecting thereon, and conferring together, it was unanimously agreed that the desires of his honor the governor were fulfilled, as recorded in the aforesaid sitting of the 10th instant; with which this sitting terminated, and was signed by his honor the governor and the other gentlemen, which I certify. Mauricio de Zuniga, Vicente Ordosgoity, Martin de Madrid, Millan de Carreras, Francisco Gomez, Francisco Barrios, secretary.

No. 4.—*Act of the cabildo of May 17, 1813.* In the town of Pensacola, May 17, 1813, the gentlemen of the constitutional ayuntamiento of this place having assembled in ordinary sitting, presided by his honor the commander of this province as civil chief of the same, three official notes were read, addressed by his honor, with date of the 10th instant; the first accompanying a printed paper which contains three royal decrees of the 4th, 9th, and 13th of February last, relative to the daily allowance to gentlemen deputed from courts of ultramarine provinces; the second, accompanying an exemplar from the gazette of the regency of Spain and its dependencies of the 26th of January last, containing the royal decree of the 4th of the same month, which treats of the reduction of public (common) grounds to particular property; and the third contains another royal decree of the 26th of September of last year, by which it is provided that such ecclesiastics as may be found living as citizens may hold an active voice and give their votes at the election of the constitutional ayuntamientos, but may not be elected to any office or council. Whereupon, it was resolved by all the gentlemen that due compliance shall be given in the respective particulars, and that for the purpose the said official notes be reserved in the archives, together with the reports by the gentleman alcalde commissioned by the ayuntamiento, &c.



No. 5.—*Act of cabildo of August 31, 1813.* In the town of Pensacola, on the 31st day of May, his honor the president and the other gentlemen of the ex-ayuntamiento having assembled, among other things they treated on the following:

Afterwards an official note was read, presented by the alcalde, being a copy of the one which he addressed to the minister of finance, requesting intelligence respecting the provisions *relative to the alteration and enlargement of the old plan of this town*, and the answer returned him by the said gentleman minister: "that meeting with it in a judicial proceeding which was formalized with that intent, and which is very voluminous, as he has no amanuensis, it would be expedient that the ayuntamiento should appoint a person to be employed for that purpose." Whereupon, it was resolved that the gentleman alcalde should again address another official note to him reiterating the request.

An official note was also read from the commander of engineers, Don Anastacio de Arango, which he delivered to his honor the president, to whom he addressed it, and proposes to his discretion the proceeding *to sell, under certain conditions, lands of the royal domain*; and it was resolved that the gentleman alcalde should answer his honor the president, and express due thanks to the commander of engineers for the zeal he has manifested in communicating his ideas, so conformable in every respect to those of the members of the ayuntamiento; but they observe that, owing to the absolute want of money, there will be no purchasers unless some foreigners, and that it will be more expedient to await other favorable circumstances, in order to fulfil, in part, the formalities prescribed in the sovereign decree of the 4th of January last, not neglecting, in the meantime, to attend to the Spanish citizens who may solicit it (I suppose the land) for purposes of public utility; and that, in returning the said official note to his honor the president, a certified copy thereof be requested for the archives of this ayuntamiento.

Another official paper was also read, presented by his honor the president, addressed to him by the minister of public finance, together with a petition from the regidor, Don Antonio Montero, who, as being interested therein, retired from the hall, when, on deliberating upon his petition, "that the amount for the ten lots of ground and one building lot, which were adjudged to him at public sale, should be placed to his credit, (for meat furnished by him,) which lots were appointed to be sold in order to purchase provisions for the troops and others attached to this garrison, owing to absolute want of money which prevails," it was resolved that, considering it to be one of the most necessary articles, and that, as expressed in his contract, he ought to be paid monthly in specie for the amount of meat furnished by him during the same, they acceded to his request, and authorized the alcalde, that in due [here an expression is wanting] and return the petition.

No. 6.—*Act of the cabildo of August 9, 1813.* At another sitting held in this town on the 9th of August of the same year by the said gentlemen, among other things they treated on the following: "Likewise, after having read an official paper presented by his honor the president, addressed to him by the engineer of this place, Don Anastacio de Arango, relative to the deficiency of means in this town for the subsistence of the garrison and those attached to it, and what else the said gentlemen alleges, it was resolved that his honor the president be authorized to communicate with the minister of the national finance for the purpose of obtaining from that officer a statement of the *arpents lately disposed of at public sale and of those which remain to be sold, pointing out the purchasers who may not have paid the amount for which the lots were adjudged to them*, and for what reason, so that this illustrious ayuntamiento, on understanding what the said minister may say, may determine as they may judge expedient and possible in relation to the official paper from the aforesaid engineer, Don Anastacio de Arango."

No. 7.—*Act of the cabildo of August 27, 1813.* At a sitting held in Pensacola on the 27th of August of the present year, the president and other gentlemen of the ayuntamiento being assembled, among other things they treated and resolved on the following:

"Afterwards his honor the president presented an official note from the minister of public finance, being an answer to what the said gentleman passed to him according to resolution of the 9th instant, accompanied with three copies: 1st, of the actual lots in this town belonging to the royal domain; 2d, another, of the lots sold and paid for to the treasury, from the 4th of June until the 21st of August; and the 3d, another, of the lots sold, with the names of those to whom they were sold, but the amounts of which have not yet been paid; all which having been read by me, the secretary, it was resolved that the minister of the treasury be authorized to recover the amounts of the lots sold and not paid for, agreeable to the statement No 3, without requiring more from the purchasers than the amount for which they were adjudged; without a discount of half annates, remittance to Spain, or any other, because the sale was not preceded by any condition, and because this ayuntamiento becomes responsible for the result; all of which will be communicated for his requisite information; and that when he has effected a total recovery he may proceed to make out the deeds of sale and give the corresponding titles to the purchasers, as well as to give in to the ayuntamiento a statement of the amount of all the lots sold and paid for, in order that it may be reclaimed so soon as the public treasury may be found with funds sufficient to repay the same."

No. 8.—*Act of the cabildo of September 6, 1813.* At the town of Pensacola, in cabildo held by the ayuntamiento in ordinary sitting, on the 6th of September, in which his honor the governor presided, among other resolutions the following was adopted:

"In the same manner it is resolved that this ayuntamiento, by its secretary, should pass official notes to his honor the governor, and also to the minister of the national treasury, in order that the said officers, gentlemen, may please to inform the ayuntamiento if any objection occurs to them to their proceeding, by means of the surveyor general, to lay off the squares of this town and the lots which may be left vacant thereby, according to what the article 321 of the constitution provides, and whatever else may be deemed expedient."

No. 9.—*Act of the cabildo of October 5, 1813.* In the town of Pensacola, in ordinary cabildo of October 5, 1813, in which his honor the governor of this province presided, the other individuals who composed it being present, among other things the following were treated of:

"Likewise, and equally, it was represented by the syndic that no answer appears on the part of the minister of the treasury, up to the present date, to the official notes which, by order of the same ayuntamiento, were passed to him on dates of the 9th and 20th of September, relative to the delineation of the squares of this town and the vacant lots.

"That it becomes requisite to decide on this particular, owing to the detriment which this delay occasions, by resolving that an official note be passed to the surveyor general directing him to proceed to lay off the said squares agreeable to law and usage; as also the lots which, by the said regulation, may be left vacant, and what other vacant lots there may be in town; specifying how many lots are comprised in the division which was destined for the building of a church," &c. The rigors and the constitutional

alcalde were unanimously of the same opinion of the syndic, and resolved that the same be carried into effect."

No. 10.—*Act of the cabildo of October 11, 1813.* In the town of Pensacola, in ordinary cabildo of October 11, 1813, the gentlemen who composed the late ayuntamiento being assembled, and his honor the governor of the province presiding, among other things they treated and resolved on the following:

"Afterwards was read by me, the secretary, an official note, addressed by the surveyor general to me in reply to the one I addressed to him by order of the ayuntamiento, dated the 6th instant, upon which it was resolved to proceed to the election of one of the rigidors, (aldermen) to act in concert with the said surveyor, and proceed to the formation of the plan of this town, which, when done, ought to be presented to the ayuntamiento for their approbation, and that this officer proceed to the sale of the vacant lots consequent on the same; for which purpose D. Francisco Gomez was elected. In like manner it was resolved by all the gentlemen of the ayuntamiento that an official note should be passed to the minister of finance, desiring him not to oppose any obstacle to the exportation of flour on account of its having been so determined by the ayuntamientos during the time they were without means for its purchase, as injury would thereby result to the commerce of the place.

"The syndic proposed that he protested against the resolution to permit the exportation of flour, adhering to what he said in the sitting of the 7th instant on its prohibition; and that in a very few days, with despatch in the sale of the vacant lots for which the surveyor general had to make out the plan, there might be funds for the purchase of provisions; besides, it would be improper: the town might be left without flour, as intelligence had been received that a vessel bound from Orleans to this place had been detained by the Americans at Mobile Point, and her cargo of provisions taken out; and he concluded by requesting that copies might be given him of this act, and of that of the 7th instant; all which was granted."

No. 11.—*Act of the cabildo of October 18, 1813.* In the town of Pensacola, in ordinary cabildo, October 18, 1813, the gentlemen mentioned in the margin being present, and presided by his honor the governor of this province, the sitting was opened by reading an official note which was addressed to his honor the president by the minister of the treasury in reply to those that with dates of the 6th and 20th of September and 6th instant which I, the secretary, passed to him by order of the ayuntamiento, and who consents to the delineation of the squares and vacant lots, but is opposed to the delivery of the land archives; all according to his official note which remains in these archives. Whereupon, it was resolved by the gentlemen present that the resolution respecting the demarcation and sale of the vacant lots should be carried into effect, and the opposition of the minister to the delivery of the land archives, for the reasons he alleges, should be represented to the provincial deputation, who may thereupon determine as they may find expedient. The syndic stated the actual proceedings in virtue of the commission conferred on him by the ayuntamiento, namely, to proceed with a sufficient number of skilful men to the estimation of the lot situate between the house occupied by D. Francisco Gonzales de Fonte and that of Don E. A. Sierra, of 45 feet in front and 170 feet in depth, stating by the said proceeding that the said piece of ground has been estimated by the four appraisers named for that purpose, as appears, at one hundred and fifty dollars, for which sum D. Diego Palmas ought to pay the redemption tax, as he agreed to do when the estimation might be made. They then resolved that at the next cabildo D. Diego Palmas, as well as Don E. A. Sierra, be required to present the permit or permits they may have obtained to possess themselves of the ground occupied by their houses; D. Diego Palmas, likewise, to present that which he may hold of the ground that has been valued; so that, with a view of the whole, the ayuntamiento may be able to determine with the correctness they desire.

No. 12.—*Act of the cabildo of October 21, 1813.* In the town of Pensacola, in extraordinary cabildo of October 21, 1813, the gentlemen of the ex-ayuntamiento, and his honor the governor of the province being president among other things, the following were treated and resolved upon:

"Afterwards I, the secretary, presented an official note from the surveyor general addressed to me, and accompanied with a plan of the division which was destined for the construction of public buildings; and lots becoming vacant by said plan being comprehended by the gentlemen of the ayuntamiento, they resolved that it be approved as found regular, and that the surveyor general thereto proceed, with the advice of D. Francisco Gomez, to finish those which remained to be measured, including those which the syndic mentioned in his statement to the ayuntamiento—the same to be sold after those of the aforesaid division.

"In like manner it was resolved to remit the plan to the provincial deputation, that, being apprised of the determination of the ayuntamiento, they may please to give their due consent thereto, according to article 322 of the constitution, so that the sale may be proceeded in, observing that the object of the sale is not only to procure funds for the use of the ayuntamiento, at present without any, and to defray the indispensable expense of building a church and public jail, but also in part to remedy the scarcity generally experienced in the town for want of provisions, of which there is no stock for the support of the garrison and those attached to it; adverting, also, that the ayuntamiento has resolved, if the case should require it, (as may be expected unless speedily obtained,) to proceed to the sale for the said reasons of urgent necessity, persuaded that such a step will meet the approbation of your honors, even if the sale should take effect without your approbation, for the reasons stated.

"It was also resolved to pass an official paper to the minister of the public treasury, requiring the said gentlemen to order the delivery to the ayuntamiento, by the proper person, of the judicial proceeding formed relative to the town lots, with all which the sitting closed, which I certify; the gentlemen of the ayuntamiento and the assistant secretary signing with me. Matthew Gonzales Manrique, Vicente Ordosgoity, Martin de Madrid, Millan de Carreras, Antonio Montero, Juan de la Rua, Felix Talla."

No. 13.—*Act of the cabildo of October 25, 1813.* In the town of Pensacola, in ordinary cabildo held October 25, 1813, his honor the governor presiding, and the other gentlemen of the ex-ayuntamiento being present, the sitting commenced by reading a representation from the syndic, protesting against the resolution adopted in extraordinary cabildo on the 21st instant, as relates to not determining immediately on the sale of the lots in order to attend to the urgent necessities of the garrison, (as appears by his representation which remains in these archives,) to which gentlemen voters stated that they adhered to what had been determined in the aforesaid sitting; and as the syndic was not present, they ordered he should be informed of the same, showing him that the resolution was by a majority of votes, and was not deficient in the formalities of the law, as he represents.

No. 14.—*Act of the cabildo of November 22, 1813.* In the town of Pensacola, held November 22, 1813,



in which his honor the governor was president, and the other gentlemen who composed the ex-ayuntamiento were present, among other things the following were determined:

"In like manner it was treated that his honor the president should correspond with the minister of national treasury, (finance;) that from this day forward no vessel be permitted to load with any kind of provisions, so long as the blockade may continue which the English vessels of war have established from the entrance of this port to the Balize, for which reason the intercourse by sea is found to be interrupted from this place to Mobile and New Orleans, the only places from whence, up to this period, we have provided ourselves with provisions. The sitting hereupon closed, which I certify. Matthew Gonzales Manrique, Vicente Ordogoity, Martin de Madrid, Millan de Carrera, Francisco Gomez, Antonio Montero, Lorenzo Vitrian, Felix Talla."

*Further act of the cabildo of December 2, 1813.*—In the town of Pensacola, in extraordinary cabildo held in Pensacola, December 2, 1813, in which his honor the governor of the province was president, and the other gentlemen mentioned in the margin were present. His honor the president commenced by stating that the cause of his having summoned an extraordinary cabildo was, his having been informed that two vessels were about to leave this port with flour at the same time that we experience a rigorous blockade by the maritime forces of his Britannic Majesty, which suffers no vessel to pass that was from New Orleans, the only place from which we receive provisions; for which reason he desired that the gentlemen of the ayuntamiento, after having maturely reflected on the particulars, would determine what may be most expedient, in order to avoid feeling in this town a want of the articles of greatest necessity; with respect to which, the gentlemen voters resolved that, previous to preventing the departure of the said vessels, it was necessary to ascertain what quantities of provisions were in town; for which purpose it was resolved to appoint two members of this ayuntamiento, who should proceed to take a particular account of the provisions there may be in the place; and having elected for that purpose D. Martin de Madrid and the syndic by a majority of votes, they took charge of the said commissions, to execute it as soon as possible. Afterwards it was determined that, in order to effect the relief of the garrison from such pressing necessity, the sale of the lots formerly destined for a church should be effected, under the express conditions that the purchasers should pay the amount down in cash, or at least the one-half in cash and the other half in provisions, at the current price in this place, the regidors, D. Martin de Madrid and D. Francisco Gomez, being authorized for that purpose, according to the resolution passed in ordinary cabildo on the 29th of November; and that the secretary of the ayuntamiento shall give public notice of said resolution by large bills, specifying that the said sale will take place on the 9th instant; and the sitting herewith closed: all which I certify. Matthew Gonzales Manrique, Vicente Ordogoity, Martin de Madrid, Francisco Gomez, Antonio Montero, Lorenzo Vitrian, Felix Talla.

No. 15.—*Act of the cabildo of December 3, 1813.* In the town of Pensacola, in extraordinary cabildo held December 3, 1813, in which the governor of the province was president, and the other gentlemen who composed the late ayuntamiento, (were present,) they treated on the following: The meeting was commenced by D. Martin de Madrid and D. Lorenzo Vitrian showing the statement which they had been charged to make by the resolution of yesterday relative to the quantity of provisions in the town, the which, according to the said statement, consisted of *one thousand three hundred and thirty-five barrels of flour*; the gentlemen voters thereupon finding the place sufficiently provided with the above article, (renglones,) permitted the departure of the two brigs, which are already laden and have got out their papers; but in order that in future all exportations of provisions must be prevented until further arrivals, and his honor the president will pass an official note for that purpose to the minister general of finance, with which the session closed. I certify the same.

Note.—In the one thousand three hundred and thirty-five barrels of flour are included the two hundred and fifty-three found on board the schooner Montserrat. Matthew Gonzales Manrique, Vicente de Ordogoity, Martin de Madrid, Francisco Gomez, Lorenzo Vitrian, Antonio Montero, Felix Talla.

No. 16.—*Act of the cabildo of the 7th of December.* In the town of Pensacola, in ordinary cabildo held December 7, 1813, his honor the governor of the province presiding, and the other gentlemen who composed the late cabildo being present, the sitting was commenced by reading an official note from the surveyor general, accompanied by a draught of the plan projected for the regulation and marking of the two squares of this town, *designating the lots for public buildings, and also those for sale between the two squares*, formed in virtue of the resolution of this ayuntamiento; and said plan being examined and approved of by the gentlemen voters, it was resolved that it be returned to the surveyor for the purposes expedient, &c.

No. 17.—*Act of the cabildo of January 23, 1814.* In the town of Pensacola, in extraordinary cabildo held January 23, 1814, the governor of the province being president, and the other gentlemen who composed the late ayuntamiento being present, the session was commenced by his honor the president representing that the deplorable and calamitous circumstances which prevail in this town for the supplies wherewith to furnish meat for some days to the garrison, which is on the point of perishing, puts him under the disagreeable necessity of asking of this ayuntamiento for an indispensable loan from among the neighboring inhabitants of two hundred head of cattle, in order to provide for such urgent necessity, requesting that a testimony of this act may be given him. After a long conference by the gentlemen of the council on the subject, knowing the critical situation in which the inhabitants are placed and the impossibility of obtaining the said loan, because for many years they have been supplying the officers of this garrison and the functionaries on their paper to great amounts, which they have no hopes to recover, and that besides they have contributed what they have been able towards the relief of the troops whenever occasion has occurred, it was therefore resolved unanimously, that to-morrow the regidor, D. Martin de Madrid, and the inhabitants, D. Francisco Gomez and D. Lorenzo Vitrian, charged with the sale of the lots, should proceed to the recovery of the amounts due for the same, with which the said gentlemen believe they will be able to purchase the two hundred head of cattle required. Ordered, that I, the secretary, give the testimony to the president, as he has requested.

Afterwards the council requested that his honor the president would please to pass another official note to the minister of the national finance, in order that he present to the public a statement of the funds which have entered into the coffers during the time of his administration, with the application of them; and also that all the credits pending in favor of the treasury be liquidated and recovered, with which this act was concluded. I certify the same. Matthew Gonzales Manrique, Jayme Fontenals, Millan de Carrera, Pedro Sans, for the regidor, D. José Tapiola, and myself, Joseph Maria de Pena.

No. 18.—*Official note from the commander of engineers, of April 23, 1813.* Having fully considered your official note of the 17th, in reply to that of the 2d instant, containing a copy for me of that which, with date of the 14th, was passed to your honor by the intendand ad interim, as also including a copy for



me of the inventory of articles of utility in the stores; counting on those, and considering the scarcity of money to procure the appointments in tools, &c., which I have asked for and believed necessary, I will disclose to your honor, that supposing it impossible to complete the quantities and kinds demanded, and that the intendant intends to procure the mending and helving of such as are not fit for use, it is indispensable that, instead of the number of hand-barrows, dirt-boxes, buckets, &c., which I have conceived necessary, we afford what our necessities permit us, and await till he gives me the corresponding notice to pass, to inspect, and distribute in proportion to the number of the said articles of utility which may be got ready, adding one hundred rammers and fifty grass ropes, of the small bundles sold by the Indians. I particularly recommend the axes to be fixed at the post of Barrancas. Next in consideration, as to the want of means to relieve our urgent necessities and to attend the defence of this province, I ought to propose to your honor the discretionary powers within my province, which cannot be otherwise than great in a country of a small population, composed chiefly of military and functionaries, and, for the same reason, without industry sufficient to afford the requisite helps, nor could the powers I am going to point out be of any other description, convinced as I am of the prudence with which the intelligence of your honor has proceeded in the use of the means which this small and poor settlement is capable of affording. I said great, because it is that of *proceeding to the sale of lands—a discretionary power that is sufficient to provide some assistance.* I well recollect the many difficulties alleged as objections on another occasion to the same idea; the principal being the length of time which would be consumed in the measurement, valuation, publishing, and other formalities required. It was not then a suitable remedy for the necessity we were in for provisions, because there was then a judicial proceeding on the particular, which, being fully considered by his excellency the captain general, he, notwithstanding the desire evinced by him to encourage the inhabitants of this province in its improvements, had not dared to determine the matter, but passed back the said judicial proceeding, that it might be addressed from this place to the supreme government, *without the decision of which there was no authority to proceed in an affair full of obstacles.* Necessity was always the most ingenious tutor, and will overcome inconveniences. Our evils are grievous, and therefore we ought to employ uncommon remedies. There is no rule without exceptions, and I believe that our case is one of the most privileged ones. May we not then provide in time against necessities so urgent and supereminent, when we can count on no other means of assistance than the very precarious ones from Havana? The wise and supreme government cannot take amiss a proceeding impelled by imperious necessity, and directed to sustain its decorum, with the palpable results of privileged utility, if we succeed in preserving these sandy places to the nation by having remedied, as far as the proceeds of the proposed sale will go, the scarcity which threatens us, and given the indispensable motion to the industry of which the country is susceptible; *for the not granting property in lands is the same as to banish agriculture, and with it all the means of subsistence.* I conclude by stating to your honor, that if the idea proposed should not be expedient, it is at least dictated with the most sincere desire for the good of the country. God preserve your honor many years. Pensacola, April 23, 1813. Anastacio de Arango. To his honor Don Mauricio de Zuniga.

No. 19.—*Official note from the engineer, D. Anastacio de Arango, of May 25, 1813.* In an official note of 23d of April last I proposed to your honor's predecessor the discretionary power of *proceeding to the sale of lands, in order to remedy the urgent necessities of this garrison,* such as have not occurred in the course of thirty-two years, owing to an unfortunate concatenation, the consequences of which affect us at present by a want of the means requisite in a country without industry. I have been induced to repeat the same idea by a continuation of the want of means, not only to supply what is requisite in my branch, but also to remedy others more urgent, at a time when the inhabitants are very near losing all hopes of the arrival of funds to satisfy the pending credits. Convinced of the validity of the reasons I before stated, and convinced, on the other hand, of the slow progress that would undoubtedly attend the affair to its conclusion, I believed, as I yet believe, that greater injury would result to the nation from the delay than a hastening (if it may be so called) of the mentioned sale. I therefore proposed it, waiving even the consideration that above all things ought to be attended to, as its principal support, namely, the imperious necessity which impelled my proposition. But, happily, in this most important affair of public felicity, our wise and supreme Congress has given a convenient motion to the state of inaction in which we were placed with respect to the distribution of lands by the decree which his Majesty has held proper to despatch on the matter on the 4th of January of the present year. *The 6th and 7th articles of the said benign decree,* joined to the absolute want of means to attend to the defence of the country, appear to me very powerful motives to proceed to the sale pointed out, without that delay which our necessities do not admit of. This being the only resource left us, and that with which the lost credit of the national treasury may be in some measure restored; and as there is not a population in this province capable of employing even the *third part of the lands there are to distribute, there will be a surplussage for the reserve provided for in the 6th article.* The active credits in favor of sundry inhabitants against the national treasury for sundry provisions furnished to maintain the garrison will be discharged, as also the just claim which this and other functionaries have for the last thirty-seven months, during which they have not received their wages. God preserve your honor many years. Pensacola, May 25, 1813. Anastacio de Arango. To his honor D. M. Gonzales Manrique.

No. 20.—*Official note from the commander of engineers, D. Anastacio de Arango, of August 3, 1813.* The war declared by various tribes of Indians against the United States will most likely deprive this settlement of the auxiliary means of subsistence which they receive (particularly in winter) by the carts which descend from the American establishments of Tensaw and Alabama, because the crops will be much reduced by their being abandoned by the laborers, and partly destroyed by the Indians. For these reasons, together with the impossibility, from fear of the said Indians, of performing the long journeys which those carts have to make, the least of which is thirty-two leagues through a wilderness, the auxiliary means mentioned cannot be expected. To remedy this inconvenience, it becomes necessary to proceed immediately to collect a sufficient quantity of provisions for winter—the season of greatest scarcity likewise in New Orleans, the only point from whence we would be able to obtain any, and in which place they must likewise feel the effects of the aforesaid war; and your honor being without the means, and the national treasury having lost its credit, there remains to your honor no others resource than to call the attention of his excellency the captain general to the impossibility of providing in this place the necessary sustenance for the garrison, so that his excellency may have time to make the necessary arrangements to fulfil so necessary an object, while he ought to keep in view the very fatal consequences which must ensue from not employing the anticipated measures which the case requires, as, likewise, that the quantities of some articles of provisions cannot be fixed, owing to the uncertain con-

sumption occasioned by the Indians, to whom it is necessary to give something that the evils of our situation may not be aggravated by a forfeiture of their good will towards us. One alternative only occurs to me—that is, that your honor apply to the constitutional ayuntamiento, that, as they have before done, they may assist with their advice and patriotism to secure the supply for the town and relief of the garrison. The gentlemen of that illustrious cabildo, in the scarcity experienced in February of the present year, entertained the benevolent and generous idea of mortgaging their own property to a certain amount, for which one of the council was to negotiate for provisions in New Orleans, insuring the amount of the same (which was to be paid on the several terms agreed upon) by the property mortgaged, and the losses which, from risks of the sea, enemies, or any other cause, might be therein sustained to be on account of said gentlemen. The said provisions to be given to the town and national treasury at the cost prices; and, though this generous resolution did not take effect, we ought to believe it was on account of the scarcity of provisions felt at that period in New Orleans, and perhaps they would be able at that time to realize it, adding for the greater security of the contract an estimate and express mortgage of the national lands and sales that may be made thereof, and which the luminous and well-tried patriotism of the cabildo render easy to effect, in order to succeed in the project dictated by the most commendable disinterestedness of the gentlemen of the ayuntamiento. God preserve your honor many years. Pensacola, August 3, 1813. Anastacio de Arango. To his honor D. Matthew Gonzales Manrique.

No. 21.—*Official note from the minister of finance, Don Antonio Cabanis, of October 11, 1813.* The secretary of the constitutional ayuntamiento of this place, Don Juan de la Rúa, passed an official note to me, dated 6th of September last, giving me notice of the determination of the cabildo, in a resolution of the same day, to proceed, as provided by our civil constitution, by the surveyor general of the province, to lay off the squares Constitution and of Ferdinand VII, as also the vacant lots, communicated to me in order that I should state if any objection occurred to me to its being carried into effect. And it appearing to me to be an affair requiring consideration, I deferred the answer in order to acquire the necessary information, and be fully competent thereto. In another official note of the 6th instant the said secretary requires of me, by a resolution of the same ayuntamiento, the answers to two other official notes, which he says he passed to me on the 9th and 20th of the said month of September, in which it appears there was some mistake, as is sufficiently clear from the tenor of the answers which I gave him on the same day, (6th,) because the official note of the 9th is that which I have first mentioned, and that of the 20th did not come to hand until after the demand, when he delivered me the duplicate in which the same subject is included, adding that the ayuntamiento desires that I proceed to the delivery of the land archives, the adjudication of which has been heretofore in charge of the intendancy, because it is said that this business appertains to that body.

As to what relates to the first point respecting the regulation of the two squares and vacant lots treated of in the first official paper, no difficulty whatever presents itself to me, and I have so stated to the surveyor general, Don V. S. Pintado, in answer to his official note of the 17th instant, in which he inserts another, which was passed to him by the aforesaid secretary, on the same subject.

Grounding my decision on the law of the 10th of January last, which your lordship was pleased to send me with that of the 8th of May following, your honor and the gentlemen of the ayuntamiento will be informed, by the copy I annex, of my good intentions to contribute to the object of their deliberations, which I conceive to be no other than that of attending to the preservation of this province so destitute of resources and succor. With respect to the second point, which is reduced to the delivery of the land archives, I have been in the same belief that I ought to do it, but, on reading the said law of 4th January several times over, I find a difficulty presents itself, as nothing is determined in it particularly respecting what shall be delivered; and, referring to what is provided in the first three articles, I observe that the fourth says: "the provincial deputations will propose to the Cortes, by means of the regency, the times and the terms in which it may be suitable to carry this arrangement into effect in their respective provinces, according to the circumstances of the country; and the lots that it may be necessary to reserve to the municipalities, so that the Cortes may determine what may be most expedient for each Territory;" and, unless the resolution of the Cortes be dropped, it appears to me that it would be to anticipate provincial decrees which, in such a case, would occasion many errors, which afterwards would be hard to remedy.

Besides which, I ought to state to your honors that the greater part of the books and judicial documents, or rather almost all, are vouchers of the accounts of funds, not only during the time that the intendancy has subsisted in this place since the early part of the year 1806, but also what was found in the province of Louisiana, and it was charged with the adjudication of land claims in the year 1799; so that to part with the said documents (indispensably requisite to prove the respective settlements of the accounts) would be to deprive all those responsible of the power to produce the vouchers of their discharge, and much more should I be committed in having been the occasion of so notable a defect. Notwithstanding, after my having received the aforesaid law, I cannot, neither ought I, to have any control over the grants and sales of lands which before were appendant to the intendancy and at present appertain to the ayuntamiento. It appears to me that, in any case which may occur, that body may apply to the surveyor general, Don V. S. Pintado, in whose office may be found (or obtained) all the information necessary, and, in case of doubt, they may have recourse to the proprietors and owners of houses, lots, and lands, because each one of them ought to have his title executed in due form. All which I communicate to your honor for the information of the gentlemen of the ayuntamiento, of which your honor is president, and in reply to the aforementioned official notes from the secretary thereof.

*Certificate.*—By Don Carlos Reggio, lieutenant of Louisiana regiment of infantry, and secretary of the government of West Florida:

I certify that the copies of the acts which precede, numbered 1 to 17, are taken from the books of the ayuntamiento which were formerly in this place, and which remain deposited in this office of secretaryship under my charge, and that they are conformable to the originals; as also are those of the four official notes under Nos. 18, 19, 20, 21, likewise found in said office; and that the same may be evident pursuant to the decree which precedes, I give the present in Pensacola, September 10, 1816. (Signed) Carlos Reggio.

Here follow the copies of the official papers found in the office of general surveyorship of this province: No. 1.—*Official note from the ayuntamiento of October 6, 1813, to the surveyor general.* In a sitting held by this constitutional ayuntamiento on the 5th instant, his honor the governor being president, it was resolved to write you officially, that you proceed as surveyor general of this province to lay off the squares of this town according to usage and law, as likewise the lots which, by the arrangement of those



may be found vacant, together with the other lots of the town, and specify the number of lots contained in the place formerly destined for building a church, &c. By order of the said body I communicated the same to you for your intelligence. God preserve you many years. Pensacola, October 6, 1813. Juan de la Rua. To D. V. S. Pintado.

No. 2.—*The same transcribed to the principal minister of finance by the surveyor general, October 7, 1813.* With date of yesterday the secretary of the constitutional ayuntamiento informed me as follows: In a sitting, &c. The which I communicate to you, that you may please to inform me what you think of the matter, or what I ought to do. God preserve you many years. Pensacola, October 7, 1813. V. S. Pintado. To Don Antonio Cabanis.

No. 3.—*Answer of the principal minister to the surveyor general the same day, October 7, 1813.* Having fully informed myself with respect to the subject of your official note of to-day, in which you transcribed for me one which, with date of yesterday, was passed to you by the secretary of the constitutional ayuntamiento of this place, Don Juan de la Rua, stating the resolution passed in sitting of the 5th instant, that you proceed, as surveyor general of the province, to lay off the squares of the town according to usage and law, as also the vacant lots and others in the town, and specify the number of lots contained in the sectional division (Manzana) which was destined for the building of a church, &c. I ought to inform you, in compliance with your request, that by the law of the 4th January last, ordered to be printed, published, and circulated, and complied with, which was decreed by the supreme council of regency on the 7th of the same month, it is ordered that the unappropriated lands be converted into private property, and the cognizance and distribution of the same be committed to the constitutional ayuntamiento, subject to the provincial deputations, for which reason I can have no objection to your compliance with the desires of the ayuntamiento, especially as this body is invested with the legitimate authority, and are directing their views to the public good, and to attend to the urgent necessities of this province destitute of means for its preservation. I thus conclude my answer to your official communication, but ought to observe, that you will have to agree with the said ayuntamiento for the gratification corresponding to your extra services. God preserve you many years. Pensacola October 7, 1813. (Signed) Antonio Cabanas. To Don V. S. Pintado.

No. 4.—*Official note of the surveyor general, of October 11, 1813.* By your official communication of the 6th instant you were pleased to communicate to me, by order of the ayuntamiento of this district, of which you are secretary, that in their sitting of the preceding day it was determined by the said ayuntamiento, presided by the governor of the province, to direct me as surveyor general, to proceed to the survey of the squares of this town conformable to law and usage, as also of the lots and other property which, agreeable to the plan, may be vacant, and to specify at the same time how many lots are contained in the area destined for the construction of a church. I transcribed the said official communication to the principal minister of finance, and the same day said officer replied to me according to the tenor of the accompanying copy marked No. 1; in consequence of which I now proceed to answer you in the order of the subject-matter of which your communication of the said decision treats. "For the laying off or demarcation of the squares of this town, and ascertaining the number of lots which may prove to be vacant after the regulation which is solicited, it would be necessary to know if one is to be left at each extremity of equal extent for symmetry; as the laying off the same is to be agreeable to law, whether it be understood by this expression what is prescribed in law 9, title 7, book 4, of the Digest of the Indies, in this case, which of the dimensions which the said law directs would be suitable for the square or squares of this town? It would then become necessary to form a diagram representing the actual extent of the ground, and situation of the houses, buildings, and lots of the national domain or of private property within its present area; the form and figure which is wished to be given to the same by the proposed arrangement, &c., in order that it be laid before the ayuntamiento for their determination, alteration, or whatever they may deem the most expedient and conformable to right, agreeable to the tenor of the law of January 4, cited by the minister; making to me in anticipation such other observations and advertencies as the ayuntamiento may judge conducive to the fulfilment of their desires, and for avoiding embarrassments which paralyze the operations. It would not appear to me superfluous that one of the aldermen should be appointed to have an understanding with me as to the details of the scheme, in order not continually to be molesting the attention of the ayuntamiento. If by the other lots of the town is understood those which still remain to be distributed, the accompanying note, No. 2, of the information which I gave to the principal minister of finance on the 13th of April last, as well of the town lots as those of the suburbs then vacant, which were subsequently put up at public sale, will serve for their intelligence. As to the number of lots sold, the said minister can give better information; as I have not yet an exact statement of the same, I have to advert that, in my official letter which accompanied the said report, I stated that the lots situated to the north of the yard of the barracks, and bounded by the same, which the late deceased Lieutenant Colonel D. José Noriega possessed and claimed, and which, by the new plan and arrangement of this town was designated by No. 352, and ordered to be struck from the plan as belonging to the State, as stated in the official letter of the late governor of the province, D. V. Folch y Juan, of August, 30, 1809, in conformity with which the said number was affixed to another lot which was added to the town. I also informed him that a judicial proceeding was pending relative to a piece of ground of a triangular form, which was to be added to the lots of Beltran Souchet and Thomas Villaseca in the eastern extremity of the square, in order to correct a deformity, on their paying the price of its appraisement. The place which was destined for the building of the church, &c., is the division 24, situated between Intendencia, Romana, Del Bru, and Maresa streets, and contains 12 lots, of which, by the new map and general plan which was formed of the town, 72 feet front with the corresponding depth, were destined for the house of the King's storekeeper, D. Francisco Gonzales de Jonte; after which there is another with some houses which are said now to be D. E. Sierra's, for which lot I know no other title than that of the possession for some years. All which you will be pleased to lay before the illustrious ayuntamiento in reply to your official communication. God preserve you many years. Pensacola, October 11, 1813. (Signed) D. V. S. Pintado. Addressed to D. Juan de la Rua.

No. 5.—*Reply of the ayuntamiento to the surveyor general, made on the same day, October 11, 1813.* The members of the constitutional ayuntamiento of this town, having been made acquainted with the official letter which you were pleased this day to address me, determined on naming D. Francisco Gomez alderman of the said ayuntamiento, in order that, in concert with the said gentlemen, you may proceed to the formation of the plan of this town, the extent of the square or squares, and the symmetry which ought to be observed. As soon as it is finished, you will please to present it to the ayuntamiento for their approbation, and carrying the same into effect, or amending it if they deem it expedient. God preserve you many years. Pensacola, October 11, 1813. Juan de la Rua. To D. V. S. Pintado.



No. 6.—*Official note of the surveyor general to the ayuntamiento, dated October 20, 1813.* Pursuant to a decree of the constitutional ayuntamiento of this district, in the sitting of the 11th instant, which you communicated to me under the same date, I wait on you with a *diagram for the repartition into twelve lots of the division No. 24, which was destined for a church*, in consequence of the alderman, D. F. Gomez, (authorized for agreeing upon the details of the operations referred to in the said decree of the 11th) having ordered to commence the same by said division, for the purpose of disposing immediately of the valuable lots thereof, and of four parcels of ground which became vacant by the reduction of *Tarragona street to the width of only sixty feet*, as you will see by the plan, by reason of the extreme distress which threatens us, and while what relates to the squares, their arrangement, and subdivision of the excess that can be properly combined and laid off, as has been ordered. As all the necessary explanation for the clear understanding of the same is subjoined in a note to the said plan, I omit a repetition here, and have only to observe to you that a duplicate of the whole remains in this office for the purpose that may be expedient. You will be pleased to present the said plan to the illustrious ayuntamiento, in order that, on the inspection of the same, they may resolve what they may consider most suitable, and to advise me of what they may be pleased to alter or modify. If the draught or diagram should be approved and ordered to be adopted, you will have the goodness to inform me thereof, and to enclose a copy of their decision in order that it may appear in evidence in due form, in the archives under my charge, adverting that the whole is marked on the ground exactly as it is represented in the plan. In the event, therefore, of its being approved, there will be nothing further to be done on my side in the matter. God preserve you many years. Pensacola, October 20, 1813. (Signed) V. S. Pintado. Addressed to D. Juan de la Rua.

No. 7.—*Reply to the same, made on the 25th of said month, 1813.* In an extraordinary council held by the constitutional ayuntamiento of this town, at their sitting on the 21st of the current month, the official letter which you were pleased to address to me having been read, and the plan presented for their approbation, the members of the ayuntamiento, with a full knowledge of the whole, resolved that it was perfectly regular, and met their approbation; they further directed that you should proceed, in concert with Don Francisco Gomez, until the conclusion of what remained to be measured, including the lots which the syndic stated (agreeable to the accompanying list) could be disposed of in continuation of those of the square. God preserve you many years. Pensacola, October 25, 1813. (Signed) Juan de la Rua, secretary. Addressed to Don V. S. Pintado.

No. 8.—*Official letter of the surveyor general to the ayuntamiento, December 2, 1813.* I wait on your honorable body with a draught of the plan for the regulating and delineation of the two squares of this town, designation of the lots for public buildings, and of those which may become salable between the two squares, formed in concert, and with the intervention of the regidor, Don Francisco Gomez, pursuant to the orders of your honorable body in the sittings of the 5th, and 21st, and 11th of October last. As soon as the said draught (or scheme) shall have been examined, and your honors may be pleased to direct its adoption, or any alterations or modifications which you may deem expedient, you will please to return it to me with corresponding annotations, for the purpose of carrying into effect what may be determined on in making the copy which would remain in my keeping. God preserve your honors many years. Pensacola, December 2, 1813. (Signed) V. S. Pintado. Addressed to the illustrious ayuntamiento of this place.

No. 9.—*Official letter of the alcalde, D. Jayme Fontenals, of April 21, 1813.* In the council of the 18th instant, among other things, it was resolved that an official letter should be passed to you, requesting you to furnish Lieutenant D. Bernardo Prieto, volunteer engineer in charge of the department, with a copy of the new plan, or to favor him with the diagram for the purpose of copying it, informing him of everything which it embraces, agreeable to the solicitation of the said engineer, through the medium of the governor of this province. Pursuant thereto, I communicate the same to you for your information, and that you may please to carry it into effect. God preserve you many years. Pensacola, April 21, 1814. (Signed) Jayme Fontenals. Addressed to D. V. S. Pintado.

No. 10.—*Reply of the surveyor general, made April 22, 1814.* In a reply to your official letter of yesterday I have to state that I have no objection to furnish the plan requested by the volunteer engineer, D. Bernardo Prieto, in order that he may copy it, and inform himself of everything which it embraces, under the express condition that it shall be returned to me as early as possible, as it belongs to this office, where it is daily wanted, seeing that it is the only document whereby the situation and figure are known of the lots sold, or ordered to be sold by this ayuntamiento, between the squares of the Constitution and Ferdinand VII, and evidence of the approbation and other requisites. You will please to name the person who is to receive it from me, in order that, at the time of its delivery, he may furnish me with the corresponding voucher. God preserve you many years. Pensacola, April 22, 1814. (Signed) V. S. Pintado. Addressed to D. Jayme Fontenals.

No. 11.—*Official note of the governor ad interim, D. José de Soto, to the surveyor general, dated August 19, 1815.* Please to furnish me, as soon as possible, with a duplicate copy of the plan of this town, which was made by you in consequence of the new figure which was given to it by the ex-ayuntamiento for the subdivision into lots of what was the military square, and the other ground plats destined for the church and military buildings. God preserve you many years. Pensacola, August 19, 1815. (Signed) José de Soto. Addressed to Don V. S. Pintado.

*Certificate.*—Don Vicente Sebastian Pintado, captain of infantry, and his Majesty's surveyor general of West Florida: I certify that the preceding, numbered from one to eleven, are conformable to the originals which are in this office under my charge, to which I refer; and in compliance with the preceding decree I give the present, in the town of Pensacola, this 13th day of the month of September, 1816. (Signed) V. S. Pintado.

Projected plan for the distribution into lots of *division 24, of the town of Pensacola, which was destined for the building of the church and other public erections*, agreeable to the resolution and decision of the constitutional ayuntamiento of this district, in their sittings of the 5th and 11th instant, and with the consent of the principal minister of public finance, in his official note of the 7th instant, which plan (or scheme) was formed in concert with the advice of the regidor, D. Francisco Gomez, who assisted in the operations, being authorized by the said ayuntamiento in their sitting of the 11th for this purpose, communicated to me through their secretary, at the request of the aforementioned regidor, who directed the commencement of the same before the regulation of the squares, and that a separate diagram of its subdivision, for the purpose of effecting the sale of the lots in consequence of the urgent necessity; this being the spirit of their deliberation, though not expressed in their official letter of the 11th, in which the secretary communicated to me the resolution in their sitting of the said day.

*Explanations and advertencies.*—The division 24, separated into two parts by Tarragona street, which is prolonged for the present, and these two parts were united, the one including Manresa street as far as division 23, the other including Bru street as far as division 25, in consequence of which it will be necessary to affix the number 24 to another division of a new location in order not to interrupt the series of the numeration of the divisions. The said two parts of the division 24 are represented in red on the plan, and contain the twelve lots designated by the numbers 353 until 367, inclusive, of which number 353 is where the house occupied by Don Francisco Jonte is situated, and 357 has some small houses of Don E. A. Sierra. The reason of passing from 353 to 357 is because the first was given to the lot under this number in the arrangement which was made by the government and intendancy in 1808, and the 357 is that which follows in a regular series after the last number of the lots which were before located in the town, which amounted to 356. The twelve lots of which division 24 was composed are all rectangular, and their dimensions are marked in the plan in feet and inches of London, the measure in use in this town, and the dotted lines denote the fences actually existing. Tarragona street, which was of an enormous width, was reduced to sixty feet, as the regidor represented the necessity of the same. In consequence thereof, the four parcels, A, B, C, D, between the said street and lots Nos. 278, 279, 293, 294, become vacant, the dimensions of which are also noted, and what the said regidor stated, that they might be adjudicated to each of the owners of the said four lots on which the portions in question bound, for their appraised price, in order to conciliate the regulation of the street with the general and individual interest of the proprietors of the aforementioned four lots, whose names are also expressed in the plan. Pensacola, October 20, 1813. (Signed) V. S. Pintado, Francisco Gomez. The present is a copy of the one delivered to the ayuntamiento. (Signed) V. S. Pintado, Francisco Gomez.

*Certificate.*—Vicente Sebastian Pintado, captain of infantry, and his Majesty's surveyor general of West Florida: I certify that the present plan, with the antecedent title and explanation, is a literal copy from the original, which is in the archives under my charge, to which I refer; and, pursuant to a decree of the 4th instant, I give the present, in Pensacola, September 18, 1816. (Signed) V. S. Pintado.

*Plan 2.*—Draught of the new plan for regulating the two squares in the town of Pensacola, at the eastern and western extremities of the present one; determination of the extent of each, and the position and dimensions of the ground plots destined for the building of a church, and other public edifices, correction, regulation, and demarcation of the latter at present, or previously existing, and of those belonging to individuals; subdivision of the exceed ground for salable lots; representation of the public buildings according to their actual situations, &c., formed and delineated by D. V. S. Pintado, captain of infantry and surveyor general of West Florida, pursuant to an act and resolution of the illustrious ayuntamiento of this district, in their sittings of the 5th, 11th, and 21st of October last, with the concurrence of the principal minister of finance, in his official letter of the 7th of the said month, and in conformity with the directions of Don Francisco Gomez, specially authorized in their sittings of the 11th, to agree with the said surveyor in the details of the plan.

*Explanations and advertencies.*—To the western square, formerly called that of Ferdinand VII, has been affixed the name of the square of the Constitution, conformably to order of the general and extraordinary Cortes of 1812; and to the eastern square, formerly called Seville square, has been given the name of Ferdinand VII. The dimensions of the squares and lots projected and laid off, and of those which are actually fenced, are noted in the plan in feet and inches of London, the former with black ciphers, and the latter with red; the black lines between the two squares denote the demarcation projected, and the red represent the actual figure and situation of the lots and fences as they at present stand; the ciphers within the dotted black lines denote the width which is left to the squares and streets, and the red ciphers within the red dotted lines represent the measurements made to ascertain the situation of the existing lots and buildings, and for the purpose of showing their situation on the plan. The block-houses and other old buildings belonging to the national domain which remain in the squares and in the new street, and which now serve for magazines and barracks, as also the guard-house (a) in ruins, which remains in Commandancia street, will hereafter have to be demolished, when it may become necessary to build others, and also the house (b) in ruins which remains in Church street, and which, with the lot to the north of the barracks, (K) is claimed by the heirs of the deceased Lieut. Col. José de Noriega. The present military kitchen, (c), the present church, (d), and the house in ruins, (e).

*References.*—(+) lot for the church; (A) idem for the consistory and principal corps de guard; (B) idem for the public jail; (C) idem for the custom-house and revenue office; (D) the intended reduced area of the ground on which the government houses stand, and the garden, the actual dimensions of which are represented by the red lines; (E) grounds reserved for the market-house and public magazines; (F) ground and house belonging to the Rev. James Coleman, from which is taken off the portion marked for the purpose of straightening Commandancia street, and for which he is indemnified by other portions to the north and east of the lots contained between the black and red lines; (G) houses and lot belonging in moiety to Pablo Granpera and Francisco Tillas, who consented to relinquish twenty feet of the eastern side for a lane, (f), for the purpose of giving an egress from the barracks (K) to the bay on condition that a like extent should be given them on Barracks street, which was of sixty feet width, and is reduced to forty, like the others of this plan, and to whom it would be expedient to convey, for their value, the portions to the north and south, designated between the black and red lines, for the purpose of completing the regularity and symmetry; (H) lot on which stands the ball room and buildings of D. Juan Cazenave and D. Juan Francisqui; (I) ground reserved for a national hospital; (J) ground of the old barracks which were burnt, reserved with the extent laid down for their eventual rebuilding, and for their kitchens, and for those of the actual barracks, as the present one is situated on the salable lots Nos. 16 and 18; (K) actual barracks, with their area or yard, to which two portions to the east and west are added, and those to the north and south taken off; (L) lot for the building of the national magazines; (M) the present public prison and principal corps de guard, with the area which is destined for the same by the arrangements of 1807, 1808, and 1809; (N) triangle which, by the aforesaid arrangement, was directed to be added to the lots of Beltran Souchet and Thomas Villaseca, on their paying the appraised value, in relation to which the judicial proceeding was followed up; (No. 1) lot for a public school; (No. 2) lot for the parish vicar; (No. 3 until 20, inclusive,) salable lots, unless any of them should be separated for the aforesaid deceased Lieutenant Colonel. Pensacola, December 1, 1813. (Signed) V. S. Pintado, Francisco Gomez.

In this day's session the present plan was approved of in all its parts in this constitutional ayuntamiento, and the carrying the same into effect was decreed, and, by order of the same, I record it in the town of Pensacola, December 7, 1813. (Signed) Felix Talla, secretary *ad interim*.



*Certificate.*—Don Vicente Sebastian Pintado, captain of infantry, and his Majesty's surveyor general of West Florida: I certify that the present is an exact transcript from the original, which, with its explanatory notes, exist in these archives under my charge, to which I refer; and, pursuant to a decree of the 4th of September last, I give the present in Pensacola, October 31, 1816.

*Note 1.*—To the squares in question the names of Ferdinand VII and Seville were restored after the publication of the royal decree, dated in Valencia, 1814.

*Note 2.*—The copy of the old plan of the square, which was asked, is omitted, as the whole is included and represented in the present plan. Date *ut supra*. (Signed) Vicente Sebastian Pintado.

*Petition by the Reverend James Coleman.*—To the governor and sub-delegate of finance: Don Santiago Coleman, vicar and ecclesiastical judge of the parochial church of St. Michael, of Pensacola, respectfully represents to your honor that, from time immemorial, division No. 24 of this town was destined for the building of a church thereon; doubtless from its situation with regard to the ancient figure of the town, and as most conformable to the spirit of the law 8, title 7, book 4, of the *Digest of the Indies*. He represents that the dedication of the said lot to so holy a purpose is not of mere tradition, because, exclusive of the sanction given to the same, handed down from one to another in regular succession, it derives a further confirmation from the assent at all times given thereto by the constituted authorities, and particularly from the intendist of this province, D. Juan Ventura Morales, and the governor of the same, D. Vicente Folch y Juan; when, in the year 1807, the former proposed to the latter that the plan of the town should be regulated anew, and a permanent figure given thereto. Thus he expresses himself in the fourth observation contained in his official letter of August 26: "The ground destined for a church is diminished on the western side by the houses of the King's storekeeper, D. Francisco Jonté, and that occupied by D. Francisco Morejou; it would therefore appear proper to reduce the said lot in the same ratio on the eastern side so that the church may face the wide street, with its corresponding collateral streets, for the purpose of facilitating the communication to the part situated in the rear of the church." And the governor, in acceding to the arrangement of the new plan proposed, replies in the following words, as contained in the fifth paragraph of his official letter: "The fourth observation refers to the diminution which has taken place in the sectional division destined for a church and other public buildings by the lots on which are situated the houses of the King's storekeeper, D. Francisco Jonté, and those of Captain D. Juan Domingues, now occupied by the Lieutenant D. Francisco Morejou. If, therefore, the church and other buildings should be erected, as I have reason to believe, there is no doubt that Domingues' house, on account of its smallness and bad construction, ought to be demolished, because it was granted on this condition; that of the King's storekeeper, on account of its solidity and spaciousness, ought to be purchased for account of the crown or the public, for a rectory or dwelling of the vicar of the parish, because I consider it would be more beneficial to the King to acquire this property than to make new erections. The street may remain in the space allowed for this purpose between the said house belonging to Jonté and the lot No. 169." The surveyor general, in his official letter of March 1, 1808, accompanying the new plan submitted to and approved by the intendancy and government, likewise recognizes the said lot as appropriated for the church, as it states in the ninth paragraph: "In the series of number of lots, the four granted within the old military square are included, and also that in the occupation of the King's storekeeper, D. Francisco de Jonté, in division twenty-four, reserved for the church and other buildings." This granted, the church had an incontestable right to the said division number twenty-four, or to the greater part of it, notwithstanding there was no concession made with accustomed formalities, as the general agreement upon this point ought to be looked upon as an incontrovertible title. Notwithstanding what has been said in the year 1813, when the garrison was reduced to the last stage of distress in consequence of the inability of the government to victual them, owing to the total want of funds for the purchase of provisions, the ayuntamiento, animated by their desire to preserve the town and troops, and considering the ground in question as unfit for the high purpose for which it was intended, in consequence of its being boggy, and having no population in its rear, although in the centre of the town, directed that it should be laid off in lots and sold for the purpose of procuring supplies for the garrison and those attached thereto. These were subsequently sold, and the delineation and regulation of the squares were simultaneously ordered, agreeably to the spirit of the law 9, title 7, book 4, of the digest of these kingdoms, which was accordingly done, and the ground in the larger square of the two was designated for the building of a church and other necessary edifices for the services and uses of the same; and other lots were assigned for royal and public buildings, such as the custom-house, revenue office, corps de guard, prison, hall, and offices of the ayuntamiento, &c., and the remainder was divided into other lots which were laid off and sold in like manner as those of division 24, by beat of drum and public cry, as is the custom, for the purpose of relieving the garrison. The exponent, trusting in the firmness and stability of these dispositions, which were carried into effect with scrupulousness and solemnity, yielded his tacit consent by the mere circumstance of having made no opposition thereto; but it afterwards happened that when some of the purchasers were about to enclose and build on the lots which they had bought and paid for between the two squares, the predecessor *ad interim* of your honor, Colonel Don José de Soto, stopped them, and used his efforts, by writing, to have the whole annulled by superior authority, regardless of the incalculable damage and confusion which he was about to occasion; and, although the result is not known, the church has since that time been despoiled, or, at least, without any security for what belongs to it. As such a long interval has elapsed without any decision having transpired, the petitioner fears that if he should preserve a longer silence in relation to this property of the Lord, and should it be lost, he would be accused of unpardonable neglect. Therefore, following the counsel of Father Saragoza, who tells us that brevity should not be made at the cost of the object treated of, nor of perspicacity, the exponent is under the imperious necessity of submitting to your honor this prolix representation, in order that, after due consideration of its tenor, you may be pleased to decide definitely as to the allotment of the ground for the building of a church. And, if in a suitable place, and not operating to the injury, or liable to be claimed by any other individual, you will cause the proper patent to be issued, in order that, under this security, he may immediately commence taking steps to have a church built, as the store is so indecent in which divine worship is temporarily celebrated, and its being further threatened with approaching ruin, for which purpose, and there being no funds belonging to the fabric, not even the *oblat* assigned by his Majesty, which has not been received during seven years, it is intended to solicit the aid of the faithful parishioners of this parish, and of those of the city of Havana, as also of his lordship the bishop of the diocese, for such contributions as their Christian piety may induce them to grant as an homage rendered to God; having recourse, at the same time, to the chief of the department of finance, in order that he may be pleased to assign therefrom the third part of the costs of same, as



prescribed in the laws 3d and 5th of the second title, book 1st of the digest; I therefore beg and entreat that your honor will please to order and determine as I have solicited, being conformable to justice, and in furtherance of the service of both Majesties. Pensacola, August 5, 1815. (Signed) James Coleman.

Order.—Pensacola, September 21, 1816. Let the surveyor general report. (Signed) Maxent.

*Report of the surveyor.*—To the governor and sub-delegate of finance: The statement made by the vicar and ecclesiastical judge of this holy parochial church is so clear, genuine, and conformable to the documents relative to this matter which exists in these archives, and to the traditions, laws, facts, and events which he quotes, that I have only to refer to his narration of the same. The church is, indeed, despoiled of the lot which was reserved for it, and without security for the one which was afterwards designated, from the reasons which he alleges: when, by order of the late ayuntamiento, the squares were regulated and their dimensions fixed, due regard was had to what the law prescribes, law 9, title 7, book 4 of the Digest of the Indies, and which is couched in these words: "Should the principal square where the town is to be commenced be on the seacoast, it ought to be made at the landing of the port, and, should it be an inland situation, then in the centre of the town, in the form of an oblong, of at least one and a half the length of its width, because it will be more suitable for processions on horseback and others; its extent ought to be proportioned to the number of inhabitants, and it ought to be kept in view that the town may gradually increase; it ought not to be less than 200 feet in breadth and 300 feet in length, nor greater than 800 feet in length and 532 in width, and it will be of a middling and good proportion if it should be 600 feet in length, 400 in width, &c."

The 8th law of the same title and book was also taken into consideration as it relates to the locality for the building of the church, which, although the town should border on a coast, directs that it should be erected in such a situation that it may be seen from the sea, and the fabric to serve as a defence of the port, appropriating lots near the same for this purpose, and not in the continuation of the town where there are royal buildings and shops belonging to individuals." In conformity with the said laws, seeing the small extent of this town, and the inconsiderable number of its inhabitants, 356 feet English were assigned to the principal square for its width from side to side, and 620 feet English for its length, likewise extending to the bay on the shortest side; and hence the two squares are of middling extent and well proportioned, according to the spirit of the law, seeing the difference between the foot of Burgos and that of London for a town of so few inhabitants of every description, which scarce amounts to 2,000 of every color, sex, and age; having located in the principal square the lots for the erection of a church and other buildings in a suitable situation, and conformable, in my opinion, to legislative provision, and to the adaptation of local circumstances, as your honor may best acquire a knowledge of by the plan or drawing which is in the secretary's office of this government, as copied from the original, which is in the office of archives under my charge. Thus was reduced to two squares that vast plane of indeterminate space which was previously of 1,725 feet in length by 1,606 English feet, at least, in width, and which afterwards, by the two sectional divisions granted and distributed in the year 1804 by Don Vicente Folch y Juan, late governor of this province, was reduced to the same length, 1,725 feet English, and to the width of 620 feet on the shortest side as far as the bay; which are the dimensions which it still has in consequence of the suspension of what was done by the late ayuntamiento, and which is improperly called a square in all its extent, having in its centre, and scattered without order, so many houses and buildings belonging both to the crown and individuals; and even were it otherwise, what an enormous square would it be for a town like this when few of the most famous cities have one of equal extent! I have said plane of indeterminate space, because, besides the two sectional divisions, other grants of lots have been made therein to individuals; others obtained permission to build on and fence a portion thereof, and he who did not extend at discretion built without order or symmetry; and even for the garden or government house much more was taken than it before had, nothing of which would have happened if the precise dimensions of the square or squares, their form and figure, and what respectively belonged to each royal or private building, had been opportunely determined—the present conflict would thus have been avoided; but even in the general arrangement which was made in the years 1807, 1808, and 1809, this was not treated of, but left for another time. This mode of distribution and designation of the dimensions of each boundary, in order to avoid difficulties and contentions, is so conformable to the laws and customs of all civilized societies, to reason and justice, that even God himself, says David, divided among his people the promised land by measure. *Divisi illis terram in faticulo distributionis.* Psalm lxxviii, verse 55, and as to be read in the 18th chapter of Joshua.

This uninhabited plane was left so by the English on account of the enclosure they were obliged to make within the town for fear of an attack by the Indians when they had no exterior fortifications, and in which the garrison, and all the inhabitants, with their families, were shut up in case of an alarm. At present there remains no other vestige of the said enclosure than the buildings which served for defence, and others which at present serve for storehouses and barracks, the which were not meddled with nor any others belonging to the crown, in the delineation ordered by the ayuntamiento, except an old kitchen which has already fallen and has been demolished. There are in fact some which remain in the new street, and others in the squares, which do not obstruct the way; and of these which are already in a state of decay, it is said in the draught (or scheme) which was presented to the ayuntamiento, and approved of by them, presided by the civil and military governor of the province, that, "if the scheme should be carried into execution, it would be necessary after some time to demolish them, or else when others should be made;" for which purpose a piece of ground is reserved in the most commodious, high, and safe place for royal storehouses, as also are others for barracks, hospitals, &c., as may be clearly seen by the said plan and explanation. The lots which were laid off between the two squares for sale were, in effect, sold, or the greater part of them, with the solemnities mentioned; as were also those of the division 24, which had been reserved for the church, and one and all were paid for, as I have understood. If the sale of the first ones be made in spite of the formalities made use of and the reasons which gave rise to the occasion, it is regular that the sale of the second ones be so likewise, because, speaking like a geometrician, the things equal to the same are equal between themselves; and if there is solid foundation for such a decision, by re-delivering to the purchasers their money, things will revert to their former state. It will be just, likewise, that the church should again enter into possession of the said division 24, or of its respective portion thereof, although this part is very far from being adapted to so high and holy a purpose, or to the spirit of the law. The foregoing is as much as I can inform your honor, so that, at sight thereof, you may please to determine what may be found most conformable to justice. Pensacola, September 22, 1816. (Signed) Vicente Sebastian Pintado.

*Decree.*—Pensacola, September 25, 1816.—Pass it to the commander of engineers pro tempore, Don Bernardo Prieto, in order that he may report to me what he knows, and what may be his opinion in relation to the representation by the reverend vicar general of this holy church. (Signed) Maxent.

*Report and opinion of the engineer.*—To his honor the governor: The regulation of the town, effected by his honor the brigadier Don Vicente Folch y Juan, formerly governor of this province, appears to me to be most expedient, and that which the nature of this place requires to be adopted for the security of the general interest; the importance of which was well known to the aforesaid gentleman, ex-governor, of whom we ought not to suppose that, with his well-known intelligence, he could be ignorant of the law 9, title 7, book 4, or of the 8th of the same title, which could not be applicable to the present case, owing to the kind of materials of which all the buildings are constructed which compose this establishment, which is timber of pitch pine and light wood—a circumstance which points out the necessity of giving an apparent irregular extent to the squares they laid off, and the width of 100 feet to Tarragona street; so that, with the aid of fire engines, it ought to be hoped that, however much the number of buildings might be extended or multiplied, there would be no cause to fear, with the aforesaid precaution of fire engines, that the whole establishment might be burnt up in one conflagration. In a moment, during which the intrusive constitutional government continued, a new arrangement was formed, which was adopted by honored persons, actuated, as I believe, by the best of intentions, but who were deficient in the knowledge requisite to proceed with that judgment which the importance of the case required. Your honor is not ignorant that the foremost of the aldermen of that time were those who could sign, who had also the second misfortune to be presided by a chief whose years had already deprived him of the intellectual faculties with which nature might have endowed him in the spring of his life. It was owing to this cause, and to the circumstance of Don José Viola's immediately building his house, which to this time is the only one agreeable to the new plan, that, as was my duty, I represented and gave such a report as the case admitted of, which I duplicated on October 25, 1815; the which was done in compliance with a demand for a report thereon from me, by Col. Don José de Soto, commander ad interim of this province, dated August 13, of the same year, which I answered on the 18th, and in which are copies of all the preceding ones which were had on the particular.

I do not see how the reverend vicar general of this holy parochial church makes out that the same is hereby in anywise injured; and I rest on this, that, as there remains in both plans particular grants for the aforesaid holy church, be the decision what it may, there will always remain in one or the other the portion reserved for so high a purpose.

Neither have I evidence of the efforts of Col. Don José de Soto in opposition to the plan in question, but of a certain military frankness, which was a characteristic of him, and I am inclined to believe him incapable of overstraining his authority, or of availing himself of any subterfuge in order to favor particular ends. Pensacola, October 8, 1816. (Signed) Bernardo Prieto.

*Decree.*—The better to decide in this matter, let the secretary of this government put in continuation herewith a certified copy of the documents of which the commander of engineers treats in the third paragraph of the preceding report, together with copies of those which before were had on the particular, and the dates they may bear. Pensacola, October, 18, 1816. (Signed) Maxent.

*Demand of a report by Governor Soto.*—It being necessary that I should be instructed with regard to the innovations or variations had with respect to the lots on which royal buildings are situated, in consequence of the new arrangement given to it by the ayuntamiento, with the distribution and sale of lots by the same authority of what formed the military square, you will please to report to me what you know in this particular. God preserve you many years. Pensacola, August 16, 1815. (Signed) José de Soto. Addressed to Don Bernardo Prieto.

*Reply.*—The copies annexed contain the documents previously had on the side of the department of engineers, with respect to the variations which the ex-ayuntamiento ordered to be carried into execution, and which they would have effected in a short time, but for your honor's recent order to suspend all establishments until superior approbation be obtained. By those your honor will see that I knew nothing of the matter until the moment which appears; and, although the lots which comprehend the aforesaid innovations were publicly sold on distinct occasions, I never believed it could be possible they would interfere with the royal buildings, as such decisions have no connexion with those which ought to belong to a constitutional ayuntamiento, if their representation is attended to, and that that momentaneous government had not laid aside the ordinances of the royal corps of engineers of the year 1803, and the articles one and nine of the title 1 of the 3d regulation remained from that time until the latter period in full force.

This is as much as I can say in compliance with the official note which your honor was pleased to address me on date of 16th instant, to which I reply. God preserve your honor many years. Pensacola, August 18, 1815. (Signed) Bernardo Prieto. Addressed to José de Soto.

I have casually understood that the constitutional ayuntamiento of this town have altered the plan thereof which was before adopted.

The house which D. José Viola is building has occasioned me to make the inquiry from the novelty of its position with respect to the military building to which it is contiguous; but, as I have understood that the same remark applies to the others, my duty requires me, if such be the case, to solicit your honor to use suitable measures for my obtaining from the proper person a copy of the new plan, or the original, that I may take one, with instructions of how far the innovations relate to my department, so that I may be able to comply with the provisions of the ordinance. God preserve your honor many years. Pensacola, April 13, 1814. Bernardo Prieto. To Don Matthew Gonzales Manrique. It is a copy. (Signed) Bernardo Prieto.

The alcalde of this town informs me on this date as I copy: "On this date I addressed the surveyor general, D. V. S. Pintado, as follows: In a sitting of the cabildo of the 18th instant, among other things, it was ordered that an official note should be addressed to you, desiring you to furnish the lieutenant, D. Bernardo Prieto, volunteer engineer and charged with that branch, with a copy of the new plan, or to favor him with the original one that he may copy it, instructing him with respect to innovations it may contain according to what said engineer has solicited through the medium of his honor the commander of the province. I consequently communicate the same to you for your intelligence, and that you may please to act accordingly. And I advise your honor of the same for your intelligence, and that you may please to act accordingly. I advise your honor of the same for your intelligence, and the purposes which may be expedient," and I to you in reply to your paper of the 13th instant. God preserve you many years. Pensacola, April 20, 1814. Matthew Gonzales Manrique. To D. Bernardo Prieto. It is a copy. Bernardo Prieto.

I have received from the surveyor, D. V. S. Pintado, the plan which I solicited, as appears in the



annexed copies, and so soon as the volunteer engineer, D. Nicholas Funches, shall have copied it I will remit it to you on the first occasion. I have obtained the necessary paper, which with difficulty I have been able to procure. The buildings comprehended in it are those of the old houses, block-houses, with the corps de guard, which serve as national storehouses and quarters for colored troops from Havana, which buildings would be shut up in a street. The kitchen lot of this garrison ought to be given up, and the dragoons' barracks interfere, in part, with such as must likewise be given up. The yard for the tents is altered, as is also the government house garden; on all which your honor will make such reflections as may appear to me to be involved, when I transmit you the plan in question. God preserve your honor many years. Pensacola, May 3, 1814. (Signed) Bernardo Prieto. Addressed to D. Firmin Montano. It is a copy. Bernardo Prieto.

The captain of the schooner Comet, D. Lorenzo Olivar, will wait on your honor with a copy of the plan which I made known to you in an official note of the 3d of May of the present year, No. 12, in which I have noted that the ground chosen for the storehouse is situated in such a manner that with the storms which sometimes occur in this place they would be inundated, and their contents damaged, unless they should be built with the necessary elevation, and the thickness of the walls sufficient to resist the impulse of the waves, in which case their cost would be six times more than the proceeds of the sales of the lots. The military hospital, almost in the centre of the town, appears wrong, as being inimical to public salubrity on account of the southerly breezes which prevail in summer, by which the sea would be infested, owing to its position in advance; situations are not wanting where it might be located on the outside of the town, and contiguous thereto on the north. The space which formerly took in the squares and the width of Tarragona street were calculated, with the aid of fire engines, to stop fire; but those being reduced to the limits laid down in the new plan, this idea vanishes. God preserve your honor many years. Pensacola, July 10, 1814. (Signed) Bernardo Prieto, and addressed to his honor D. Firmin Montano. It is a copy. Bernardo Prieto.

*Certificate.*—The foregoing is a copy of the original official notes which exist in this office of government under my charge, which I certify; and I give the present pursuant to the decree which proceeds from his honor the commander ad interim of this province, dated the 18th instant. Pensacola, October 19, 1816. (Signed) Carlos Reggio.

*Decree.*—Pensacola, October 25, 1816. Let this judicial proceeding be shown to the reverend vicar of this parish, D. Santiago Coleman. (Signed) Maxent.

*Reply and petition of the Rev. James Coleman.*—To his honor the governor: D. Santiago Coleman, ecclesiastical judge and vicar general of this parochial church of St. Michael, respectfully states that in consequence of your honor's decree of the 25th instant, I have seen the report of the captain of infantry, Don Vicente Sebastian Pintado, surveyor general of this province, and likewise the opinion of the commander pro tempore of engineers, Don Bernardo Prieto, with annexations of the official notes which the latter cites in the third paragraph of his exposition, and which your honor thought proper to have copied in continuation, the better to decide in regard to the petition which I presented in claim of the ground or the lot on which the church ought to be built; and having attended to their expositions with the attention which they merit, I find that the report of the first is conceived in terms so clear and evident that the force and perspicacity of his reasons cannot but be admired; so demonstrative in my view, that they leave not the least obscurity on the subject, as they contain all the illustration which is requisite. That of Don Bernardo Prieto presents the subject in another different aspect which it would be well to clear up; but I shall not detain myself therein as it does not belong to me, and less to investigate the military frankness of Colonel Don José de Soto, late governor ad interim of this province, (as the said engineer affirms,) nor to search out the sites and places on which he expatiates, as being foreign to the case treated of, and its being my only intention to prove that the church is despoiled, or at least without security for what belongs to it, as I stated in my petition.

The gentleman engineer says, in the fourth paragraph of his report or opinion, that he does not see, as I do, that the church is in any respect injured, and he rests on this; that as there remains in both plans particular grants for the same, be the decision what it may, there will always remain in one or the other the place reserved. Notwithstanding that division 24, which is the one reserved for the church, has become private property, as I have already stated, acquired by the owners at public sale, the assignment of the lot which was afterwards designated in its stead is pretended to be annulled, as also the regulation of the squares, and whatever else was done by order of the late ayuntamiento. Where, then, is the place reserved for the church? If we wish to commence the building so much wanted, where shall we begin? And where, then, is the reason to see that the church is not in any respect injured? The gentleman engineer will permit me to say that his assertion or opinion, in this respect, does not coincide with mine, and he must, in this case, have explained himself inadvertently, as occurs in his official notes to the director, Don Firmin Montano, dated May 3, and June 10, 1814, when, among other things, he says that what he calls dragon barracks awaits the destiny to be sold in part, and that the ground reserved for storehouses would be subject to inundation in storms, and to damage their contents, unless a wall should be made sufficient to resist the force of the waves, &c. What I have just referred to I consider an inadvertent mistake, having before me the plan of the town; for neither that which was the dragoons' barracks, before an hospital, and now abandoned and in ruins, is among the number of lots to be sold; nor is the ground reserved for storehouses subject to inundation, nor can it ever be exposed to the force of the waves unless there should come another deluge, for it is the highest place to the north contiguous to my own house, which, in that case, would be the first inundated, and likewise the old storehouse which serves for a church, and also the government house and garden would be inundated. These mistakes have probably occasioned us the present trouble. The fact is this, that what was the old storehouse, in which divine service is celebrated, is threatened with approaching ruin, and it is to be feared that its fall may occasion the sacrifice of some innocent victims, while those who are principally the cause of the dreaded catastrophe run little or no risk; therefore, I entreat your honor that, taking into consideration the ruinous state of the actual church, its altar and ornaments exposed to the rain and bad weather, (for it is notorious that, since May, 1781, in which this place was retaken, its roof has not been renewed nor repaired with shingles,) your honor will please to determine as may be dictated by the sentiments of justice, which I ask. Pensacola, October 30, 1816. (Signed) Santiago Coleman.

*Decree.*—Pensacola, October 31, 1816. Let this judicial proceeding be annexed to those which follow the ones of Don Carlos Lavalle and Don Francisco Barrios in behalf of the inhabitants who purchased the lots laid off between the two squares, conformable to the last plan of this town; which was formed at the



request of the late ayuntamiento, in order to render a statement of the results to his excellency the captain general of this province when opportunity may serve. (Signed) Francisco Maximiliano de San Maxent.

OPINION OF THE KING'S ATTORNEY.

MAY IT PLEASE YOUR EXCELLENCY: The inhabitants of the town of Pensacola, representing in this judicial proceeding, have everything of justice on their side. They purchased at public sale the lots which, to-day, occasioned the dispute. The sale of them was made with the consent of all the authorities, which governed the town at that period; and those authorities all concurred in and authorized the same, impelled by the supreme law of necessity. The alternative which they proposed, therefore, is very just; for, if the contract remains firm, the free use of their lots ought to be left to them; and, if it be rescinded or annulled, the money they disbursed for their price ought to be returned to them immediately. I believe there will not be funds for the latter, and it is necessary to accede to the former; but, as there are inconveniences in this case, which are apparent from the proceedings, it seems requisite that your excellency should report the same to his majesty, with an authenticated copy of the judicial proceeding for the corresponding decision and his Majesty's pleasure. Havana, January 30, 1814. Leonardo del Monte.

I, Joseph E. Caro, secretary to the board of land commissioners for the district of West Florida, do hereby certify that the foregoing is a true and correct translation of the documents in the Spanish language.

JOSEPH E. CARO, *Secretary.*

PENSACOLA, January 20, 1825.

M.

*Abstract of claims, founded on grants, patents, and warrants of survey emanating from the British government, and which have been reported to Congress by the undersigned commissioners.*

No.	Present claimant.	Original claimant.	Nature of claim.	Date of claim.	Quantity.	Where situated.	By whom issued.	When and by whom surveyed.*
					Acres. Rds. Phs.			
1	Elihu Hall Bay .....	Walter Paterson .....	Warrant of survey.	May 11, 1799	2,000 00 00	Escambia co.	Peter Chester..	.....
2	do. ....	John Paterson. ....	do. do. do.	May 5, 1799	2,000 00 00	do. ....	do. ....	.....
3	do. ....	John Hall. ....	do. do. do.	May 3, 1799	2,000 00 00	do. ....	do. ....	.....
4	do. ....	John Sutherland .....	Patent. ....	Oct. 7, 1780	550 00 00	do. ....	do. ....	Sept. 14, 1780
5	do. ....	do. ....	do. ....	Oct. 7, 1780	550 00 00	do. ....	do. ....	Sept. 14, 1780
6	Theodore Gaillard. ....	Francis Lewis. ....	do. ....	June 16, 1777	300 00 00	do. ....	do. ....	May 6, 1777
7	do. ....	James Sutton. ....	do. ....	May 4, 1767	3 3 00	do. ....	Mont. Browne.	Sept. 30, 1766
8	Heirs of Evan Jones. ....	Evan Jones. ....	do. ....	Dec. 18, 1766	400 00 00	do. ....	do. ....	July 23, 1766
9	do. ....	Boardman & Southwell. ....	do. ....	June 27, 1768	900 00 00	do. ....	do. ....	April 22, 1766
10	do. ....	Thomas White. ....	do. ....	June 21, 1768	900 00 00	do. ....	do. ....	Mar. 5, 1767
11	do. ....	Israel Boardman. ....	do. ....	June 27, 1768	300 00 00	do. ....	do. ....	Mar. 4, 1767
12	do. ....	William Leitch. ....	do. ....	Sept. 2, 1766	50 00 00	do. ....	G. Johnstone..	July 25, 1766
13	do. ....	James Thompson. ....	do. ....	Jan. 8, 1768	50 00 00	do. ....	Mont. Browne.	Aug. 26, 1766
14	do. ....	Alexander Maciellan. ....	do. ....	Mar. 25, 1767	4 00 00	do. ....	do. ....	Mar. 18, 1767
15	do. ....	Francis Hutchinson. ....	do. ....	Dec. 15, 1768	2,000 00 00	do. ....	do. ....	Aug. 18, 1768
16	Heirs of J. Thompson. ....	James Thompson. ....	do. ....	Nov. 10, 1766	12 1 28	do. ....	do. ....	.....
17	do. ....	do. ....	do. ....	Jan. 9, 1767	4 1 28	do. ....	do. ....	.....
18	do. ....	do. ....	do. ....	Jan. 10, 1767	16 3 00	do. ....	do. ....	.....

\* Surveyed by E. Dumford.

GENERAL REMARKS.

The heirs of Evan Jones have proved, by depositions, that they are citizens of the United States, but have adduced no testimony to show that their claims have never been compensated for by the British government.

No. 13. No conveyance from Leitch to Evan Jones. No. 14. No conveyance from Thompson to Evan Jones. No. 15. No conveyance from Maciellan to Evan Jones.

The heirs of James Thompson have proved, by depositions, that they are citizens of the United States, but have adduced no testimony to show that their claims have never been compensated for by the British government.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

REPORT ON BRITISH CLAIMS.

The law organizing this board of commissioners has directed us to examine and determine the validity of claims submitted for adjudication, "agreeable to the laws and ordinances heretofore existing of the governments making the grants respectively." In addition to this, the attention of the commissioners is directed to two objects in the investigation of British claims; 1st, to ascertain how far they are valid by the law of nations; and, 2d, how far they have been considered valid under the Spanish government; and, if satisfied that said claims be correct and valid, shall give confirmation to them.

The great reliance of the British claimants is placed upon the effort to prove that their titles are valid by the laws of nations. They do not pretend that they were considered valid under the Spanish government, but endeavor to avail themselves of the *jus postliminium*, as laid down in Vattel and other writers upon the laws of nations. Let us for a moment examine the soundness of this position.

"The right of *postliminium*," says Vattel, "is that in virtue of which persons and things taken by the enemy are restored to their former state on coming again into the power of the nation to which they belonged." There are two modes by which they may be restored to the possession of the original proprietors: 1st, by reconquest, and, 2d, by treaty stipulation. Although prisoners of war may have given their parole, territories and towns submitted to the enemy, and sworn and promised him allegiance, yet if retaken they are to be re-established in their former condition and enjoy the right of *postliminium*. The acquisition of immovables is not fully consummated till confirmed by a treaty of peace, or by the entire submission or destruction of the State to which they belonged. Till then, the sovereign has hopes of retaking them, or recovering them by a peace. "Provinces, towns, and lands, which the enemy restores by the treaty of peace, are certainly entitled to the right of *postliminium*." "The enemy, in giving back a town at the peace, renounces the right he had acquired by arms." "But if that town," says Vattel, "had been ceded to the enemy by a treaty of peace, or was completely fallen into his power by the submission of the whole State, she has no longer any claim to the right of *postliminium*, and the alienation of any of her possessions by the conqueror is valid and irreversible; nor can she lay claim to them if, in the sequel, some fortunate revolution should liberate her from the yoke of the conqueror." "Its former state is absolutely destroyed; all its relations, all its alliances are extinguished."—(Vattel, b. 3, c. 14, sec. 212.) "Whatever is ceded to the enemy by a treaty of peace is truly and completely alienated." It has no longer any claim to the right of *postliminium* unless the treaty of peace be broken or cancelled." "It might be said, in general, that the right of *postliminium* no longer exists after the conclusion of the peace. That right entirely relates to a state of war."—(B. 3, c. 14.)

As the right of *postliminium* relates to and is founded on a state of war, it has no effect or operation except among the belligerents or allies who made a common cause, and are partakers and associates in the war.—(Vattel, b. 3, c. 14, sec. 207.) Spain and England were the only parties and privies to the war terminated by the capitulation of 1781 and the treaty of 1783. We have no evidence that the British claimants were deprived of their lands by conquest; but, even admitting it to be the fact, agreeable to the doctrines laid down in Vattel, the *jus postliminium* could only have been made to operate in their favor had Florida at the peace been restored to England, who was the original owner. As those private rights were recognized in the articles of capitulation and in the fifth article of the treaty, there is every reason to believe that there is no ground upon which this principle could be introduced, as that cannot be restored which was never lost by conquest. Further, as the country was ceded to Spain, the enemy and conqueror, instead of being restored to England, the original owner and nation to whom it belonged, the right of *postliminium* is taken away, unless the treaty be broken or cancelled. If cancelled or broken, it would be good ground of complaint to be brought by England against Spain; but it is a question in which, it is believed, the United States could not interfere. They were neither parties nor privies to the war, the capitulation, or treaty, and as such can claim no rights, and, consequently, have incurred no obligations under them.

From this view of the subject, it is considered that the principle of the *jus postliminium* could not be made to operate in favor of British subjects, as Florida was ceded away by her instead of being restored to her by the treaty of 1783. Had it availed anything, Great Britain would not have provided for those claimants in the treaty, or made them remuneration where they failed to dispose of their lands agreeably to the stipulations of the treaty. Upon examination it will be found equally evident that the United States are under no obligations on this occasion. They were not parties or privies to the war. Although Spain was at war with England during the latter part of the American revolution, yet we were not allies engaged in a common cause, associates in the same contest. There was no treaty of offensive or defensive alliance between them. Conceding this point, however, and it avails nothing; in order that the doctrine of *jus postliminium* should be introduced with effect, we should have been allies of England, who lost the country by conquest, and to whom it should have been restored either by reconquest or treaty stipulation. American citizens can occupy no better ground than the citizen of Great Britain, and those we have seen cannot avail themselves of the right of *jus postliminium*.

As the right of *postliminium* no longer exists after the conclusion of peace, the British claimants are precluded from availing themselves of it by the treaty of 1783. This instrument placed these claims entirely upon different grounds, recognized them and made provision for their disposition by the subjects of Great Britain who were inclined to emigrate. The *jus postliminium* has no bearing upon the subject; but the question is made to turn exclusively upon the construction of the treaty.

By the articles of capitulation, signed at Pensacola in 1781, by the commanders of the Spanish and British forces, it was provided that "the British inhabitants, or those who may have been subjects of the King of Great Britain in the said countries, may retire in full security and liberty where they shall think proper, and may sell their estates, and remove their effects, as well as their persons, the time limited for their emigration being fixed to the space of eighteen months." This indulgence was incorporated in the treaty of 1783, with the additional provision of extending the time if necessary. It is contained in the 5th article of the treaty which was ratified September 3, 1783, and is as follows: "His Catholic Majesty agrees that the British inhabitants, or others who have been subjects of the King of Great Britain in the said provinces, may retire in full security and liberty where they shall think proper, and may sell their estates, and remove their effects, as well as their persons, without being restrained in their emigration under any pretence whatever, except on account of debts or criminal prosecutions; the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty; but if, from the value of the possessions of the English proprietors, they should not be able to dispose of them within said term, then his Catholic Majesty shall grant them a prolongation proportioned to that end." In the year 1785, it is said, a prolongation of four additional months was given by the King of Spain.

Upon the subject of capitulations, Vattel says "the governor of a town, and the general who besieges it, have a power to settle the terms of capitulation, and whatever agreement they thus form within the term of their commission is obligatory on the state or sovereign who, has invested them with the power by which they conclude it."—(B. 2, c. 14, s. 207.) It was no doubt upon this principle that the provision of the article of capitulation in favor of British claimants was incorporated in the 5th article of the treaty of 1783, and also for the purpose of consummating the arrangements. This was necessary, as Vattel declares that "immovable possessions, lands, towns, provinces, &c., become the property of the enemy who makes himself master of them; but it is only by the treaty of peace, or the entire submission and extinction of the State to which these towns and provinces belonged, that the acquisition is completed, and the property becomes stable and perfect."—(B. 3, c. 13, s. 197.)



In examining the phraseology of the 5th article of the treaty, it appears that all British claimants were entitled to the indulgence; not only "British inhabitants," but those "who may have been subjects of the King of Great Britain in the said provinces." Those who were citizens of the United States at the date of the treaty, if they had been subjects of the King of Great Britain in said provinces, were entitled to every indulgence in the disposition of their property. If they failed to avail themselves of those provisions, it is their own neglect, and they cannot but charge themselves with the consequences. The treaty is to be construed like any other contract, and if the parties have not complied with the conditions, they are compelled to abide the result or submit to the penalty. Their claims occupy precisely the same ground, however different may be the character of the claimants. Agreeably to the spirit, at least, of national law, Spain was authorized in requiring such a provision as that contained in the 5th article of the treaty. "Every State," says Vattel, "has the liberty of granting or refusing to foreigners the power of possessing lands or immovable property within her territory. If the sovereign does not permit aliens to possess immovable property, nobody has a right to complain of such a prohibition, for he may have good reason for acting in this manner; and, as foreigners cannot claim any right in his territories, they ought not to take amiss that he makes use of his power and of his right in the manner which he thinks most for the advantage of the State."—(B. 2, c. 8, s. 114.) The sovereign may also forbid the entrance of his territories either to foreigners in general or in particular cases, or to certain persons, or for certain particular purposes, according as he may think it advantageous to the State.—(B. 2, c. 7, s. 94.) The King of England had likewise the power and right to accede to the stipulations in the 5th article of the treaty of 1783: "The necessity of making peace authorizes the sovereign to dispose of the property of individuals; and the eminent domain gives him a right to do it."—(Vattel, b. 4, c. 2, s. 12.) In the treaty of 1783, the property of individuals was not ceded away absolutely, but only conditionally, where the claimants failed to dispose of it within the limitation.

If Spain refused to extend the time, as contemplated in the 5th article of the treaty, it was a subject of complaint by England against that government. The United States could not interfere in deciding such a question, as it would be an infringement of the independence of the original parties concerned.—(Vattel, b. 2, c. 4, s. 54; b. 4, c. 4, s. 40; Preliminaries, s. 9.) But it was not the fact that England complained or remonstrated on the occasion. Upon the expiration of the term within which the British claimants were to return and dispose of their property, that government made compensation to her citizens, which was an acknowledgment that she had no complaints or demands against the King of Spain. With this fact before them, it would not become the American government to interpose in the contracts of other sovereign powers, and declare that either had failed in compliance.

Most sovereign States have adopted, in some shape or other, the principle contained in the 5th article of the treaty, in order to prevent foreigners from owning real property within their limits, and thereby obtaining an influence which might be wielded to the injury of the country. It was, no doubt, principally from this consideration that the 5th article of the treaty was framed and incorporated in that instrument. In effect it required "the British inhabitants, or others who may have been subjects of the King of Great Britain in the said provinces," either to remain in Florida as citizens of Spain or to dispose of their property within the limitation. From the language of the articles, they appear to have had their election; and it is believed that where they failed to avail themselves of the indulgence secured by this provision of the treaty, or to obtain the confirmation of the Spanish authorities, which was equivalent to a release, the lands were considered vacant, and subject to forfeiture. Similar provisions are contained in the treaty of 1763 which are found in the proclamation of General Gage, bearing date December 30, 1764, addressed to the inhabitants of Illinois and Vincennes, respecting their lands, upon taking possession of their country by the troops of his Britannic Majesty. In Sierra's case, Governor O'Neil declares that the time had expired within which British claimants were to return and dispose of their property, and it is understood that it was regranted whenever applications were made to that effect. The 8th section of the act of Congress passed March 30, 1803, making provisions for the disposal of the lands of the United States south of the State of Tennessee, and the 1st section of the act passed July 5, 1812, upon the same subject, expressly recognize the fact of Spain having regranted lands originally granted by the British authorities in West Florida. The board of royal treasury, by a decree dated September 24, 1801, at New Orleans, which was founded upon official proceedings instituted to ascertain the buildings and lots in Pensacola to which the King of Spain was entitled by conquest, and from absolute relinquishment of the same by proprietary owners, exposed those houses and lots to sale at public auction. Whenever they were presented, after a limited period, they were either confirmed or declared to be forfeited by the Spanish authorities. It was the policy of the Spanish government to have their lands settled and cultivated; foreigners were, as far as possible, excluded, unless they were Catholics. In their concessions, the petitioner was required to take an oath that no foreigner was interested in the land solicited, and that he or she would not convey to such at a subsequent period. A difference in religion was not tolerated. Such was the effect of these regulations that most of the English removed from Florida, particularly from East Florida, after the treaty of 1783.

These facts combined are conclusive as to the opinion entertained by the Spanish authorities in relation to the validity of such claims. Had those now under consideration been brought into controversy before the Spanish tribunals anterior to the cession of the country to the United States, there can be no hesitation in believing that they would have been declared null and void. The British claimants have not attempted to make out a valid title under the Spanish government, nor to show that the Spanish tribunals would have considered their claims valid and correct. They are, no doubt, satisfied of their weakness upon this ground, and it accounts for those claims being permitted to lie dormant in the hands of the proprietors for upwards of forty years. During this period no notice was given of their existence; many were unlocated, and none in actual occupation of the proprietors. The King of England's proclamation bearing date October 7, 1763, by which the governments of East and West Florida are created, vests the governors with the power to grant and dispose of lands "to any such person or persons, upon such terms, and under such moderate quit-rents, services, and acknowledgments, as have been appointed and settled in other colonies, and under such conditions as shall appear to us to be necessary and expedient for the advantage of the grantees and the improvement and settlement of our said colonies." The governors were authorized to grant lands to new settlers and to reduced officers of the army and navy in the following proportions: To any person having the rank of a field officer, 5,000 acres; to any captain, 3,000 acres; to any subaltern or staff officer, 2,000 acres; to any non-commissioned officer, 200 acres; to any private man, 60 acres. No limits, except that of the advantage of the person and the improvement and settlement of the colonies, are imposed upon grants to new settlers; but the proclamation expressly



declares that all these grants are subject to the same conditions of cultivation and improvement. Further, no plat is filed in some cases to show that they ever were surveyed, and the warrants, which require upon the face of them that they should be located in six months from the time at which they were issued, are entirely floating claims. No evidence either has been presented to show that the conditions subsequent upon which the perfect grants were made have ever been fulfilled. This, alone, agreeable to Blackstone, renders the claims at least voidable, and may be declared void by the commissioners. Under such circumstances we do not believe they would be recognized as possessing any validity under the laws of England, the government from whence they emanated.

Whether the British claims are ipso facto void or only voidable, the United States are entitled to the rights and immunities of Spain by a transfer of the sovereignty and domain of Florida, under the treaty of February 22, 1819. Admitting that they are only voidable, the United States and their tribunals can declare them void, as did the Spanish authorities. If Spain could regrant them and sell them at public auction, the United States, as the successor of Spain, are entitled to all the advantages resulting from a similar disposition of the property. As Spain, in her practical construction of the treaty, has viewed those claims as subject to forfeiture whenever they have not been regranted or confirmed by her legal authorities, they must be vacant, and, consequently, belong to the public domain. The doctrine of prescription, as a bar to such claims, as well as the plea attributing their want of location and compliance with conditions to the peculiar situation of the country, are also superfluous, as it is admitting claims to exist which have been forfeited. The Partidas, as cited upon the subject of appeals from the judgments of Spanish tribunals, is equally far from being in point, as it could only apply between parties and privies within their legal jurisdiction. Under no circumstances would this law and the doctrine of prescription avail the claimants anything against the government, however effectual they might be in a private controversy. Neither can they derive any advantage from a non-compliance with the 5th article of the treaty, unless they can also show that they have received a confirmation or conveyance from the Spanish government to the land in question. Were the United States to recognize those claims it would be altogether a gratuity, an act of munificence, and not one which was the result of legal obligation. Congress are competent to make such a grant; but, as a special court of legal jurisdiction, we have no such authority, and can exercise no discretion upon the subject.

In the treaty between Spain and the United States no provision was made for British claimants, but only such as emanated from his Catholic Majesty and his lawful authorities; and, by the law organizing this board of commissioners, none are to be examined except those claimed and owned, bona fide, by American citizens, and for which no compensation has been made by the British government. This has been construed by the claimants as a recognition of postliminary rights; but if the law is examined, it will be found to be a mistake, as the commissioners are first directed to ascertain whether they are valid by the law of nations, how far they were so considered under the Spanish government, and, after this inquiry, are made the judges whether they are valid and correct and entitled to confirmation.

It is believed that the commissioners have no power to declare a forfeiture in those cases where the claim exceeds 3,500 acres. Here they are only intended to act as an inquest or court of inquiry, and furnish Congress with the facts upon which a forfeiture may be declared. It is their province to ascertain what lands belong to individuals, as distinguished from those which have accrued to the United States under the treaty. Those arising from forfeiture constitute as perfect a class of rights as those to the soil which has never been appropriated to individual uses; they appertain, in all regular governments, to the sovereignty and domain, and cannot be separated from them.

From every view which we have been enabled to give this subject, we are constrained to declare all British claims within our jurisdiction, which were not confirmed by Spain or disposed of in conformity with the fifth article of the treaty of 1783, forfeited, void, and of none effect. They are not valid by the law of nations, and would not be considered valid under the Spanish government. We are, therefore, convinced that they are not valid and correct; and, agreeably to the provisions of the law organizing this board, they must be rejected. With respect to the British claims, exceeding 3,500 acres, we believe the reasons contained in this opinion are altogether applicable, and request that they may be received as our report in both cases.

All which is respectfully submitted by the undersigned commissioners.

SAML. R. OVERTON.  
JOSEPH M. WHITE.

#### N.

*Seventh. A general abstract and report upon claims, some of which fall within the preceding classes, and others of an anomalous character.*

This abstract embraces all the claims which have been examined subsequent to the date of those already forwarded to the Secretary of the Treasury. It also includes such cases of an anomalous character as have not hitherto been reported in preceding classes. The testimony in relation to a few of them has been received after the expiration of our session as fixed by the act of Congress. This was done for the purpose of reporting as many cases as practicable, and, if possible, enabling Congress to act upon all the claims which we have examined during their present session.

All which is respectfully submitted by the undersigned commissioners.

SAML. R. OVERTON.  
JOSEPH M. WHITE.

*A general abstract of claims confirmed, rejected, and reported by the undersigned commissioners.*

1. Carlos Barron, present claimant and original grantee, a gratuitous concession, dated December 18, 1817, for 800 arpents, on Escambia river, issued by Governor Masot, surveyed by Antonio Balderas July 5 and 6, 1820, and cleared and cultivated from 1818 to 1820. This claim was rejected by mistake in abstract G, but upon further examination has been confirmed.

2. Celestino Gonzales, present claimant and original grantee, a gratuitous concession, dated December 20, 1817, for 1,800 arpents, on Escambia river, issued by Governor Masot, surveyed by Pedro Reggio, December 18 and 19, 1818, and cleared and cultivated from 1818 to 1820. Confirmed as belonging to class of claims marked A.

3. Miguel Hernandez, present claimant and original grantee, a gratuitous concession, dated September 10, 1817, for 600 arpents, on Escambia river, issued by Governor Masot, surveyed by Antonio Balderas May 11, 1821, and cleared and cultivated from 1818 to 1819. Confirmed as belonging to class of claims marked A.

4. Vicente Sebastian Pintado, present claimant and original grantee, a concession for cutting wood and as a remuneration for services as interpreter, dated December 2, 1816, for 2,180 arpents, in Escambia county, issued by Governor Maxent, and actually settled before the cession of Florida to the United States. Confirmed as belonging to class of claims marked A.

5. James Gooch present claimant, Gabriel Rivas original grantee, a gratuitous concession, dated October 16, 1817, for 400 arpents, on Escambia river, issued by Governor Masot, cleared and cultivated in 1818. Confirmed as belonging to class of claims marked A.

6. Daniel Malloy, who is proved to be twenty-one years of age and the head of a family, claims 640 acres, in Escambia county, which he occupied and cultivated from 1818 to 1824. This claim was reported in the second class of donation claims marked I, but upon further examination is found to belong to the first class marked H, and as such has been confirmed.

7. Noah Colhoon, who is proved to be twenty-one years of age and the head of a family, claims 640 acres, in Escambia county, which he occupied and cultivated from 1818 to 1819. Confirmed as belonging to first class of donation claims, marked H.

8. The heirs of Whithers Brinson claim 640 acres in Escambia county. They prove that their ancestor was twenty-one years of age and the head of a family, and occupied and cultivated said land from 1816 to 1819. Confirmed as belonging to first class of donation claims, marked H.

9. Mariana Bonifay, present claimant and original grantee, a certificate showing that the two arpent lots, Nos. 54 and 55, were commuted for three garden lots, and given in exchange by the government, issued by Governor Masot, and dated April 30, 1818. Confirmed.

10. Carlos Lavalle present claimant, Gilberto Guilmard original grantee, a grant for public services of lot No. 234, eighty feet front by one hundred and seventy deep, issued by Intendant Morales, dated February 26, 1810. Confirmed.

11. Carlos Barron, present claimant and original grantee, a gratuitous concession for two arpent lots, Nos. 20 and 21, dated April 22, 1811, issued by Intendant Morales, surveyed by V. S. Pintado March 20, 1811, and built upon and enclosed from 1811 to 1821. Confirmed as belonging to class of claims marked D.

12. Eugenio Antonio Sierra present claimant, James Ross original grantee, a British patent for lot No. 169, dated October 29, 1765, issued by George Johnstone, esq., surveyed by Elias Durnford July 11, 1765, and built upon and enclosed from 1780 to 1825. Confirmed as belonging to class of claims marked D.

13. Eugenio Antonio Sierra present claimant, Samuel Tucker original grantee, a British patent for lot No. 204, dated September 13, 1766, issued by George Johnstone, esq., surveyed by Elias Durnford August 26, 1766, and built upon and enclosed from 1780 to 1825. Confirmed as belonging to class of claims marked D.

14. Marcos Devilliers claims a double lot No. 245, a part of which he purchased at auction August 20, 1804, surveyed by V. S. Pintado November 14, 1810; the other part he obtained as a gratuitous concession July 19, 1816; issued by Governor Zuniga, surveyed by Antonio Balderas August 16, 1820, and built upon and enclosed from 1814 to 1824. Confirmed.

15. Francisco Colein, present claimant and original grantee, a concession of lot E as a remuneration for loss of cattle, dated November 24, 1817, with a title in form dated November 28, 1817, issued by Governor Masot. This lot was reserved upon the new plan of the city, as laid out by the cabildo, for a market-house. The testimony in this case proves the claim to be antedated and fraudulent.

16. Eugenio Lavalle, present claimant and original grantee, a concession of lot L as a remuneration for services rendered as head armorer, dated November 22, 1817, issued by Governor Masot, surveyed by Antonio Balderas June 30, 1821. The testimony in this case proves the claim to be antedated and fraudulent.

17. John B. Gazeave, present claimant and original grantee, a concession of lot J and a lot on the square of Ferdinand Seventh, adjoining that of Manuel Gonzales, seventy feet front and extending to the bay, as a remuneration for damages sustained in preserving the public ordinance, &c., in one of his houses, dated August 16, 1817, issued by Governor Masot, surveyed by Antonio Balderas May 24, 1821. Lot J was reserved upon the new plan of the city for building barracks. The testimony in this case proves the claim to be antedated and fraudulent.

18. John B. Gazeave, present claimant and original grantee, a concession for a lot without number, extending from the Tivoli lot, marked H, 500 feet into the bay, for the purpose of building a wharf, dated October 5, 1817, issued by Governor Masot. The condition of building a wharf was never fulfilled.

19. Joseph Cevallos, present claimant and original grantee, a concession of lot I for public services, dated January 12, 1818, issued by Governor Masot. This lot was reserved on the new plan of the cabildo for an hospital. From an examination of the concession, it has been antedated and is believed to be fraudulent.

20. Joseph Gomes, present claimant and original grantee, a gratuitous concession for 800 arpents, in Escambia county, dated December 4, 1818, issued by Governor Masot. Rejected for a non-compliance with conditions, as belonging to class of claims marked G.

21. Francisco Rocheblave, present claimant and original grantee, a gratuitous concession for 800 arpents, on the bay of Escambia, dated November 25, 1817, issued by Governor Masot. Rejected for non-compliance with conditions, and a belief that it is antedated and fraudulent, as belonging to class of claims marked G.

22. The trustees of the parish church of St. Michael claim a church and the ground on which it stands, measuring 101 feet in length and thirty-eight feet in width, marked (d) in the new plan of the cabildo. The claim is founded on prescription; the trustees proving that it was consecrated as a church

May 8, 1781, and has been occupied as such ever since with the acquiescence of the public authorities. We therefore recommend it to Congress for confirmation.

All which is respectfully submitted by the undersigned commissioners.

SAMUEL R. OVERTON.  
JOSEPH M. WHITE.

St. AUGUSTINE, *January 1, 1825.*

SIR: The undersigned commissioners, appointed to ascertain titles and claims to lands in East Florida, beg leave to acquaint you, for the information of the Congress of the United States, that they have found it utterly impossible to complete the duties assigned them by the act of February 27, 1824, in the time limited by that act.

The inability of our secretary to translate and record the voluminous documents filed in support of titles to lands within the period limited has been before represented to the proper department. It will be seen by the enclosed statement what his labors have been since his appointment, and how necessary it is that the commissioners should be authorized to employ assistant translators and clerks should Congress think proper to extend the time for ascertaining claims, &c., in East Florida.

It may not here be improper to remark, that in not more than one-quarter of the claims are the original grantees the present owners. In a very large number of cases the property has been conveyed two, three, and four times. These conveyances as well as the original grants were always made in the Spanish language previous to the cession of 1821.

The office abstracts, which we are authorized to receive by the last act of Congress, facilitate but very little the proceedings of the board. They are necessarily made in the Spanish language, and consequently have to be translated. The concessions made in virtue of the royal order of 1790 being upon conditions, much time has been consumed and much labor bestowed in collecting and arranging the testimony to prove the conditions performed; witnesses have been frequently compelled to travel 50 and 100 miles. The mass of testimony collected in the cases upon which we have already decided is so great that we cannot possibly have it copied to send on with the list of the cases herewith presented. Our secretary has not been able to attend to the recording of the claims decided upon. A clerk has, however, been employed upwards of three months, and with the utmost industry he has not recorded more than *thirty-four* claims. They average twenty-one pages each, of seventy-two words. He has likewise rendered this board other services which could not be dispensed with, and for which he has not received any compensation.

It will be seen by reference to the descriptive lists of the claims herewith forwarded, that in many instances the surveys have been made long after the date of the grants. This has been owing, in some cases, to the unsettled state of the country previous to the cession; the Indians have sometimes interfered to prevent surveys; and, indeed, within the last season, attempts have been made by them to obstruct the surveying of lands within eighty miles of St. Augustine. A course has been pursued by some of the claimants calculated, if submitted to, to injure the United States; and we think proper to point it out to Congress in order that such instructions may be given to the surveyor general as may prevent such a result. To obtain grants of land, the practice under the Spanish government was, for the applicant to set forth in a memorial to the governor his wants, and asking for lands corresponding to the number of his family at some particular place described in his memorial. To these applications the usual reply of the governor was, "let the lands asked for be granted without injury to a third person." If the grantee, upon examination, did not take the lands granted, he again by memorial applied for a change of location, and in many instances leave has been given. Recently, say since 1818, persons to whom lands were granted previous to that time at places designated in their memorials have, without any application for leave to do so, changed their locations, and had lands surveyed at one hundred miles distant from the spots asked for and granted them. This course does not appear to have been sanctioned by the government; and, indeed, it seems so contrary to the interests and policy of the Spanish government that we cannot for a moment believe that such a course would have been allowed or tolerated. In confirming the claims, or in recommending them for confirmation, the commissioners have looked only to the grants. The surveys, where they do not correspond with the grants, should not, in our opinion, be at all attended to, but that the surveyor general should be instructed to survey the lands claimed at the places pointed out in the memorials and grants.

The commissioners have declined making a report upon a number of large grants under the royal order of 1815, and which have been submitted for adjudication. It is believed that testimony may be in a short time procured which will have an important bearing upon the grants made in virtue of that order; and as a very large proportion of the lands claimed in the territory have been granted under it, we have considered it important to delay making at this time a final report of them. This delay will not operate to the prejudice of the claimants, as, from the want of sufficient clerks, the testimony and records necessary to be submitted to Congress cannot be prepared in time for that body to decide at its present session upon the validity of their titles.

In an edict of his Catholic Majesty, dated Madrid, June, 8, 1814, it is ordered that, in the distribution of lands, "the intendants, &c., shall adhere to the laws of the Indies, and particularly to the royal instruction of October 15, 1754." We have not been able to procure the latter document, and we suggest the propriety of applying through our minister at Madrid for a copy of it.

We have inquired of the secretary, and find that the bare sum of twelve dollars and sixty-four cents has been received on account of the recording fees under the former act of Congress, and that the board have never received any sum whatever to apply towards lessening the expenses of the commission. We have the honor to remain, very respectfully, your obedient servants,

DAVIS FLOYD.  
GEO. MURRAY.  
W. H. ALLEN.

Hon. WM. H. CRAWFORD, *Secretary of the Treasury, Washington City.*



## STATEMENT.

Whole number of claims to land filed in the office of the board of land commissioners for East Florida .....	1,004
Whole number of claims lodged in the office since the law expired .....	13
Whole number of claims under 1,000 acres .....	757
Whole number of claims confirmed under 1,000 acres .....	132
Whole number of claims confirmed over 1,000 acres .....	10
Whole number of claims under the donation act of 640 acres .....	43
Whole number of claims under the donation act of 640 acres confirmed .....	3
Whole number of claims recorded, averaging 21 pages of 72 words each .....	41
Number of British grants acted upon and ascertained to be invalid .....	36
Number of British grants recommended as valid over 3,500 acres .....	2
Number of claims recommended for confirmation not exceeding 3,500 acres .....	20
Number of claims undefined in quantity, but recommended for confirmation .....	4
Number of claims recommended for confirmation but not reported .....	18
Number of claims held under advisement .....	80
Number of claims rejected .....	4

## RECAPITULATION.

Claims confirmed .....	145
Claims recommended for confirmation .....	26
Claims ascertained to be invalid .....	40
Claims recommended for confirmation but not reported .....	18
Claims held under advisement .....	80
Total of claims acted upon .....	309

## REPORT No. 1.

*Register of claims to lands not exceeding 3,500 acres, which have been confirmed by the commissioners for the district of East Florida.*

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land. <i>Acres.</i>	By whom conceded.	Authority or royal order under which the con- cession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.	Occupation or cultivation.	
												From—	To—
1	J. F. Brown	Joshua Grey	Feb. 16, 1816	Feb. 16, 1816	51.00	Copinger	1815.	.....	May 6, 1816	G. J. F. Clarke.	Dani's Point, St. John's.	.....	.....
2	do	do	Feb. 16, 1816	Feb. 16, 1816	95.00	do	1815.	.....	May 6, 1816	do	Clayboard creek, St. John's	.....	.....
3	Mariano A. Berta	Andres Paetz	Oct. 16, 1816	Oct. 16, 1816	186.00	Estrada	1790.	.....	Feb. 25, 1817	G. J. F. Clarke.	North river	.....	.....
4	George Atkinson.	William Hart.	Oct. 4, 1811	Oct. 4, 1811	330.00	do	1790.	.....	Feb. 25, 1817	do	East Bank, St. John's.	.....	.....
5	Isaac Hendricks.	Isaac Hendricks.	Sept. 28, 1816	Sept. 28, 1816	330.00	Copinger.	1790.	.....	Feb. 25, 1817	do	McCoy's creek, St. John's.	.....	.....
6	Nathaniel Wilds.	Reuben Hagan.	May 26, 1815	May 26, 1815	353.231	Kindelan.	1790.	.....	Aug. 1, 1819	A. Bugevin.	St. Mary's.	.....	.....
7	William Hart.	William Hart.	June 19, 1816	June 19, 1816	900.00	Copinger.	1790.	.....	Aug. 1, 1819	do	St. Diego.	.....	.....
8	Mary Smith.	Mary Smith.	Feb. 23, 1809	Feb. 23, 1809	350.00	White	1790.	.....	May 30, 1820	G. J. F. Clarke.	Sawpit Burf, St. John's.	.....	.....
9	do	do	Feb. 23, 1809	Feb. 23, 1809	450.00	do	1790.	.....	Feb. 21, 1817	do	Rich Plantation.	.....	.....
10	George W. Martin.	Charles Clarke	April 10, 1817	April 10, 1817	300.00	Copinger.	1815.	.....	Feb. 21, 1817	do	West St. John.	.....	.....
11	Zachariah Hagan.	Maria Suarez.	Sept. 13, 1816	Sept. 13, 1816	200.00	do	1815.	.....	Feb. 10, 1819	do	Jacksonville, St. John's.	.....	.....
12	Frederick McMullin.	Frederick McMullin.	Jan. 30, 1816	Jan. 30, 1816	450.00	do	1815.	.....	Mar. 10, 1819	do	Trader's Hill, St. Mary's.	.....	.....
13	Abraham Bellamy.	Samuel Sauls.	Oct. 10, 1815	Oct. 10, 1815	350.00	Estrada	1815.	.....	Aug. 3, 1817	do	Funk savanna.	.....	.....
14	Lewis Mattair.	Lewis Mattair.	Oct. 24, 1815	Oct. 24, 1815	300.00	do	1815.	.....	Nov. 4, 1819	A. Bugevin.	Box's Branch.	.....	.....
15	do	Heirs of Jose Espinosa.	Jan. 20, 1811	Jan. 20, 1811	150.00	White.	1790.	.....	April 3, 1821	A. Bugevin.	Head St. Pablo creek.	.....	.....
16	Moses E. Levy.	Antonio Mier.	Feb. 16, 1816	Feb. 16, 1816	275.00	Copinger.	1815.	.....	May 15, 1821	G. J. F. Clarke.	St. Diego.	.....	.....
17	Bart. de Castro y Ferrer.	Bart. de Castro y Ferrer.	July 15, 1815	July 15, 1815	1,000.00	Estrada	1790.	.....	May 15, 1821	do	Three Runs.	.....	.....
18	William and John Lofton.	John Lofton.	Sept. 13, 1800	Sept. 13, 1800	50.00	Morales	1790.	.....	Dec. 18, 1815	A. Bugevin.	Amelia island.	.....	.....
19	Peter Miranda	Peter Miranda.	Dec. 12, 1817	Dec. 12, 1817	2,000.00	Copinger.	1815.	.....	June 30, 1818	G. J. F. Clarke.	St. John's river.	.....	.....
20	Joseph Summerall.	Joseph Summerall.	June 30, 1815	June 30, 1815	400.00	Estrada	1790.	.....	May 15, 1817	do	East St. John's river.	.....	.....
21	Antonio Proctor.	Antonio Proctor.	Mar. 8, 1816	Mar. 8, 1816	185.00	Copinger.	1815.	.....	May 15, 1817	do	St. Sebastian's river.	.....	.....
22	Ramon Sanchez.	Ramon Sanchez.	April 19, 1816	April 19, 1816	200.00	do	1815.	.....	June 30, 1818	A. Bugevin.	River St. John's.	.....	.....
23	Francis P. Sanchez.	Joseph Fernandez.	June 19, 1816	June 19, 1816	100.00	do	1815.	.....	May 15, 1817	Robert McHardy.	North river.	.....	.....
24	do	Donato Esanchoy	Dec. 5, 1816	Dec. 5, 1816	320.00	do	1815.	.....	May 1, 1815	do	Little St. Mary's.	.....	.....
25	do	Joseph S. Sanchez.	June 26, 1816	June 26, 1816	280.00	do	1815.	.....	Aug. 1, 1815	G. J. F. Clarke.	St. Diego.	.....	.....
26	do	do	Feb. 22, 1816	Feb. 22, 1816	550.00	do	1815.	.....	June 28, 1816	do	West river, St. John's.	.....	.....
27	Elizabeth Tucker, administ'x.	Andrew Tucker	Oct. 24, 1804	Oct. 24, 1804	230.00	White	1790.	.....	May 3, 1821	D. S. H. Miller.	Opposite Amelia island.	.....	.....
28	Robert Hutchison.	Robert Hutchison.	Jan. 9, 1818	Jan. 9, 1818	350.00	Copinger.	1790.	.....	May 3, 1821	do	St. John's river.	.....	.....
29	Samuel Worthington.	Samuel Worthington.	Mar. 18, 1817	Mar. 18, 1817	100.00	do	1790.	.....	Jan. 12, 1817	G. J. F. Clarke.	St. Mary's river.	.....	.....
30	Robert Hutchison.	Robert Hutchison.	Dec. 12, 1815	Dec. 12, 1815	150.00	Estrada	1790.	.....	Sept. 16, 1820	A. Bugevin.	Pennant's Swamp.	.....	.....
31	John Geger.	John Geger.	July 22, 1817	July 22, 1817	600.00	Copinger.	1790.	.....	April 28, 1792	Samuel Eastlake.	Newcomb creek.	.....	.....
32	Francis P. Sanchez.	Spicer Christopher.	April 8, 1809	April 8, 1809	338.331	White.	1790.	.....	Sept. 4, 1820	G. J. F. Clarke.	South Bank, St. John's.	.....	.....
33	Francis P. Sanchez.	John Rago.	May 28, 1816	May 28, 1816	345.00	Copinger.	1815.	.....	Dec. 19, 1803	John Purcell.	Musquitos.	.....	.....
34	Heir of Lindsay Todd.	Lindsay Todd.	July 1, 1815	July 1, 1815	600.00	Estrada.	1790.	.....	April 21, 1817	G. J. F. Clarke.	Cedar creek, St. John's.	.....	.....
35	do	do	Feb. 11, 1817	Feb. 11, 1817	390.00	Copinger.	1815.	.....				.....	.....

REPORT No. 1.—Register of claims to lands—Continued.

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of the survey.	Quantity of land.	By whom conceded.	Authority under which concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.	Occupation or cultivation.	
												From—	To—
36	Heirs of Thomas Travers.	Thomas Travers.	Sept. 28, 1803		<i>Acres.</i> 125.00	White	1790	Complied with.	Nov. 18, 1792	Samuel Eastlake.	St. Patrick.		
37	Antonio Hinsman.	Antonio Hinsman.		Oct. 9, 1790	340.00	Quezada.	1790	Complied with.	May 29, 1793	Joshua Dupont.	Arquey, North river.		
38	Philip Weedman.	Philip Weedman.		July 5, 1815	150.00	Estrada.	1790	do.	April 28, 1819	A. Burgevin.	On the Picolata road.		
39	James Hall.	James Hall.		Jan. 8, 1818	775.00	Coppinger.	1790	do.	July 21, 1819	G. J. F. Clarke.	Julinton creek, St. John's.		
40	Heirs of E. Waterman.	Eliaser Waterman.	Feb. 22, 1816		175.00	do.	1790	do.	Feb. 4, 1816	do.	Waterman's Bluff.		
41		do.		Feb. 17, 1816	270.00	do.	1790	do.	Mar. 20, 1816	do.	McQueen's Swamp.		
42	Andrew R. Govan.	Thomas D. Aguilar.	June 4, 1817		600.00	do.	1815	do.	April 15, 1818	do.	Orange Grove, St. John's.		
43	McDowell & Black.	Andres Burgevin.		Dec. 11, 1817	400.00	do.	1790	do.	Mar. 27, 1818	Robert McHardy.	St. John's.		
44	Heirs of Gideon Dupont.	Ant. Usina and J. Holzendorf.		Nov. 15, 1792	400.00	Quezada.	1790	Complied with.			Montre.		
45	Heirs of George Fleming.	George Fleming.	April 5, 1816		950.00	Coppinger.	1815	do.	Nov. 16, 1818	A. Burgevin.	West St. John's.		
46	do.	do.			1,000.00	do.	1790	do.	Nov. 16, 1818	do.	do.		
47	Gabriel W. Perpill.	Gabriel W. Perpill.	Jan. 12, 1818		600.00	do.	1815	do.	Sept. 9, 1819	do.	Big Hammock.		
48	do.	Joseph Bonelli.		Jan. 16, 1799	600.00	White	1790	Complied with.			Mananzas.		
49	do.	Gabriel W. Perpill.	Jan. 15, 1818		1.00	Coppinger.	1790	do.			Of Matanzas.		
50	do.	Ramon Fuentes.	Jan. 13, 1818		335.00	do.	1790	do.	Aug. 13, 1818	A. Burgevin.	Turball.		
51	do.	Pedro Triny.		Sept. 30, 1806	8.50	White	1790	Complied with.			Outside Horn Works.		
52	do.	Gabriel W. Perpill.	May 24, 1815		535.00	Kindelan.	1790	do.			Mananzas.		
53	do.	do.	May 23, 1815		150.00	do.	1790	do.			East side Halifax river.		
54	Mariano Berta.	Andrew Pacey.	April 23, 1804		166.65½	White.	1790	do.	April 27, 1819	A. Burgevin.	Musquitos.		
55	do.	John Capo.	Sept. 7, 1804		200.00	do.	1790	do.			North river.		
56	Abby Derier.	George Petty.	April 5, 1815		200.00	Kindelan.	1790	do.	May 1, 1821	G. J. F. Clarke.	Mount Royal.		
57	Hernando S. Dexter.	William Baden.	Mar. 17, 1815		200.00	do.	1790	do.			St. John's.		
58	The heirs of F. P. Fatio.	Francis P. Fatio.	Nov. 21, 1791		200.00	Quezada.	1790	do.	Sept. 7, 1818	Robert McHardy.	Nice, St. John's river.		
59	Joseph M. Hernandez.	J. M. Hernandez.	May 28, 1816		800.00	Coppinger.	1815	do.	Feb. 10, 1820	G. J. F. Clarke.	Graham's Swamp.		
60	do.	Ann Maria Hill.		Aug. 19, 1811	100.00	Estrada.	1790	do.			Old Chimneys.		
61	do.	Fernando M. Arredondo.		Dec. 29, 1817	70.00	Coppinger.	1790	do.	Sept. 2, 1818	Robert McHardy.	An island.		
62	do.	John B. Ferreira.	Sept. 26, 1815		375.00	Esdrada.	1790	do.	May 10, 1819	G. J. F. Clarke.	St. Sebastian's river.		
63	Martin Hernandez.	Martin Hernandez.	Oct. 5, 1815		20.00	do.	1790	do.			An orange grove.		
64	do.	do.	Oct. 5, 1815		10.35	do.	1790	do.	Aug. 17, 1818	A. Burgevin.	Turball's Swamp.		
65	Gabriel W. Perpill.	John G. Monteleone.	Sept. 3, 1816		500.00	Coppinger.	1815	do.			Musquitos, Smith's Point.		
66	do.	do.	Sept. 3, 1816		290.00	do.	1815	do.	April 20, 1818	Robert McHardy.	Mananzas.		
67	Mary Kunen.	Mary Kunen.		Nov. 13, 1817	200.00	do.	1815	do.	Sept. 4, 1818	do.	Three miles west St. Augustine.		
68	Joseph M. Hernandez.	Michael Crosby.	Mar. 6, 1816		800.00	do.	1790	do.			St. Mary's.		
69	F. M. Arredondo, Jr.	Prince (a man of color)			175.00	do.	1790	do.	May 9, 1818	G. J. F. Clarke.	St. John's river.		
70	Samuel Worthington.	Samuel Worthington.	Mar. 18, 1817		100.00	do.	1790	do.	Nov. 17, 1819	do.	do.		
71	Edward M. Wanton.	E. M. Wanton.	Nov. 3, 1801		200.00	White	1790	do.			do.		
72	do.	do.	Nov. 3, 1801		150.00	do.	1790	do.	Nov. 17, 1819	do.	do.		



Report No. 1.—Register of claims to lands—Continued.

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.	Occupation or cultivation.	
												From—	To—
73	Mary Fontané	Joseph Fontané	April 4, 1816	<i>Spec.</i> 485.00	Copinger	1815					Head of Moultrie creek.		
74	Andrew Atkinson	Andrew Atkinson	April 29, 1793	920.00	Quesada	1790		Complied with.	May 27, 1793	Jonah Dupont	North river.		
75	William Walker	William Walker	Feb. 16, 1816	175.00	Copinger	1790					Nassau.		
76	Heirs of Andrew Peim	Andrew Peim	Jan. 5, 1807	500.00	Quesada	1790		Complied with	Mar. 11, 1817	Robert McHardy	St. John's river		
77	Philip Embara	Philip Embara	Jan. 29, 1793	100.00	White	1790		do.			West of the ferry		
78	Heirs of William Pengree	William Pengree	Jan. 29, 1793	1,000.00	Quesada	1790					Doctor's lake		
79	Rebecca Pengree	Rebecca Pengree	May 9, 1790	500.00	White	1790					St. John's river		
80	Sarah Petty	Thomas Rodgers	Sept. 5, 1804	50.00	do.	1790		Complied with	April 13, 1793	Samuel Eastlake	Little orange grove.		
81	do	John Houston	do	250.00	do.	1790					St. Mary's river	1793	1821
82	do	do	do	200.00	do.	1790			Mar. 30, 1793	do	High Mount	1792	1821
83	Joseph Summrell	Joseph Summrell	do	150.00	do.	1790			Mar. 11, 1792	do	Williams' creek		
84	do	do	April 28, 1792	200.00	Quesada	1790					Sackey's bluff		
85	do	James Chickworth	do	300.00	do	1790			Nov. 11, 1791	Samuel Eastlake	St. John Baptist, Nassau		
86	William and John Lofton	John Lofton	do	350.00	do	1790			Feb. —, 1792	do	do		
87	do	John Lofton, jr.	do	350.00	do	1790			Feb. 24, 1792	do	Lofton		
88	Pedro Trope	Maria Ortega	Mar. 15, 1803	150.00	White	1790					Mosquitos		
89	Daniel C. Hart	Daniel C. Hart	Jan. 8, 1818	150.00	Copinger	1790					do		
90	George F. and Oliver Palms	Francisco Medicis	Feb. 15, 1816	945.00	do	1815			Sept. 12, 1816	Robert McHardy	St. Diego plains		
91	Heirs of A. E. Ferguson	Arthemas E. Ferguson	Oct. 5, 1811	507.00	Estrada	1790					Succoway		
92	do	do	Oct. 7, 1811	43.33	do	1790					Turkey bluff		
93	John Gianoply	John Gianoply	July 6, 1799	500.00	White	1790			Oct. 29, 1819	A. Burgevin	St. Marcos lake		
94	do	do	June 1, 1807	10.00	do	1790			Oct. 2, 1823	G. Darling	Near the city		
95	Heirs of A. Montero	A. Montero	Jan. 23, 1808	35.00	do	1790			Oct. 2, 1823	do	do		
96	Reuben Charles	Lewis Scotland	June 17, 1796	100.00	do	1790					King's road		
97	Bart. de Castro y Ferrer	Bart. de Castro y Ferrer	April 10, 1817	35.00	Copinger	1790					St. Pablo		
98	Francisco P. Sanchez	Bart. Figueroa	Mar. 10, 1807	95.00	White	1790		Complied with			Moultrie		
99	Sarah Petty	George Long	do	285.33	do	1790			April 9, 1793	Jonah Dupont	St. George		
100	Heirs of Thomas Tavera	Thomas Tavera	Sept. 27, 1808	1,000.00	White	1790					St. Thomas		
101	do	do	Sept. 27, 1808	172.00	do	1790					St. Patrick		
102	John Gianoply	Domingo Segul	Jan. 18, 1805	10.00	do	1790		Complied with	Oct. 6, 1823	G. Darling	Near the city		
103	Seymour Pickett	Seymour Pickett	Sept. 3, 1803	350.00	do	1790			May 20, 1804	John Furell	Mosquitos		
104	Heirs of Henry Martin	Henry B. Martin	Sept. 3, 1803	400.00	do	1790					do		
105	Robert Shepherd	Robert Shepherd	Dec. 30, 1803	100.00	do	1790					do		
106	Robert Walker	Robert Walker	July 14, 1803	100.00	do	1790					do		
107	Pedro Cocifacio	Pedro Cocifacio	Oct. 12, 1815	522.00	Estrada	1790					St. John's river		
108	Gabriel Priest	John M. Fontané	Jan. 5, 1816	500.00	do	1815					Black creek		
109	Edward M. Wanton	Edward M. Wanton	Nov. 25, 1817	300.00	Copinger	1815			Nov. 17, 1819	G. J. F. Clarke	St. John's river		

## REPORT No. 1.—Register of claims to lands.—Continued.

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.	Occupation or cultivation.	
												From—	To—
110	Edward M. Wanton.....	Edward M. Wanton.....	.....	Nov. 25, 1817	4 acres.	Coppinger.....	1815.....	.....	Nov. 17, 1819	G. J. F. Clarke.....	St. John's river.....	.....	.....
111	Bernardo Segui.....	Esken Annad.....	.....	Nov. 17, 1815	300.00	Extrad.....	1815.....	.....	Oct. 7, 1818	R. McHardy.....	Haita river.....	.....	.....
112	John Bunch.....	John Bunch.....	.....	Aug. 11, 1804	2,160.00	White.....	1790.....	.....	June 5, 1823	A. Burgevin.....	Mosquitos.....	.....	.....
113	Heirs of F. X. Sanchez.....	Francisco X. Sanchez.....	.....	July 8, 1802	30.00	.....do.....	1790.....	.....	Sept. 9, 1819	A. Burgevin.....	West of St. John's river.....	.....	.....
114	John B. Enralgo.....	John D. Vaughan.....	Nov. 15, 1817	.....	1,000.00	Coppinger.....	1815.....	.....	Dec. 8, 1816	G. J. F. Clarke.....	Lofton's creek.....	1816	1824
115	John D. Vaughan.....	John D. Vaughan.....	.....	.....	900.00	Kindelan.....	1790.....	.....	Dec. 29, 1791	Samuel Eastlake.....	St. John's, St. Anthony.....	1814	1824
116	Widow and heirs of U. Bowden.....	Uriah Bowden.....	April 17, 1815	.....	750.334	White.....	1790.....	.....	Jan. 9, 1792	.....do.....	Glorat, St. John's.....	.....	.....
117	Heirs of Thomas Travers.....	T. Travers, as's'nee of T. Sterling.....	.....	Oct. 11, 1803	200.00	Coppinger.....	1815.....	.....	Dec. 10, 1817	G. J. F. Clarke.....	St. Mary's river.....	1815	1824
118	Shadrack Standley.....	Shadrack Standley.....	.....	Oct. 20, 1817	250.00	.....do.....	1790.....	.....	May 3, 1817	.....do.....	McGill's creek.....	.....	.....
119	Francisco P. Sanchez.....	David S. H. Miller.....	.....	Mar. 18, 1817	115.00	White.....	1790.....	.....	June 14, 1821	A. Burgevin.....	Muanzas.....	.....	.....
120	Francis J. Ayce.....	Ayrick (a man of color).....	.....	Nov. 10, 1803	445.00	Coppinger.....	1815.....	.....	Sept. 4, 1818	R. McHardy.....	Good Luck.....	.....	.....
121	Joseph M. Hernandez.....	Widow and heirs of J. Ormond.....	April 23, 1817	.....	2,000.00	.....do.....	1790.....	.....	Feb. 19, 1816	.....do.....	Damietta, Mosquito.....	1816	1824
122	James and E. Ormond.....	Widow and heirs of J. Ormond.....	April 18, 1816	.....	175.00	White.....	1790.....	.....	.....	.....	Key Biscayno.....	.....	.....
123	Mary Ann Davis.....	Pedro Fornells.....	Jan. 18, 1805	.....	175.00	.....do.....	1790.....	.....	Dec. 14, 1807	John Purcell.....	Amelia island.....	.....	.....
124	John D. Vaughan.....	John D. Vaughan.....	.....	Mar. 4, 1797	250.00	.....do.....	1790.....	.....	Feb. 15, 1819	A. Burgevin.....	St. Sebastian's creek.....	.....	.....
125	Gabriel W. Porpall.....	Jose B. Reyes.....	.....	Feb. 6, 1805	16.00	.....do.....	1790.....	.....	Feb. 3, 1792	Samuel Eastlake.....	St. Pablo creek.....	1809	1824
126	Bart. de Castro y Ferrer.....	John McQueen.....	Feb. 27, 1804	.....	2,826.664	.....do.....	1790.....	.....	.....	.....	.....	.....	.....

GENERAL REMARKS.—No. 111. See claim No. 2, report No. 10, 1825.

No. 121. No evidence to prove the interference with a British grant, although it has been suggested; therefore confirmed.

The board are unanimously of the opinion that the cases herewith reported were valid Spanish grants, made previous to January 24, 1818, and therefore confirm them to the claimants.

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## SECOND SESSION.—1824.

No. 1.—REPORT No. 1.—1824.

*John F. Brown vs. The United States. Claim to fifty-one acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John F. Brown sheweth: That your memorialist claims title to a tract of land consisting of fifty-one acres, situated on the north side of St. John's river, and known by the name of Dame's Point, comprised in two islands divided by a neck of land and marsh in front of said river, bounded on the east by St. John's river, on the south by St. John's river, and on the north by a line running north 80° west, 123 chains, and on the west by a line running north 20 chains, and by a marsh, agreeable to a plat herewith exhibited, and marked F; which title your memorialist derives from a grant made to Josiah Gray, dated February 16, 1816, by Governor Coppinger, in virtue of the royal order of March 29, 1815, who sold the same to George Fleming, as per deed marked D, and dated March 8, 1819, and sold by George Fleming to your memorialist as per deed marked E, dated November 22, 1820, herewith exhibited. And your memorialist further sheweth that he was, at the exchange of flags, and now is, in actual possession of said lands; that he is a citizen of the Territory of Florida and resident of the said lands.

All which is respectfully submitted.

JOHN F. BROWN.

[Translation.]

*To his excellency the governor:*

Don Joseph Gray, inhabitant of this province, established in Fernandina, to your excellency respectfully sheweth: That he is desirous of establishing himself in the cultivation of lands and the cutting of timber on the banks of the river St. John's, with his slaves, for which purpose he hopes your excellency will be pleased to attend to his request by granting him, on the terms you may think proper, and to a subject who in said town was enrolled in the militia and performed the daily duty during the threatened assault which it suffered since the last evacuation thereof by the United States, four hundred acres of land in the following places: One hundred acres of land in the place called *Dame's Point, St. John's*; one hundred in that known as *James Richards', Clapboard creek*; and the remaining two hundred in the place called *Newcomb's creek, Wm. Christopher*, which places are vacant; and assures your excellency that, should you be pleased to grant him the same, he will cultivate and improve it. In virtue of which he prays your excellency will be pleased to grant him said lands to remove thereon immediately with his family, consisting of himself, his wife and daughter, and six slaves, being a favor for which he will be grateful. Florida, January 9, 1816.

JOSIAH GRAY.

St. AUGUSTINE, January 9, 1816.

Let the civil and military commandant of Amelia island report relative to the particulars to which the interested refers, and also of the slaves which he possesses, and their ages, that, according to which, I may order what may be most convenient.

COPPINGER.

*To his excellency the governor:*

The interested in this memorial has proved that he has six slaves, and the family which he cites, being of very industrious habits, without vice, as it has been in my power to observe for more than seven months that I have been commanding in this town. As to what respects his services and fidelity, the certificate of the captain and lieutenant proves it; for which reason I am of opinion that your excellency may be pleased to grant him the land to which he is entitled, as he pledges to be a useful inhabitant of this province. Notwithstanding all of which, your excellency will be pleased to determine what you may think most convenient. Fernandina, February 9, 1816.

BENITO DE PANGUA.

St. AUGUSTINE, February 16, 1816.

In consequence of what appears by his Majesty's royal order of March 29, 1815, relative to the quantity of land to be distributed to those who have served in the militia during the insurrection of the province, there appertains to Don Joseph Gray, his wife, and six slaves which he owns, two hundred and fifty acres, according to the rules which are observed for this purpose; in virtue of which, let him be informed that he put in continuation and point out the place that suits him, and a minute description of its boundaries, that, with this knowledge, the title of property can be given him from the notary's office, without any other requisite, and without injury to a third.

COPPINGER.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, S. B. L. C.

[Translation.]

*To his excellency the governor:*

Don Josiah Gray, a resident and inhabitant of this province, to your excellency respectfully sheweth: That, for the ends that may be advantageous to him, he requires that, by the notary of government, there be given to him in continuation a certified copy of the plat and certificate made by the surveyor, Don George Clarke, of the land which this government granted to the memorialist at a place known as Dame's Point, on the north side of the river St. John's; which plat is on file in the archives of the said notary.



He therefore prays that your excellency will be pleased to order that his request be attended to, being ready to pay the customary fees, which gift he hopes to obtain from the justice of your excellency. St. Augustine, March 8, 1819.

JOSIAH GRAY.

St. AUGUSTINE, March 8, 1819.

Agreeably to his request.

COPPINGER.

Before me: JUAN DE ENTRALGO, *Notary of Government*.

In St. Augustine, on the same day, month, and year, I notified the preceding to Don Josiah L. Gray.

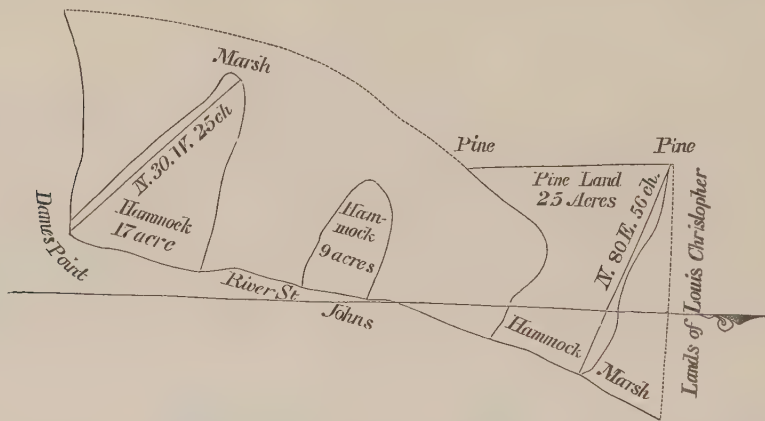
I attest:

ENTRALGO.

CERTIFICATE.

Don George Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor general, appointed by the government of the same city and its provinces: I certify that I have measured and laid off for Don Josiah Gray fifty-one acres of land in the place known by the name of Dame's Point, on the north side of the river St. John's, being part of a large quantity granted him February 16, 1816, and conformable in all its parts to the following plat, a copy of which remains in the book of surveys under my charge. Fernandina, May 6, 1816.

GEORGE J. F. CLARKE.



Conformable to its original, copied in my presence by Don Andrew Burgevin, an intelligent person; and as respects the figure of the plat and the rest contained therein, as literally taken from the original, which remains in the archives under my charge, to which I refer; and in compliance with what is ordered on the preceding decree, I seal and sign the present copy in St. Augustine, Florida, March 8, 1819.

[L. S.]

JUAN DE ENTRALGO, *Notary of Government*.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

[Here follows a conveyance of the 51 acres by Josias Gray to George Fleming, dated March 8, 1819; also, a conveyance from George Fleming of the said 51 acres to John Flagg Brown, (the claimant,) dated November 22, 1820.]

DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant previous to January 24, 1818; that the grantee, after the above date, located the fifty-one acres at the place set out in his memorial; that he conveyed the same by deed to George Fleming, who conveyed the same by deed to claimant. In consideration whereof, we confirm the same to him and his heirs. April 17, 1824.

No. 2.—REPORT No. 1.—1824.

*John F. Brown vs. The United States. Claim to ninety-five acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John F. Brown respectfully sheweth: That your memorialist claims title to a tract of land consisting of ninety-five acres, situated in a place called Clapboard creek, on the north side of the river St. John's, consisting of a small island called Pilot's, and pine barren near it separated from said island, bounded by Big and Little Clapboard creeks, on all other sides by marsh and pine barren; first line runs north, twenty-five chains; the second line runs west, fifteen chains; the third line runs south fifty degrees west, twenty-five chains; the fourth line runs south seventy-six degrees east, thirty-six chains, agreeable to a plat herewith exhibited of the same, and marked C; which title your memorialist derives from a grant made to Josiah Gray, dated February 16, 1816, by Governor Coppinger, in virtue of the royal order of March 29, 1815, who sold the same to George Fleming, as per deed marked A, dated March

8, 1819, and sold by George Fleming to your memorialist, as per deed marked B, and dated November 22, 1820, herewith exhibited. And your memorialist further sheweth that he was, at the exchange of flags, and now is, in actual possession of said lands; that he is a citizen of the Territory of Florida, and resident on the said lands. All which is respectfully submitted.

JOHN F. BROWN.

[Translation.]

*To his excellency the governor:*

Don Joseph Gray, an inhabitant of this province, established in Fernandina, to your excellency respectfully sheweth: That he is desirous of establishing himself in the cultivation of lands and the cutting of timber on the banks of the river St. John's, with his slaves, for which purpose he hopes your excellency will be pleased to attend to his request, by granting him, on the terms you may think proper, and to a subject who in said town was enrolled in the militia, and performed the daily duty during the threatened assault which it suffered since the last invasion thereof by the United States, four hundred acres in the following places: One hundred acres in the place called *Dame's Point, St. John's*; one hundred acres in that known as James Richards', Clapboard creek; and the remaining two hundred in the place called *Neuwomb's creek, Wm. Christopher*, which places are vacant; and assures your excellency that, should you be pleased to grant him the same, he will cultivate and improve it; in virtue of which he prays that your excellency will be pleased to grant him the same. He will cultivate and improve it, in virtue of which he prays that your excellency will be pleased to grant him said lands, to remove thereon immediately with his family, consisting of himself, his wife, one daughter, and six slaves, being a favor for which he will ever be grateful. Florida, January 9, 1816.

JOSIAH GRAY.

St. AUGUSTINE, January 9, 1816.

Let the civil and military commandant of Amelia island report relative to the particulars to which the interested refers, and also of the slaves which he possesses, and their ages, that, according to which, I may order what may be most convenient.

COPPINGER.

*To his excellency the governor:*

The interested in this memorial has proved that he has six slaves, and that the family which he cites being of very industrious habits, without vices, as it has been in my power to observe for more than seven months that I have been commanding in this town. As to what respects his services and fidelity, the certificate of the captain and lieutenant proves it, for which reason I am of opinion that your excellency may be pleased to grant him the land to which he is entitled, as he pledges himself to be a useful inhabitant of this province. Notwithstanding all which, your excellency will be pleased to determine what you may think most convenient. Fernandina, February 9, 1816.

BENITO DE PANGUA.

St. AUGUSTINE, February 16, 1816.

In consequence of what appears by his Majesty's royal order of March 29, 1815, relative to the quantity of land to be distributed to those who have served in the militia during the insurrection of the province, there appertains to Joseph Gray, his wife, and six slaves which he owns, two hundred and fifty acres, according to the rules which are observed for this purpose. In virtue of which, let him be informed that he put in continuation and point out the place that suits him, and a minute description of its boundaries, that with this knowledge the title of property can be given him from the notary's office without any other requisite, and without injury to a third.

COPPINGER.

Before me: JUAN DE ENTRALGO.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

[Translation.]

*To his excellency the governor:*

Don Josiah Gray, an inhabitant of this province, to your excellency respectfully sheweth: That, for the ends that may be advantageous to him, he requires that, by the notary of government, there be given him in continuation a certified copy of the plat and certificate made by the surveyor, Don George Clarke, of the land which this government granted to the memorialist in the small island called Tilot's island, and the pine barren adjacent to the same, both places situated on the creek called Clapboard creek, on the north side of the river St. John's; which plat is on file in the archives of the said notary. He therefore prays that your excellency will be pleased to order that this request be attended to, being ready to pay the customary fees. Which gift he hopes to obtain from the justice of your excellency. St. Augustine, Florida, March 8, 1819.

JOSIAH L. GRAY.

St. AUGUSTINE, March 8, 1819.

COPPINGER.

Agreeably to his request.

Before me: JUAN DE ENTRALGO, *Notary of Government*.

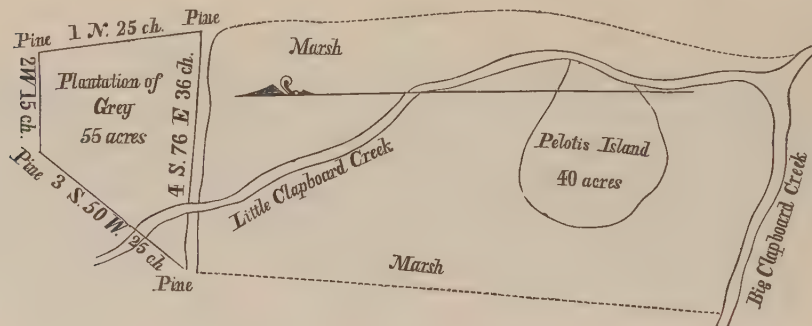
In St. Augustine, on the same day, month, and year, I notified the preceding decree to Don Josiah L. Gray. I attest:  
ENTRALGO.

CERTIFICATE.

Don George Clarke, lieutenant of local militia of St. Augustine, Florida, and surveyor general, appointed by the government of the same city and province: I certify that I have measured and laid off for Don Josiah Gray ninety-five acres of land on a small island, and on the pine barren adjacent to the

same, both places situated on a creek named Clapboard creek, on the north side of the river St. John's, being part of a larger quantity granted him by the government February 16, 1816, and conformable in all its parts to the following plat, a copy of which remains in the book of surveys under my charge. Fernandina, May 8, 1816.

GEORGE J. F. CLARKE.



Conformable to its original, copied in my presence by Don Andrew Burgevin, an intelligent person; and as respects the figure of the plat, and the rest contained therein, are literally taken from the original which remains in the archives under my charge, to which I refer; and, in compliance with what is ordered in the preceding decree, I seal and sign the present copy in St. Augustine, Florida, March 8, 1819.

[L. s.]

JOHN DE ENTRALGO, Notary of Government.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, S. B. L. C.

[Here follows a conveyance from Josiah L. Gray to George Fleming, dated March 8, 1819, for the ninety-five acres of land; also a conveyance from Fleming to John Flagg Brown, the claimant, dated November 22, 1820.]

*John F. Brown vs. The United States. Claim to ninety-five and fifty-one acres.*

#### MEMORIAL.

Francis J. Fatio, being duly sworn, says that, to the best of his knowledge and belief, the signature of Juan de Entralgo, who was notary in this city in the year 1816, and whose name appears to the documents in the above cases, are in his handwriting.

F. J. FATIO.

#### DECREE BY THE BOARD.

The board ascertains this to be a valid Spanish grant previous to January 24, 1818; that the grantee, after the above date, located the ninety-five acres at the place set out in his memorial; that he conveyed the same by deed to George Fleming, who conveyed the same by deed to claimant. In consideration whereof, we confirm the same to him and his heirs. April 17, 1824.

#### No. 3.—REPORT No. 1.—1824.

*Mariano A. Berta vs. The United States. Claim to one hundred and eighty-six acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Mariano A. Berta respectfully sheweth: That your memorialist claims title to a tract of land consisting of or supposed to consist of one hundred and eighty-six acres, situated in the county of St. John's, on Cartel Point neck, bounded on the north by lands granted to Pachiti. The first line begins at a stake, and running south 83° west, 55 chains, bounded on the east by Guana creek, on the west by the North river, and on the south by lands of John Andrew. Your memorialist is not able to set forth the other lines, the said tract having never been properly surveyed. Which title your memorialist derives from a grant made to Andrew Pacety, deceased, by Governor Estrada, in virtue of the royal order of 1790, on October 26, 1815, whose widow sold the same to your memorialist June 20, 1822. And your memorialist further sheweth that he is in actual possession of said lands; that his name is Mariano A. Berta; that he is a citizen of the United States and resident of St. Augustine.

For MARIANO A. BERTA,  
G. W. PERPALL.

[Translation.]

#### Title of property.

Don Juan José de Estrada y Toro, lieutenant colonel of the royal armies, commandant of the third battalion of Cuba, civil and military governor *pro tempore*, and chief of the royal finance of this city of St. Augustine, and its province:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and two Floridas, it is provided, among other things, that to those foreigners who,



of their free will, present themselves to swear allegiance to our sovereign, lands should be surveyed for them gratis, in proportion to the laborers each family may have; that Don Andres Pacety, of this city, having presented himself, he solicited of and there were granted him by the government, under date of October 10, 1804, two hundred acres of land on the banks of the North river, as appears by the certificate given by the government secretary's office of the same date, which is attached to the proceedings instituted by the interested, praying there should be granted him the corresponding title of the land above mentioned; which is bounded on the south by lands of John Andrew, and on the north with those formerly belonging to Don Manuel Fernandez Benticks, as also appears by said certificate; and as no title whatever had been given him for the security and evidence of his right to said land in the form it has been given to others; that more than the ten years of uninterrupted possession have elapsed to obtain said lands in fee simple and absolute property; that he has built houses thereon, cultivated the same, and finally performed all and singular the conditions established by the government for the gifts and concessions of this nature, as is seen in the titles given to other settlers, and is set forth in the same proceeding: Wherefore, and in consideration of all which, I have granted, and by these presents I do grant, in the name of his Majesty, to Don Andres Pacety the two hundred acres of land in absolute property, for himself, his heirs, and his successors; and in granting, as by these presents I do grant, him the corresponding title by which I separate it for the royal domain; from the right and dominion it held in said lands; and I cede and transfer it to the said Don Andres Pacety, his heirs and successors, that, in consequence thereof, they may possess it as their own, make use of and enjoy it, free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all and in general which bath, doth, or in any manner by right may belong or pertain thereto; and, it being their will, they may sell, cede, transfer, and alienate it at their will and pleasure. To all of which I interpose my authority as far as possible, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary *pro tem.* of government and royal finance, in this said city of St. Augustine, Florida, October 16, 1815.

JUAN JOSÉ DE ESTRADA.

By order of his excellency:

JUAN DE ENTRALGO, *Notary of Government and Royal Finance.*

Conformable to its original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, October 16, 1815.

[L. s.]

JUAN DE ENTRALGO, *éc., &c.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language. F. J. FATIO, *S. B. L. C.*

[Here follows a conveyance by the widow of Andres Pacety, deceased, to claimant, dated June 13, 1822.]

#### DECREE BY THE BOARD.

The claimant produced to the board in support of his claim a title of absolute property made by Governor Estrada to Andres Pacety, dated October 16, 1815, and a conveyance from the widow of the said Pacety to claimant for the land in question. In consideration whereof, we confirm the same to him and his heirs. April 20, 1824.

#### NO. 4.—REPORT NO. 1.—1824.

*George Atkinson vs. The United States. Claim to three hundred and fifty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George Atkinson, by George Gibbs, his attorney, respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and fifty acres, situated on the east side of the river St. John's, known by the name of Colonel Castle, bounded on the north by the lands of Francisco Richard, on the south by lands of Francisco Richard, on the east by a line running north 20° west, 75 chains, and on the west by St. John's river, agreeable to a plat herewith exhibited of the same, and marked A; which title your memorialist derives from a grant made to William Hart by Governor Estrada, in virtue of the royal order of October 29, 1790, who sold the same by his attorney Don Tomas de Aguilar, as per power of attorney, marked B, to George Atkinson, as per deed marked C, herewith exhibited. And your memorialist further sheweth that he was, at the exchange of flags, and now is, in actual possession of said land; that he is a citizen of the State of Georgia, and resident of the city of Darien. All which is respectfully submitted.

GEORGE ATKINSON.

By GEORGE GIBBS, *Attorney in fact.*

[Translation.]

*Title of property in favor of William Hart of the plantation called Colonel Castle.*

Don Juan José de Estrada y Toro, lieutenant colonel of the army, commandant of the third battalion of Cuba, which garrisons this city, and civil and military governor *pro tempore* of the same and its province:

Whereas, by royal order communicated to this government by the captain general of the Island of Cuba and two Floridas, it is provided, among other things, that to those foreigners who, of their free will, present themselves to swear allegiance to our sovereign, lands should be laid off for them gratis, in proportion to the laborers each family may have; that William Hart having presented himself as one of them, there were granted him by this government, under date of November 28, 1801, the plantation called Colonel Castle, containing ten caballerias and seventeen acres of land, situated on the river St. John's, of this said province; which plantation, on account of its first owner, John George Knowles, having abandoned it, the same was granted to Joseph Pons, December 16, 1795, and in consequence it was exchanged by this person with the above-mentioned Hart; the dimensions and boundaries of which are as

follows: The first line runs north  $70^{\circ}$  east, commencing at a laurel marked with a cross, on the banks of the river St. John's, and ends at a pine with the same mark, bounding the lands of Don William Jones, measuring 60 chains; the second line runs north  $20^{\circ}$  west, beginning at the said pine, and ends at a stake with the same mark, on the banks of the said river, as appears by the certificate given by Captain Don Pedro Marrot, commissioned judge for the distribution and survey of lands, dated January 24, 1792, and its corresponding plat, attested by Don Samuel Eastlake, who was surveyor in said measurement; which certificate, as well as the two already named in favor of Pons and Hart, are attached to the proceedings instituted by the last, through his attorney Don Tomas de Aguilar, praying there should be granted him the corresponding title of the said land, which he has measured and laid off, and of which he is in possession; and as no title whatever had been given him for the security and evidence of his right to the said land in the form it has been given to others; that more than the ten years of uninterrupted possession have elapsed to obtain said lands in fee simple and absolute property; that he has built houses thereon, and cultivated the same, and finally performed all and singular the conditions established by the government for the gifts and concessions of this nature, as is seen in the titles given to other settlers, and is set forth in the same proceedings: Wherefore, and in consideration of all of which, I have granted, and by these presents do grant, in the name of his Majesty and his royal justice, which I administer, to the said William Hart, and those who may succeed him, the above-mentioned ten caballerias and seventeen acres of land which the said plantation contains, in absolute property; and in granting, as by these presents I do grant him, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said land; and I cede and transfer it to the said William Hart, and to those who may succeed him, that, in consequence thereof, they may possess it as their own, make use of and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all and in general which hath, doth, or in any manner by right may belong or pertain thereto; and, it being their will, they may sell, cede, transfer and alienate it at their will and pleasure. To all of which I interpose my authority as far as possible, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary of his Majesty, of government and royal finance, in this said city of St. Augustine, Florida, October 4, 1801.

JUAN JOSÉ DE ESTRADA.

By order of his excellency:

JOSÉ ZUBIZARETTA, *Notary of Government.*

I certify the foregoing to be a true and correct translation of a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

[Here follows a general power of attorney from William Hart to Don Tomas de Aguilar, dated April 9, 1808; also, a conveyance from Aguilar, as attorney aforesaid, to claimant, dated October 17, 1811.]

[Translation.]

To his excellency the governor:

Don George Atkinson, an inhabitant of this province, to your excellency respectfully sheweth: That he requires that the land which he purchased of William Hart, on the river St. John's, be laid off, to prevent disputes with his neighbors adjoining; he therefore prays that your excellency will be pleased to permit the surveyor, Don George Clarke, to go on said land for the laying off the same, which favor he hopes to receive from your excellency. St. Augustine, Florida, December 3, 1811.

As attorney for the interested:

TOMAS DE AGUILAR.

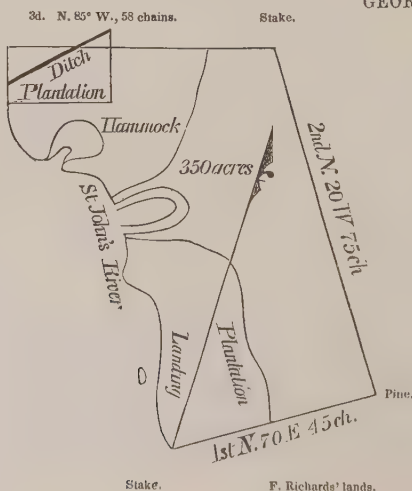
Agreeably to his request.

ESTRADA.

[Translation.]

Don George Clarke, lieutenant of local militia of St. Augustine, Florida, and surveyor general, appointed by the government of the said city and province: I certify that, in compliance with the superior order of his excellency, I have measured and laid off for Don George Atkinson, merchant, of this province, three hundred and fifty acres of land, situated on the east bank of the river St. John's, and place known by the name of St. Elizabeth's Battery, which land is according to the following in its figure and measurement, and its copy kept in the book of surveys under my charge. Fernandina, February 25, 1812.

GEORGE J. F. CLARKE.



I certify the foregoing to be a true and correct translation of a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

## DECREE BY THE BOARD.

The claimant produced in evidence a title of absolute property from Governor Estrada to William Hart, dated October 4, 1811. Also, a power of attorney from said Hart to Don Tomas de Aguilar, dated April 9, 1808, and a conveyance from Aguilar, as attorney for grantee, to claimant, dated October 17, 1811; all which being satisfactory to the board, they, in consideration thereof, confirm to the claimant and his heirs the 350 acres of land. April 20, 1824.

## No. 5.—REPORT No. 1.—1824

*Isaac Hendricks vs. The United States. Claim to three hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Isaac Hendricks respectfully sheweth: That your memorialist claims title to a tract of land consisting of 350 acres, situated on the north side of the river St. John's, two miles above Jacksonville; bounded south and east by McCoy's creek, Hogans' lands; northwest by public lands; bounded according to the plat of the survey marked A, which is herewith presented. Which title your memorialist derives from a royal grant made by Governor Coppinger in 1817, in virtue of the royal order of 1790. Your memorialist further states that he is in possession of said lands, and was so at the time of the cession; that he is a citizen of the United States and resident of the Territory of Florida. All of which is respectfully submitted.

A. BELLAMY, *Memorialist's Attorney.*

[Translation.]

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance in this city of St. Augustine, Florida, and its province:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and two Floridas, it is provided, among other things, that to those foreigners who, of their free will, present themselves to swear allegiance to our sovereign, land should be laid off for them gratis, in proportion to the laborers each family may have; that Isaac Hendricks presented himself as one of them; he solicited of the government, and there were granted him, in the month of February, 1804, three hundred and fifty acres of land on the north side of the river St. John's, at a place called McCoy's creek, as is seen by the proceedings instituted by the said Hendricks; that there should be given him the corresponding title of property to said lands on file in the government notary's office; and as no title whatever had been given the said Hendricks for the security and evidence of his right to the said land in the form it has been executed to others; that more than the ten years of uninterrupted possession have elapsed to obtain said lands in fee simple and absolute property, built houses thereon, cultivated them, and performed all the conditions established by the government for the gifts and concessions of this nature, as is seen in the titles given to other settlers, and is set forth in the same proceedings: Wherefore, and in consideration thereof, I have granted, and by these presents do grant, in the name of his Majesty, to the aforesaid Isaac Hendricks, his heirs and successors, the said three hundred and fifty acres of land in absolute property; and in granting him, as by these presents I do grant him, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said lands; and I cede and transfer it to the said Isaac Hendricks, his heirs and successors, that, in consequence thereof, they may possess as their own, make use of and enjoy it, free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all and in general which hath, doth, or in any manner by right may belong or pertain thereto; and, it being their wish, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my judicial authority as far as possible, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in this said city of St. Augustine, Florida, September 28, 1816.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, *Notary of Government and Royal Finance.*

Conformable to its original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, September 28, 1816.

[L. s.]

JUAN DE ENTRALGO.

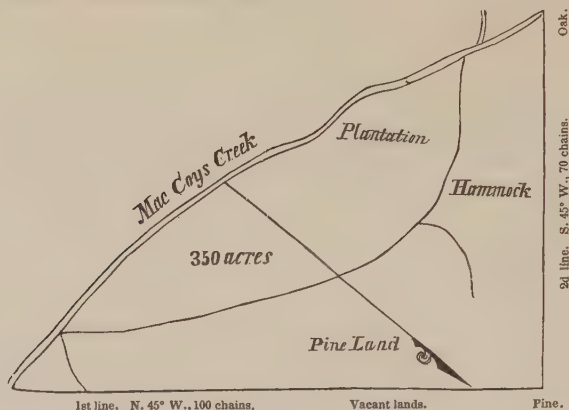
I certify the foregoing to be a true and correct translation of a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

[Translation.]

Don George J. F. Clarke, lieutenant of local militia of St. Augustine, Florida, and surveyor general appointed by the government of the said city and province: I certify that I have measured and laid off for Isaac Hendricks three hundred and fifty acres of land in the place called McCoy's creek, emptying into the river St. John's, which land was granted him by the government, with a title of absolute property, September 28, 1816, and is conformable to the following plat and its copy in the book of surveys under my charge. Fernandina, Amelia island, February 14, 1817.

GEORGE J. F. CLARKE.





I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

DECREE BY THE BOARD.

The claimant establishes his claim by producing to the board a title of absolute property for the land in question from Governor Coppinger to him, dated September 28, 1816; also a certified plat of survey for the same. Wherefore, we confirm the same to him and his heirs. April 22, 1824.

No. 6.—REPORT No. 1.—1824.

*Nathaniel Wilds vs. The United States. Claim to three hundred and thirty-three and one-third acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Nathaniel Wilds respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and thirty-three and one-third acres on the river St. Mary's, one mile below the junction, and known by the name of Reuben's Plantation, bounded north by St. Mary's river, south by vacant lands, east by lands of your memorialist, and west by vacant lands, which title your memorialist derives by a royal grant made to Reuben Hogan May 26, 1815, in a survey made April 13, 1790, by virtue of the royal order of 1790; all of which will be seen by the royal grant, which is herewith presented, together with the conveyance of Reuben Hogan to your memorialist. Your memorialist further states that he is in actual possession of said land, and was so at the time of the cession; that he is a citizen of the United States and a resident of the Territory of Florida. All which is respectfully submitted.

A. BELLAMY, *Claimant's Attorney.*

[Translation.]

*Title of property.*

Don Sebastain Kindelan y Oregan, knight of the order of St. James, brigadier of the royal armies, military governor and political chief, and of the royal finance, of this city of St. Augustine, Florida, and its province:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and two Floridas, it is provided, among other things, that, to those foreigners who, of their free will, present themselves to swear allegiance to our sovereign, lands should be laid off for them gratis, in proportion to the laborers each family may have; that Reuben Hogans having presented himself as one of them, he solicited of the government, and there were delivered, measured and delivered him, *thirteen caballerias* and seventeen acres of land in the plantation called Reuben, being the complement of those he is entitled to according to the number of his family, which he declared on oath, which land is known and distinguished under the following boundaries and dimensions: The first line runs south 20° west, begins at a stake marked with a cross, on the banks of the river St. Mary's, and ends at a pine with the same mark, and measures 67 chains; the second runs north 70° west, 68 chains, commences at said pine and ends at another with the same mark; the third runs north 20° east, commences at said pine and ends at a stake with the same mark of a cross, on the banks of the river St. Mary's, measuring 67 chains, its front running along the banks of said river, as appears from the certificate given by Captain Don Pedro Marrot, commissioned judge for said partition and measurement of lands, dated April 13, 1792, and its corresponding plat, signed by Don Samuel Eastlake, who was surveyor at said measurement; and as no title whatever had been given him for the security and evidence of his right to the said land in the form it has been executed to others; that more than the ten years of uninterrupted possession have elapsed to obtain said lands in fee simple and absolute property, built houses thereon, cultivated them, and finally performed all and singular the conditions established by the government for gifts and concessions of this nature, as is seen in the titles given to other settlers, and is set forth in the proceedings instituted by the interested, praying there should be given him the corresponding one to said lands, which he has already measured and laid off, and is in actual possession of the same: Wherefore, and in consideration thereof, with the previous opinion of the military judge, (auditor de guerra,) I have granted, and by these presents do grant, in the name of his Majesty, to the said Reuben Hogans, the above-mentioned *thirteen caballerias* and *seventeen acres* of land which said plantation contains, in absolute property,

for himself, his heirs and successors, that, in consequence thereof, they may possess it as their own, make use of and enjoy it, free from all encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all and in general which hath, doth, or in any manner by right may belong or pertain thereto; and, it being their wish, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority as far as possible, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary *pro tem.* of government and royal finance, in this city of St. Augustine, Florida, May 26, 1815.

SEBASTIAN KINDELAN.

By order of his excellency:

JUAN DE ENTRALGO, *Notary pro tem. of Government and Royal Finance.*

Conformable to its original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, May 26, 1815.

[L. s.]

JUAN DE ENTRALGO, &c., &c.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

[Here follows a conveyance from Reuben Hogans to claimant, dated December 26, 1822.]

#### DECREE BY THE BOARD.

The board ascertain this grant to be a valid one previous to January 24, 1818, by claimant producing the title of absolute property from Governor Kindelan to Reuben Hogans, dated May 26, 1815, and a conveyance from Hogans to claimant. Whereupon we confirm the land in question to claimant and his heirs. April 22, 1824.

#### No. 7.—REPORT No. 1.—1824.

*William Hart vs. The United States. Claim to two hundred acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to land in East Florida:*

The memorial of William Hart respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situate on San Pablo, bounded north by vacant lands, south by vacant lands, east by Pablo road, and west by Pablo swamp, which will be seen by the plat, marked D, which is herewith presented; which title your memorialist derived from a decree of Governor Coppinger, June 19, 1816, in a petition of your memorialist, which is herewith presented, by virtue of the royal order of 1791. Your memorialist further states that he is in possession of said land, and was at the time of the cession; that he is a citizen of the United States, and resident of the Territory of Florida.

All which is respectfully submitted.

A. BELLAMY, *Memorialist's Attorney.*

[Translation.]

#### MEMORIAL.

*To his excellency the governor:*

William Hart, an inhabitant of this province, to your excellency respectfully sheweth: That he intends dedicating himself to the raising of stock, for which purpose he has obtained a small number of various kinds; and, having found on the plains of St. Pablo a piece of vacant pine barren, containing about two hundred acres, as your memorialist has not been granted, until the present, any land whatever, he therefore prays that your excellency will be pleased to grant him the two hundred acres set forth, for the purpose of establishing himself on said land, with his wife and two children under the age of eight years; a gift which he hopes to merit from the justice of your excellency. St. Augustine, Florida, June 17, 1816.

WM. HART.

#### DECREE.

ST. AUGUSTINE, FLORIDA, June 19, 1816.

Grant to the memorialist the two hundred acres of land which he solicits without injury to a third.

COPPINGER.

Don Thomas de Aguilar, ensign of infantry of the army and secretary of government of this city and province: I certify that the foregoing copy is truly taken from the original on file in the office under my charge; and, in virtue of what is ordered, I give the present in St. Augustine, Florida, June 19, 1816.

THOMAS DE AGUILAR.

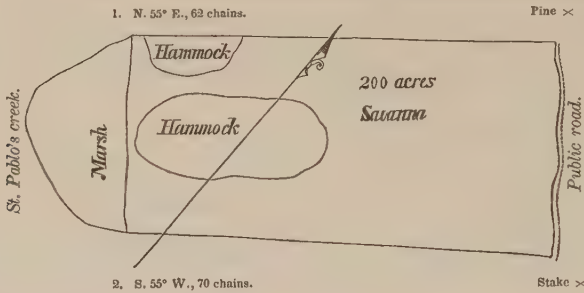
I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don Andres Burgevin, surveyor of this province: I certify that the following plat represents two hundred acres of land granted to Don William Hart, on St. Diego, bounded on the one part by the road to St. Pablo, and in all other parts conformable to said plat. In witness thereof, I give the present, which I sign in St. Augustine, Florida, August 1, 1819.

ANDRES BURGEVIN.



## DECREE BY THE BOARD.

The claimant produced in evidence a grant to him by Governor Coppinger without condition, dated June 19, 1816; also, a certified plat of survey of the land. The board deem this to be satisfactory, and, in consideration thereof, confirm the land in question to claimant and his heirs. April 23, 1824.

## No. 8.—REPORT No. 1.—1824.

*Mary Smith vs. The United States. Claim to three hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to land in East Florida:*

The petition of Mary Smith (late Mary Tharp) sheweth: That your memorialist claims title to a tract of land consisting of three hundred and fifty acres, situated on the creek called Chica. The first line runs south 55° west, 43 chains; the second line runs south 42° east, commencing at a stake marked with a cross at the edge of said creek, 40 chains; which title your memorialist derives from a royal grant made to your memorialist February 25, 1809, by Governor White, in virtue of the royal order of October 29, 1790. And your memorialist further sheweth that she is in actual possession of said lands; that she is a citizen of the United States and resident of Florida. St. Augustine, September 12, 1823.

CLARKE, Attorney for Mary Smith.

*Title in favor of Donna Maria Tharp of the plantation called Saw-pit Bluff.*

## [Translation.]

Don Enrique White, colonel of the royal armies, civil and military governor of this city of St. Augustine and its province:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and two Floridas, it is provided, among other things, that to those foreigners who, of their free will, present themselves to swear allegiance to our sovereign, land should be laid off for them gratis in proportion to the number of laborers each family may have; that Don John Tharp having presented himself as one of them, he solicited of the government, and there were granted, measured, and delivered to him, ten *caballerias* and seventeen acres of land in the plantation called Saw-pit Bluff, being part of those he is entitled to, according to the number of his family, which he declared on oath; which land is known and distinguished under the following boundaries and dimensions: The first line runs south 55 degrees west, 43 chains, begins at a pine, marked with a cross, on the creek of the little bar, and ends at a stake, with the same mark, on the banks of a small creek; the second runs south 42 degrees east, 40 chains, commences at a stake, with a cross, on the banks of the said small creek, and ends at another with the same mark of a cross. This land has two fronts; one of which runs along the creek of the little bar, and the other on the banks of a small creek running through a marsh, as appears from the certificate given by Don Pedro Marrot, commissioned judge for said partition and measurement of lands, dated April 22, 1792, and its corresponding plat signed by Don Samuel Eastlake, who was surveyor at said measurement, which certificate and plat are on file in the archives of the present notary; and as no title whatever had been given him for the security and evidence of his right to said land in the form it has been executed to others; that more than the ten years of uninterrupted possession have elapsed to obtain said lands in fee simple and absolute property, built houses thereon, cultivated them, and finally performed all and singular the conditions established by the government for gifts and concessions of this nature, as is seen in the titles given to other settlers, and is set forth in the proceeding instituted by Don James Smith, in the name of his wife, Donna Maria Tharp, legitimate daughter and only heir of the aforementioned Don John Tharp, deceased, praying there should be given in favor of his said wife the corresponding one to said land which has already been measured and laid off: Wherefore, and in consideration thereof, I have granted, and by these presents do grant, in the name of his Majesty and his royal justice, which I administer, to the said Donna Maria Tharp, daughter and only heir of the aforesaid Don John Tharp, deceased, and to those who may succeed her, the said ten *caballerias* and seventeen acres of land which said plantation contains in absolute property; and in granting her, as by these presents I do grant her, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said; and I cede and transfer it to the said Donna Maria Tharp, and those who may succeed her, that, in consequence thereof, they may possess it as their own, make use of and enjoy it, free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all and in general which hath, doth, or in any manner by right may belong or pertain thereto; and, it being their



wish, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my judicial authority as far as possible, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, and registers, in this said city of St. Augustine, Florida, February 23, 1809.

ENRIQUE WHITE.

By order of his excellency:

JOSÉ DE ZUBIZARETTA, *Secretary*.

Don Gonzalo Zamorano, commissary of the army and accountant of the royal finance, and Don José Antonio de Yguinez, treasurer *pro tem.* of the royal chests of this city and its province: We certify that Don José de Zubizaretta, by whom the foregoing copy appears sealed and signed, is notary of government and royal finance, and he is styled, which he exercises with general approbation, and to those of his profession there is and always has been given entire faith and credit both in law and equity; and that it may be made known wherever it may be necessary, we sign the present in St. Augustine, Florida, February 25, 1809.

GONZALO ZAMORANO.

JOSÉ ANTONIO DE YGUINEZ.

A true translation.

F. J. FATIO, *S. B. L. C.*

DECREE BY THE BOARD.

We ascertain this is a valid Spanish grant previous to January 24, 1818, by claimant producing the title of absolute property to her made by Governor White, dated February 23, 1809. We therefore confirm it to her and her heirs. April 23, 1824.

No. 9.—REPORT No. 1.—1824.

*Mary Smith vs. The United States. Claim to four hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to land in East Florida:*

The petition of Mary Smith, late Mary Tharp, respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred and fifty acres, situated at a place called *Plantage Rico*. The first line runs S. 17° W., beginning at a stake marked with a cross, at the edge of Nassau river, 22 chains; the second line runs S. 80° W., 85 chains, to the river Nassau; which title your memorialist derives from a royal grant made to your memorialist, dated February 25, 1809, by Governor White, by virtue of the royal order of October 29, 1790. And your memorialist further sheweth that she is in actual possession of said lands; that she is a citizen of the United States and resident of the Territory of Florida.

All which is respectfully submitted.

CLARKE, *Attorney for Mary Smith.*

[Translation.]

*Title in favor of Donna Maria Tharp of the plantation called Rich Plantation.*

Don Enrique White, colonel of the royal armies, civil and military governor of this city of St. Augustine, Florida, and chief of the royal finance of the same and its province, by his Majesty:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and two Floridas, it is provided, among other things, that to those foreigners who, of their own free will, present themselves to swear allegiance to our sovereign, lands should be laid off for them gratis, in proportion to the number of laborers each family may have; that Don George Tharp having presented himself as one of them, he solicited of the government, and there were granted, measured, and delivered him thirteen caballerias and seventeen acres of land in the plantation called Rich Plantation, being the full complement of these he is entitled to according to the number of his family, which he declared under oath, which land is known and distinguished under the following boundaries and dimensions: The first line runs S. 17° W., 22 chains, commences at a stake marked with a cross, on the banks of the river Nassau, and ends at a pine with the same mark; the second runs S. 80° W., 85 chains, begins at said pine, and ends at another with the same mark; the third runs N. 30° W., 40 chains, begins at the last-mentioned pine and ends at another, with the same mark of the cross, on the banks of the aforementioned river Nassau. The front of these lands runs along the margin of said river, as appears from the certificate given by Captain Don Pedro Marrot, commissioned judge for said partition and measurement of lands, dated March 22, 1793, and its corresponding plat, signed by Don Josiah Dupont, who was surveyor at said measurement; and as no title whatever had been given him for the security and evidence of his right to said land in the form it has been executed to others, that more than the ten years of uninterrupted possession have elapsed, to obtain said lands in fee simple and absolute property, built houses thereon, cultivated them, and finally performed all and singular the conditions established by the government for gifts and concessions of this nature, as is seen in the titles given to other settlers, and is set forth in the proceedings instituted by Don James Smith, in the name and jointly with Donna Maria Tharp, legitimate daughter and only heir of the aforementioned Don John Tharp, deceased, praying there should be given in favor of the said Donna Maria, his wife, the corresponding one to said land, which has already been measured and laid off: Wherefore, and in consideration thereof, I have granted, and by these presents do grant, in the name of his Majesty and his royal justice, which I administer, to the said daughter and heiress of the said Don John Tharp, deceased, and those who may succeed her, the said thirteen caballerias and seventeen acres of land which said plantation contains, in absolute property, and in granting her, as by these presents I do grant her, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said lands, and I cede and transfer it to the said Donna Maria Tharp, and those who may succeed her;

in consequence thereof, they may possess it as their own, make use of and enjoy it, free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all and in general which hath, doth, or may in any manner by right belong or pertain thereto; and, being their wish they may sell, code, transfer, and alienate as may best suit them. To all of which I interpose my judicial authority as far as possible, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government of his Majesty and royal finance, in this said city of St. Augustine, Florida, February 23, 1809.

ENRIQUE WHITE.

By order of his excellency:

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

Conformable to its original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on four leaves of ordinary paper, stamps not being used. St. Augustine, Florida, February 25, 1809.

JOSÉ DE ZUBIZARETTA. [L. s.]

Don Gonzalo Zamorano, commissary of the army and accountant of the royal finance, and Don José de Antonio Yguínez, treasurer *pro tem.* of the royal chests of this city and province: We certify that Don José de Zubizaretta, by whom the foregoing copy appears sealed and signed, is notary of government and royal finance, as he is styled, the only one in this city and its province; and to those of his profession there is and has always been given entire faith and credit, both in law and equity; and that it may be made known whenever it may be necessary, we sign the present in St. Augustine, Florida, February 25, 1809.

GONZALO ZAMORANO.

JOSÉ ANTONIO DE YGUÍNEZ.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

#### DECREE BY THE BOARD.

We ascertain this is a valid Spanish grant previous to January 24, 1818, by claimant producing the title of absolute property to her made by Governor White, dated February 23, 1809. We therefore confirm the same to her and her heirs. April 24, 1824.

*Mary Smith vs. The United States. Claim for four hundred and fifty acres of land.*

Bernardo Seguí, being sworn, says that the signature annexed to the copy of the royal title is that of the notary of government at that time, Don José de Zubizaretta, and the said copy was made out by him, the said witness; and knows the present claimant set down in the grant to have been the daughter of Mr. Tharp.

No. 10.—REPORT No. 1.—1824.

*George W. Martin vs. The United States. Claim to three hundred acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to land in East Florida:*

The petition of George W. Martin, of Georgia, sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated on the west side of St. John's river, at a place called Big Swamp, in front of Dutch island, bounded eastwardly by St. John's river, seventy-five chains; northwardly by vacant lands, forty chains; and south by vacant lands; which title your memorialist derives from a royal grant made to Charles W. Clarke by Governor Coppinger, in virtue of the royal order of October 29, 1790, who sold the same to your memorialist, as is seen by conveyances herewith filed, marked A and B. And your memorialist further sheweth that he is legally seized and possessed of said lands, a certificate and plat of which is herewith filed, marked C, and dated May 30, 1820; that he is a citizen of the United States and resident of the State of Georgia. All which is respectfully submitted, &c.

ARCH'D CLARKE, *Attorney for the Claimant.*

[Translation.]

*Title of property for three hundred acres of land in favor of Don Carlos Clarke, in Big Swamp, river St. John's.*

Don José Coppinger, colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance in this city of St. Augustine and its province:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the gifts and rewards proposed by my predecessor, the Brigadier Don Sebastian Kindelan, for the officers and soldiers, both of the line as well as the militia of this said province, who contributed to the defence of the same at the time of the rebellion, being one of said rewards the partition of lands in proportion to the number of family each individual may have; that Don Carlos Clarke, lieutenant of provincial militia of the town of Fernandina, having presented himself, and having made known his services rendered in said defence, he solicited the necessary quantity for himself and his slaves, and there were granted him three hundred acres in a place called Big Swamp, on the west side of the river St. John's, above and near an island called Turkey Buzzard; all conformable to the regulations established by this government for the partition of lands, and according to the number of persons and slaves his family consists of, as well as by my decree of this day, in the proceedings instituted by the said Don Carlos Clarke, on file in the government notary's office: Wherefore I have granted, and by these presents do grant, in the name of his Majesty, to the said Don Carlos Clarke, the above-mentioned three hundred acres of land, without injury to a third, in the place

pointed out, for himself, his heirs and successors, in absolute property; and in granting him, as by these presents I do grant him, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said land; and I cede and transfer it to the said Don Carlos Clarke, his heirs and successors, that, in consequence thereof, they may possess it as their own, and make use of and enjoy it, free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all and in general which hath, doth, or in any manner by right may belong or pertain thereto; and, being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority as far as possible, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in this said city of St. Augustine, Florida, April 10, 1817.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, *Notary of Government and Royal Finance.*

Conformable to its original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, April 10, 1817.

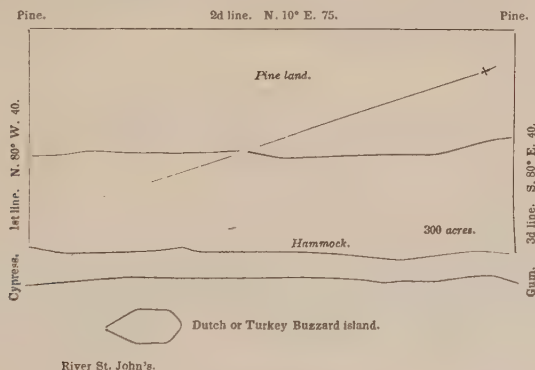
[L. s.]

JUAN DE ENTRALGO,  
*Notary of Government and Royal Finance.*

[Translation.]

Don George J. F. Clarke, lieutenant of militia of the city of St. Augustine, captain of the northern district of East Florida, and surveyor general, appointed by the government: I certify that I have measured and laid off for Don Carlos Clarke 300 acres of land on the west side of the river St. John's, at a place called Big Swamp, opposite a small island called Dutch or Turkey Buzzard, which were granted him by this government in fee simple April 10, 1817, which land is conformable to the following plat and its copy in my possession. St. Augustine, May 30, 1820.

GEORGE J. F. CLARKE.



I certify the foregoing to be a true and correct translation from two documents in the Spanish language.

F. J. FATIO, *S. B. L. C.*

[Here follows a conveyance from Charles W. Clarke to claimant, dated April 23, 1822.]

DECREE BY THE BOARD.

We ascertain this is a valid Spanish grant previous to January 24, 1818, by claimant producing a title of absolute property made by Governor Coppinger to Charles W. Clarke, dated April 10, 1817, who conveyed the same by deed to the claimant. We therefore, upon these proofs, confirm the land in question to him and his heirs. April 26, 1824.

No. 41.—REPORT No. 1.—1824.

*Zachariah Hogans vs. The United States. Claim to two hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to land in East Florida:*

The memorial of Zachariah Hogans, in behalf of himself and his wife, late Maria Suarez, widow of Turnel Taylor, deceased, respectfully sheweth. That your memorialist and her children by the said Taylor claims title to a tract of land consisting of 200 acres, at Jacksonville, on the north side of the river St. John's, bounded north by public land, south by the river St. John's, west by land formerly granted to Jones, and east by land granted to Masters; which title your memorialist derived from a royal grant made to his wife, Maria Taylor, by Governor Coppinger, September 3, 1816, in virtue of the royal order of March 29, 1815, which, together with survey, is herewith presented. Your memorialist further states that he is in actual possession of said land, and was so at the time of the cession; that he is a citizen of the United States and resident of Florida. All which is respectfully submitted.

A. BELLAMY, *Memorialist's Attorney.*



[Translation.]

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance in this city of St. Augustine, Florida, and its province:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the gifts and rewards proposed by my predecessor, the Brigadier Don Sebastian Kindelan, for the officers and soldiers, both of the line as well as militia of this said province, who contributed to the defence of the same at the time of the rebellion, being one of said rewards the partition of lands in proportion to the number of family each individual may have; that Donna Maria Suarez, widow of Turnel Taylor, having presented herself soliciting the quantity she, her deceased husband, children, and slaves, were entitled to, on account of her said husband being killed in the attack made by the enemy upon the river St. John's during the insurrection of this province, as she has proved by certificates, there was granted, by my decree of the 12th of the present month, 200 acres of land on the opposite side of the military post of St. Nicholas, on the river St. John's, at the mouth of a creek known as McCoy's creek, bounded on the west by the plantation of John Jones, and on the other sides by vacant lands; all conformable to the regulations established by this government for the partition of lands, and the number of persons and slaves her said family is composed of, as is set forth in the proceedings instituted by the above-mentioned Donna Maria Suarez, on file in the government notary's office: Wherefore, I have granted, and by these presents do grant, in the name of his Majesty, to the aforesaid widow and children, heirs and successors, the said two hundred acres of land, without injury to a third, in the place already pointed out, in absolute property; and in granting him, as by these presents I do grant, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said lands; and I cede and transfer it to the said widow Donna Maria Suarez and children, heirs and successors, that, in consequence thereof, they may possess as their own, make use of and enjoy it, free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all in general which hath, doth, or in any manner by right may belong or pertain thereto; and, being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my judicial authority as far as possible, and according to law, in virtue of what has been set forth in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in the city of St. Augustine, Florida, September 13, 1816.

JOSE COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, &amp;c., &amp;c., &amp;c.

Conformable to its original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, September 13, 1816.

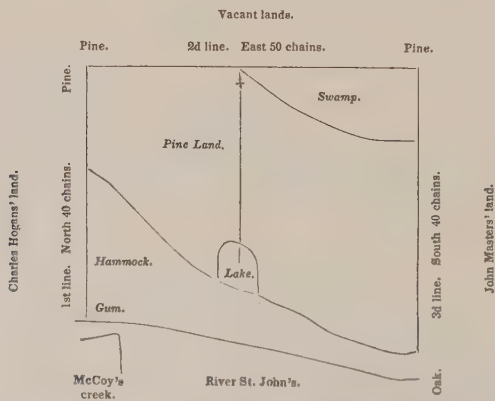
[L. s.]

JUAN DE ENTRALGO.

[Translation.]

Don George J. F. Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor general, appointed by the government of the said city and province: I certify that I have measured and laid off for Donna Maria Taylor two hundred acres of land, which were granted her in absolute property the 13th of September of the year 1816, situated on the north side of the river St. John's, and at the mouth of a creek called McCoy's creek, and is conformable in all its parts to the following plat and its copy in the book of surveys under my charge. Fernandina, February 21, 1817.

GEORGE J. F. CLARKE.



I certify that the foregoing is a true and correct translation from two documents in the Spanish language.

F. J. FATIO, S. B. L. C.

DECREE BY THE BOARD.

The claimant produced in evidence a title of absolute property, dated September 13, 1816, to his wife, as widow of Turnel Taylor, deceased, together with a certified plat for the two hundred acres. In consideration whereof, we confirm the same to him and his heirs. April 26, 1824.

## No. 12.—REPORT No. 1.—1824.

*Frederick McMurrin vs. The United States. Claim to four hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Frederick McMurrin respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred and fifty acres, situated on the river St. Mary's, at a place called Wilder's plantation. 1st line, east fifty chains from said river to a pine; thence to the river west fifty chains, bounded by public lands, which will be seen by the plat which is herewith presented. Which title your memorialist derived from a decree of Governor Estrada, December, 1815, in virtue of the royal order of 1790. Your memorialist further states that he is a citizen of the United States and resident of Florida, and also that he is in possession of said lands, and was so at the time of the cession.

All of which is respectfully submitted.

A. BELLAMY, *Memorialist's Attorney.*

[Translation.]

## MEMORIAL.

Frederick McMurrin, an inhabitant of this province, to your excellency most respectfully sheweth: That about the years 1801 and 1802 he took, with permission of the government, a piece of land situated about eight miles to the south of a place known by the name of Trader's Hill, on the river St. Mary's, containing four hundred and fifty acres, which he has kept possession of to this day, cultivating them according to his means; and, as he is in want of a document to prove the same, that is to say, a concession of said lands, he therefore prays your excellency will be pleased to order that, through the secretary of government, there be delivered him the necessary one by which he will receive a benefit. St. Augustine, December 11, 1815.

FREDERICK McMURRIN.

## DECREE.

St. AUGUSTINE, December 12, 1815.

Pass the same to the civil and military commandant of Amelia island, that he may report on the particulars set forth by the interested, and also of his conduct and circumstances.

ESTRADA.

## REPORT.

FERNANDINA, January 8, 1816.

As I have been informed by persons of veracity, being one of them the surveyor, Don George, it is true what is set forth by the interested relative to his residence on the land which he solicits since the year 1801 or 1802, and known by the name of the Plantation of Wildered; that, besides being an old subject, he has served in the militia of the frontier, and has never been concerned in the revolution of the province.

BENITO DE TANGUA.

The GOVERNOR.

## DECREE.

St. AUGUSTINE, FLORIDA, January 30, 1816.

According to what has been reported by the civil and military commandant of Amelia island, grant to the interested the land which he solicits, without injury to a third. Let there be given him from the secretary's office the customary document, which will serve him as a security.

COPPINGER.

DON THOS. DE AGUILAR,

*Ensign of the Army and Secretary of the Government of this City, by his Majesty.*

I certify that the foregoing is well and truly taken from its original on file in the archives under my charge, to which I refer; and, in compliance with the inserted superior decree, I give the present in St. Augustine, Florida, February 4, 1816.

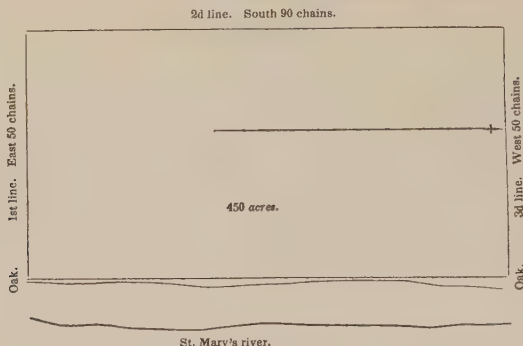
THOMAS DE AGUILAR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

[Translation.]

Don George J. F. Clarke, lieutenant of local militia of St. Augustine, Florida, and surveyor general appointed by the government of the same city and province: I certify that I have measured and laid off for Frederick McMurrin four hundred and fifty acres of land on the river St. Mary's, at a place known by the name of Old Plantation of Wilder, which he has had possession of and cultivated since the year 1801 or 1802, and is conformable in its measurement and boundaries to the following plat and its copy in the book of surveys under my charge. Fernandina, February 10, 1816.

GEORGE J. F. CLARKE.



I certify the foregoing to be a true and correct translation of a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

DECREE BY THE BOARD.

The claimant produced in evidence a concession made to him without condition by Governor Coppinger, dated January 30, 1816; which concession was obtained by claimant's memorial to the governor, dated December 11, 1815, together with other proceedings. The board, therefore, confirm the land in question to him and his heirs. April 30, 1824.

NO. 13.—REPORT NO. 1.—1824.

*A. Bellamy vs. The United States. Claim to three hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Abraham Bellamy, sen., respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and fifty acres, situated on Funk's Savannah branch, a branch of Nassau, in Duval county, one mile above the public road leading to Georgia; 1st, south 45° east, 40 chains, commencing at a pine and ending at another; 2d line, thence south 30° east, 20 chains, to a pine; 3d line, thence south 60° west, 15 chains, to a pine; 4th line, thence south 30° west, 30 chains, to a pine; 5th line, thence west, 38 chains, to a pine; 6th line, thence north, 78 chains, to a pine; 7th line, thence east, 25 chains, to the first mentioned pine; bounded entirely by public lands. Which title your memorialist derived by a decree of Governor Estrada, of October 10, 1815, made to Samuel Sauls, under which your memorialist claims by purchase; which decree and survey is herewith presented under the royal order of 1790. Your memorialist further states that he is in actual possession of said land, and was so at the time of the cession; that he is a citizen of the United States and resident of Florida. All of which is respectfully submitted.

A. BELLAMY, *Memorialist's Attorney.*

[Translation.]

MEMORIAL.

*To his excellency the governor:*

Samuel Sauls, an inhabitant of this province, to your excellency respectfully sheweth: That he has for some years been laboring as a farmer for the support of his family, consisting of twelve persons, of which he is the head, without having petitioned for the land which he occupies; and as he has improved it, and there being no pretensions to it whatever, he prays your excellency will be pleased to grant him these three hundred and fifty acres, in the place called Funk's Savannah, being a gift which he implores from the goodness of your excellency. Fernandina, October 1, 1815.

SAMUEL SAULS.

DECREE.

St. Augustine, Florida, October 10, 1815.

Grant the petitioner the three hundred and fifty acres of land in the place which he solicits in this memorial, without injury to a third; and for his security let there be given him a certified copy from the secretary's office.

ESTRADA.

Don Thomas de Aguilar, ensign of the army and secretary of the city and province of St. Augustine, East Florida, for his Majesty: I certify that the foregoing copy is truly taken from the original on file in the archives under my charge; and, in virtue of what is ordered, I give the present in St. Augustine, Florida, October 11, 1815.

THOMAS DE AGUILAR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

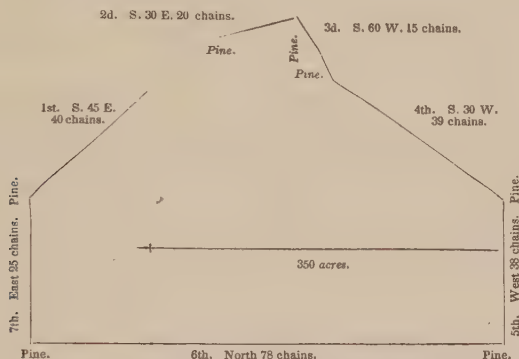
[Here follows a conveyance from Samuel Sauls to claimant, dated May 8, 1822.]



[Translation.]

Don George J. F. Clarke, captain of the northern district of East Florida and surveyor general of the province, appointed by the governor: I certify that I have measured and laid off for Samuel Sauls three hundred and fifty acres of land, in a place called Funk's Savannah branch, near the waters of the river Nassau, which were granted him by the governor, and is conformable to the foregoing plat and its copy in my possession. Northern District, March 10, 1819.

GEO. J. F. CLARKE.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

## DECREE BY THE BOARD.

The claimant in this case produced to the board a concession, without condition, to Samuel Sauls for the land in question by Governor Estrada, dated October 10, 1815; also, a conveyance by deed from said Sauls to claimant. In consideration of which, we confirm the same to claimant and his heirs.

APRIL 30, 1824.

*Abraham Bellamy vs. The United States. Three hundred and fifty acres of land.*

A. Bellamy, jr., being sworn, says that Abraham Bellamy was in possession of said land between six and seven years, and bought it from S. Sauls; does not know how long said Sauls was in possession of said land; says that when A. Bellamy purchased said land it appeared to have been cultivated for some years.

Mr. Segui, being sworn, says that the document now before the board is a copy of a concession by Mr. Aguilar, government secretary, and knows the handwriting and signature to be Mr. Aguilar's, who then acted as the secretary of the government.

A. BELLAMY.

## No. 14.—REPORT No. 1.—1824.

*Louis Mattair vs. The United States. Claim to three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Louis Mattair sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated on the south side of the river St. John's, at a place called Box's Branch, bounded as follows, viz: on the north, south, and west, by vacant lands, and on the east by Box's Branch; the first line runs west, 38 chains; the second line runs north, 80 chains; the third line runs east, 38, and the fourth line runs south, 80 chains; agreeably to a plat herewith exhibited, marked B; which title your memorialist derives from a concession made to him October 4, 1815, as is seen by a document marked A, and certificate of survey and plat marked B, herewith filed. And your memorialist further sheweth, that he was, at the exchange of flags, and now is, legally seized and possessed of said land; that he is a citizen of the United States and resident of St. Pablo, in the Territory of Florida. All which is respectfully submitted, &c.

LOUIS MATTAIR.

[Translation.]

## MEMORIAL.

*To his excellency the governor:*

Louis Mattair, a native and inhabitant of this province, to your excellency respectfully sheweth: That, on account of the revolution of this province in the beginning of 1812, he was obliged to retire with his large family from his plantation on the main land, where he was established in a good and comfortable manner, which he abandoned on account of the ruinous incursions of the insurgents, doing so for the purpose of maintaining his fidelity towards the government, which he has always preserved in the island,

as appears by the certificates of the commandant, Don Francisco Rivera, and captain of district, Don Philip Robert Yonge, on file in the office of the government secretary; and said revolution being at an end, he returned to his said plantation to commence anew his improvements, which he found destroyed, as well as his stock and the rest of his property which he was obliged to leave on account of his precipitate flight; and said losses being re-established in part, he was again obliged to fly on account of the revolution of the latter end of the year 1813, obliging him to return to this place, leaving all to absolute ruin; and as he finds it out of his power to return to said plantation, not only on account of the want of means, but also the insecurity which as yet exists on the main land of this frontier, he therefore humbly prays that your excellency will be pleased to grant him a piece of land which there is vacant in this island, between the lands of Don Domingo Fernandez and Don Santiago Carlier, containing three hundred acres, and is composed of low pine barren, with only thirty to forty acres fit for cultivation, and the rest only fit for grazing of his cattle: a donation which he hopes to receive from the goodness of your excellency on account of his services and ruined situation. Fernandina, September 12, 1815.

LOUIS MATTAIR.

DECREE.

St. AUGUSTINE, September 26, 1815.

Let it be passed to the civil and military commandant of Amelia island that he may report what he may think necessary relative to this petition; which, when done, let the proceedings be returned, with the certificates the petitioner obtained of the lands which he wishes to exchange, that, in consequence thereof, I may order what may be most convenient.

ESTRADA.

REPORT.

To his excellency the governor :

In compliance with the preceding decree, I cited the petitioner to appear, and, after being advised, he said it was not his intention to abandon the land he has on the main, which he considers as his property, but as the circumstance of the little security there in cultivating them until there are better disposed inhabitants in that part, he hopes your excellency will have the goodness to accede to the donation of the new tract he solicits in this island, which is vacant; and for the greater security, the surveyor, Don George Clarke, will report what he may think necessary on this subject, that, according to what is set forth, your excellency may be pleased to make said concession to this inhabitant, who is worthy of the same, as I have been informed. Fernandina, October 21, 1825.

BENITO DE TANGUA.

REPORT.

To the commandant :

The land which the interested solicits is about three miles distant from this town, to the south, and is, as he says, of an inferior quality and vacant.

GEO. J. F. CLARKE.

DECREE.

Having seen the preceding reports, grant to the interested the three hundred acres of land in the place which he solicits, without injury to a third; and for the possession thereof, let there be given him, from the secretary's office, the necessary certificate, which will serve him as security.

ESTRADA.

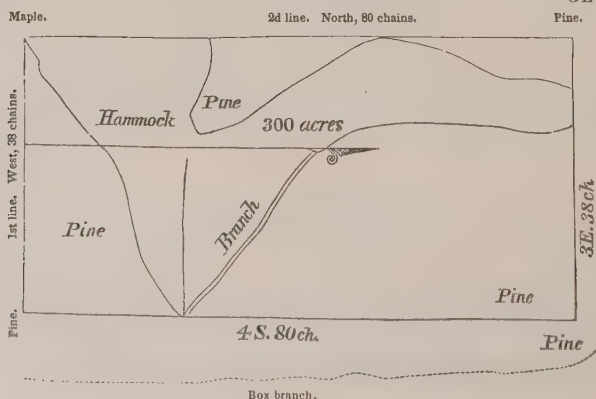
Don Thomas de Aguilar, ensign of the army and secretary of the government of this city and province, by his Majesty: I certify that the foregoing is well and truly taken from its original on file in the office under my charge; and, in compliance with what is ordered in the superior decree of this day, I give the present for the security of the interested in St. Augustine, Florida, October 24, 1815.

THOMAS DE AGUILAR.

[Translation.]

Don George J. F. Clarke, lieutenant of militia of St. Augustine, Florida, captain of the district of St. Mary's, and surveyor general, by appointment of the government, of the same city and its province: I certify that I have measured and laid off for Don Louis Mattair three hundred acres of land on the south side of the river St. John's, and place called Box's Branch, in lieu of an equal quantity granted him in Amelia island, October 24, 1815, resulting afterwards to be the property of Don John Bachelot, which land is conformable in all its parts to the following plat and its copy in the book of surveys under my charge. St. Augustine, August 3, 1817.

GEO. J. F. CLARKE.



I certify the foregoing to be a true and correct translation from two documents in the Spanish language.  
F. J. FATIO, S. B. L. C.

## DECREE BY THE BOARD

In this case we find that the claimant obtained a concession for the land which he claims from Governor Estrada, October 24, 1815, and which was surveyed by the surveyor general appointed by the Spanish government. We therefore confirm the same to claimant and his heirs. April 30, 1824.

## No. 15.—REPORT No. 1.—1824.

*Louis Mattair vs. The United States. Claim to one hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed on claims and titles to lands in East Florida:*

The petition of Louis Mattair sheweth: That your memorialist claims title to a tract of land consisting of one hundred and fifty acres, situated at the head of Pablo creek, and known by the name of San Ramon, bounded as follows: on the west by Pablo creek, on the south by a line running north 75° west, 27 chains; on the east by a line running south 25° west, 60 chains; and on the north by a marsh, as will appear by a plat marked A; which title your memorialist derives from a grant made to the heirs of Da. J. Espinosa, January 25, 1811, by Gov. White, in virtue of the royal order of October 29, 1790. And your memorialist further sheweth that he was, at the exchange of flags, and now is, in actual possession of said lands; that he is a citizen of the United States and resident on the said lands. All of which is respectfully submitted, &c.

LOUIS MATTAIR.

[Translation.]

*Title of property in favor of the heirs of Donna Josefa Espinosa, deceased, of the plantation called San Ramon.*

Don Enrique White, brigadier of the royal armies, civil and military governor, and chief of the royal finance of this city of St. Augustine, Florida, and its province:

Whereas, by a royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, among other things, that, to those foreigners who, of their free will, present themselves to swear allegiance to our sovereign, lands should be granted and measured to them gratis, in proportion to the laborers each family may have; that Donna Josefa Espinosa having presented herself as one of them, she solicited of the governor, and there were granted, measured, and delivered her, four caballerias and seventeen acres of land in the plantation called San Ramon, being part of those she is entitled to according to the number of her family, which she declared under oath; which land is known and distinguished under the following boundaries and dimensions: the first line runs south 70° east, 30 chains, begins at an oak marked with a cross, and ends at a stake with the same mark; the second line runs south 20° east, 45 chains, begins at said stake, and ends at a pine with the same mark of the cross; the third runs north 70° west, 40 chains, begins at said pine, and ends at a stake with the same mark. This line, with a morass, bounds the lands of Don Juan McQueen, known as the "Favorable," and are situated at the head of St. Pablo creek, and on San Diego, as appears from a certificate given by Captain Don Pedro Marrot, commissioned judge for said partition and measurement of lands, dated May 14, 1793, and its corresponding plat, signed by Don Josiah Dupont, who was surveyor at said measurement; which certificate and plat are on file in the archives of the present notary. And as no title whatever has been given her for the security and evidence of her right to the said land in the form it has been executed to others, that more than the ten years of uninterrupted possession have elapsed to obtain said lands in fee simple, built houses thereon, cultivated the same, and finally complied with all the other conditions established by the governor for the donations and concessions of this nature, as is seen in the titles given to other settlers, and made known in the proceedings instituted by Don Joseph Sanchez, as executor and heir of the said Donna Josefa Espinosa, deceased, and in the name of the other heirs, praying that there should be granted the necessary title of the land which has been measured and laid off, and of which they are in possession: Wherefore, and in consideration thereof, I have granted, and by these presents do grant, in the name of his Majesty and of his royal justice, which I administer, to the above-mentioned heirs of Donna Josefa Espinosa, deceased, the said four caballerias and seventeen acres of land which the said plantation, San Ramon, consists of, and to those who may succeed them, in absolute property; and in granting them, as by these presents I do grant them, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said land, and I cede and transfer it to the heirs of Donna Josefa Espinosa, and to those who may succeed them, that, in consequence thereof, they may possess it as their own, make use of and enjoy it, free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all in and general which hath, doth, or in any manner by right may belong or pertain thereto; and, it being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my judicial authority as far as possible, according to law, and in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary of his Majesty, and governor and royal finance, in this said city of St. Augustine, Florida, January 25, 1811.

ENRIQUE WHITE.

By order of his excellency:

JOSÉ DE ZUBIZARETTA, Notary of Government.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

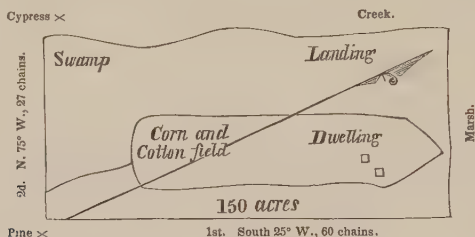
[Here follows a conveyance from Christina Hill, Maria Antonio Hill, and Magdalena Joanneda, and other heirs of Donna Josefa Espinosa, deceased, to claimant.]



[Translation.]

Don Andres Burgevin, of this city, and private surveyor: I certify that I have measured and laid off for Don Louis Mattair a tract of land containing one hundred and fifty acres of land, situated at the head of St. Pablo creek, which land he purchased of the heirs of Don Sebastian Espinosa, and being conformable in all its parts to the following plat. In testimony of which, I sign it in St. Augustine, Florida, November 4, 1819.

ANDRES BURGEVIN.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

DECREE BY THE BOARD.

We ascertain this to be a valid Spanish grant made previous to January 24, 1818, by claimant producing a title of absolute property for this land from Governor White, dated January 25, 1811, to the heirs of Josefa Espinosa, deceased, who conveyed the same to claimant. In consideration whereof, we confirm the title to him and his heirs. April 30, 1824.

*Louis Mattair vs. The United States. One hundred and fifty acres of land.*

Bernardo Segui, being sworn, says that the parties named in the conveyance now before the board were the heirs of Donna Josefa de la Encarnacion Hill, deceased.

No. 16.—REPORT No. 1.—1824.

*Moses E. Levi vs. The United States. Claim to two hundred and seventy-five acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Moses Elias Levi respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and seventy-five acres, situated on the plains of St. Diego, which title is acquired through a purchase made by your memorialist from Antonio Mier, who obtained it by a grant from the Spanish government made by Governor Coppinger, dated February 16, 1816, in virtue of the royal order of March 29, 1815. Your memorialist further represents that he is a citizen of the United States; and your memorialist further represents that the above land is bounded on the north by the land of Lozano Ortega, on the south by those of Nicholas Sanchez, on the east by the seat, on the west by the main road. St. Augustine, September 16, 1823.

M. E. LEVI.

[Translation.]

*Title of property of two hundred and seventy-five acres of land in favor of Antonio Mier.*

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of this city and its province:

Whereas, in the royal order of March 29, 1815, his Majesty has been pleased to approve the gifts and premium proposed by my predecessor, the Brigadier General Don Sebastain Kindelan, for the officers and soldiers, both of the line as well as local militia of this province, who contributed in its defence at the time of the rebellion, being one of said gifts the distribution of lands in proportion to the number of family each individual may have; that Don Antonio Mier having presented himself, making known his services in said defence, and soliciting the quantity conformably to himself, his family, and slaves, there was granted to him two hundred and seventy-five acres of land in the plains of San Diego, bounded on the north by the lands of Lozano Ortega, on the south by those of Don Nicholas Sanchez, on the east by the beach, and on the west by the King's road; all agreeably to the regulations established by this government for the distribution of lands, and to the number of white persons and slaves he has declared his family to consist of, and according to my decree of this day on the proceedings brought forward by the said Mier, which remain on file in the government notary's office: Wherefore I have granted, and by these presents do grant, in the name of his Majesty, to the said Don Antonio Mier the above-mentioned two hundred and seventy-five acres, without injury to a third person, in the place already pointed out for him, his heirs and successors, in absolute property; and I hereby, and by these presents, deliver him the corresponding title by which I separate it from the royal domain, and from the right which it held in said land; and I cede and transfer it to the aforesaid Don Antonio Mier, his heirs and successors, that, in consequence thereof, they may possess it as their own, make use of and enjoy it, free from any claim whatever,

with all its appurtenances, usages, customs, rights, privileges, and all and in general which hath, doth, or in any manner by right may belong or pertain thereto; and, it being their wish, they may sell, cede, transfer, barter, or alienate it at their will and pleasure. To all of which I interpose my authority as far as possible, and according to law, and in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in this said city of St. Augustine, Florida, February 16, 1816.

By order of his excellency:

JUAN DE ENTRALGO, *Notary pro tem. of Government, &c.*

JOSÉ COPPINGER.

Conformable to the original filed in the archives under my charge, to which I refer; and at the request of the party, do seal and sign this present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, February 16, 1816.

[L. s.]

JUAN DE ENTRALGO.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

[Here follows a conveyance from Antonio Mier to claimant, dated July 6, 1822.]

DECREE BY THE BOARD.

We ascertain this to be a valid Spanish grant made previous to January 24, 1818, by claimant producing a title of absolute property from Governor Coppinger to Antonio Mier, dated February 6, 1816, likewise a conveyance from the said Mier to claimant. We confirm the title to claimant and his heirs. April 30, 1824.

No. 17.—REPORT No. 1.—1824.

*Bartolome de Castro y Ferrer vs. The United States. Claim to one thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Bartolome de Castro y Ferrer respectfully sheweth: That your memorialist claims title to a tract of land consisting of one thousand acres, situated at a place called the Three Runs or Little creek, bounded as follows: beginning with a pine marked with a cross; thence north 45° west, 103 chains and 8 links, to a pine tree; thence south 45° west, 97 chains, to another pine tree; thence south 45° east, 103 chains, to the first mentioned pine, the place of beginning; which title your memorialist derives from a royal grant made to him in absolute property by Governor Estrada, in virtue of the royal order of 1790, which title of absolute property is in the archives of this place, a copy of which is herewith presented, with a certificate of survey and plat of the same; and your memorialist further sheweth that he has been in actual possession of said lands since the year 1800 until this time; that he is a citizen of the United States, and resident of St. Augustine, East Florida. St. Augustine, September 17, 1823.

JOHN B. STRONG, *Attorney for Claimant.*

[Translation.]

ROYAL TITLE.

Don Juan José de Estrada y Toro, lieutenant colonel of the royal armies, commandant of the third battalion of the infantry regiment of Cuba, governor political and military *pro tem.*, and chief of the royal domain of this city and province of St. Augustine, Florida:

Whereas, by a royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, amongst other things, that lands shall be measured gratis to foreigners who, of their own free will, offer themselves to swear allegiance to our sovereign, in proportion to the laborers which each family may have; that Don Bartolome de Castro y Ferrer, of this vicinity, having presented himself, he solicited of the government, and had granted to him, under date of December 13, 1800, one thousand acres of land, between the Great and Little rivers, about twelve miles to the south of the post of St. Vincent Ferrer, for the rearing of stock and cultivation, as appears by the certificate given by the secretary of this government, despatched on the same date, which is added to the protocol moved for by the interested, soliciting that a corresponding title be delivered to him for the above-mentioned lands, which are bounded on the east by lands granted to Don Bernardo Segui, and on the north, south, and west by vacant lands; and there not having been delivered to the said Don Bartolome de Castro y Ferrer any title for the security and confirmation of his dominion over the said lands in the same form in which it has been executed for others, who have passed more than ten years of uninterrupted possession, in order to obtain an useful and direct dominion over the said lands he erected buildings on them, cultivated them, and complied with the other conditions which the government has established for concessions and grants of this nature existing in the titles delivered to other settlers, as the same proceeding shows: Wherefore, and in consideration of all, I have granted, and, in the name of his Majesty, do grant unto the said Bartolome de Castro y Ferrer the thousand acres of land for himself, his heirs and successors, in absolute property, and despatch to him, as I do by these presents, the suitable title by which I separate from the royal domain all right and dominion it possesses over the said lands, and cede and transfer it to the said Don Bartolome de Castro y Ferrer, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it without any encumbrance whatsoever, with all its entrances, outlets, customs, rights, and services which it has had, has, and by fact and law belong to or may appertain to it; and at their will sell, cede, transfer, and alienate it as may best suit them. In all which I interpose my authority, as I can, and of right ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the under-named notary *pro tem.* of the government and royal domain, in the said city of St. Augustine, Florida, July 15, 1815.

JUAN JOSÉ DE ESTRADA.

By command of his excellency:

JUAN DE ENTRALGO, *Notary of Government pro tem.*

This agrees with the original which exists in the archives under my charge, to which I refer; and at the request of the party, sign and seal this present testimonial on two leaves of common paper, stamps not being in use. St. Augustine, Florida, July 15, 1815.

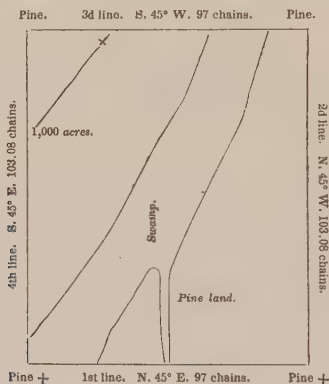
JUAN DE ENTRALGO.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

[Translation.]

By virtue of the order which, under date of the 30th of March of the present year, has been communicated to me by Don José Coppinger [colonel] in the national armies, and political and military governor of this place and province, I certify that I have measured and marked the limits for Don Bartoleme de Castro y Ferrer, of a piece of land which contains one thousand acres, and is situated at a place known as the Three Runs, the figure and boundaries of which are represented in the following: to confirm which I give these presents, which I sign at St. Augustine, Florida, April 3, 1821.

ANDRES BURGEVIN.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

DECREE BY THE BOARD.

The claimant produced in evidence a title of absolute property to him for the land in question from Governor Estrada, dated July 15, 1805; also a certified plat of survey of the same. Whereupon we confirm the title to him and his heirs. May 1, 1824.

No. 18.—REPORT No. 1.—1824.

*William and John Lofton vs. The United States. Claim to fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of William and John Lofton, residents of Florida and citizens of the United States, respectfully sheweth: That your memorialists claim title to a tract of land consisting of fifty acres, situate on Amelia island, at the place called Cabbage Spot, bounded by lands of *Teran y Lamb* and vacant lands, as per certificate of Juan de Piera, then secretary to the government, herewith delivered, dated September 10, 1800, but has not been surveyed; which title your memorialists derive from a grant made to their father by the Spanish government, to which the said certificate alludes. And your memorialists further state that the said lands were in actual possession of their said father during his life and of your memorialists, so far that it is not claimed by any other person, but is now unoccupied. All of which is respectfully submitted, &c.

JOHN B. STRONG, *Attorney for Claimants.*

[Translation.]

Don Juan de Piera, lieutenant of the infantry regiment of Cuba, and secretary of the government: I certify that a memorial presented by John Lofton, soliciting fifty acres of land on the south part of Amelia island, in a place known by the name of Cabbage Spot, between the lands of a certain Teran and Lamb, the following decree was given this day: "Let there be granted to the party the land which he solicits



without prejudice to a third person, and until, agreeably with the persons he may have for its cultivation, what corresponds shall be assigned him; it being understood he shall not reclaim damages which may arise to him, if for any reason he should be ordered to return for the royal service into the interior of the province." Morales. And that it may serve as a security for the interested I give these presents. St. Augustine, Florida, September 18, 1800.

JUAN DE PIERRA.

I certify that the foregoing is a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. O.

DECREE BY THE BOARD.

In this case the claimants produced to the board a concession for the land in question from Governor Morales to their father, John Lofton, without condition, certified by Don Juan de Pierra, secretary of the government, dated September 18, 1800. In consideration whereof, we confirm the same to the claimants and their heirs. May 31, 1824.

No. 19.—REPORT No. 1.—1824.

*Peter Miranda vs. The United States. Claim to two thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Peter Miranda respectfully sheweth: That your memorialist claims title to a tract of land consisting of two thousand acres, situated on the west of the river St. John's, in East Florida, at a place called Bernard, bounded on the west by the plantation called Spring Garden, on the north of lands of Zephaniah Kingsley; which title your memorialist derives from a concession dated March 29, 1815, made to your memorialist by Governor Coppinger, and confirmed by an absolute grant made by said Governor Coppinger, dated December 12, 1817, a certified copy of which is herewith presented. And your memorialist further sheweth that he is in legal possession of said lands, and has been ever since the concession and grant; that at the time of the concession and grant he was a resident of St. Augustine, East Florida, and subject of the King of Spain, and has ever since continued, and now is, a resident of St. Augustine. All which is respectfully submitted.

PETER MIRANDA,  
By his attorney, WATERS SMITH.

[Translation.]

*Title of property for two thousand acres of land in favor of Don Pedro Miranda.*

Don Joseph Coppinger, colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of this city of St. Augustine, Florida, and its province, by his Majesty:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the gifts and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, both of the line as well as militia of the province, and other individuals of the same who contributed to its defence at the time of the revolution, (being one of said rewards the distribution of lands;) that Don Pedro Miranda, first pilot of the bar of this port, having presented himself, soliciting, in virtue of said rewards, and of his merits and services rendered, a concession of two thousand acres of land, which was granted to him to the west of St. John's river, at the place called Bernard, bounded on the west by the plantation of Spring Garden, and on the north by the plantation of Mr. Zephaniah Kingsley, as will appear by my decree of the first day of July last, placed in the memorial of the interested of the same date, which is on file in the archives of the present notary: Wherefore, I have thought proper to grant, as in the name of his Majesty I do grant, to the aforesaid Don Pedro Miranda the two thousand acres of land at the place pointed out, without injury to a third, for himself, his heirs and successors, in absolute property; and in granting him, as by these presents I do grant him, the corresponding title by which I separate the royal domain from the right and dominion it had to said lands, and I cede and transfer the same to the aforesaid Don Pedro Miranda, his heirs and successors, that, in consequence thereof, they may possess it as their own, use and enjoy the same, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and hereditaments which it had or may have, and of right may belong or pertain thereto; and, it being their will, they may sell, cede, and transfer the same as they may think proper. To all of which I interpose my authority as far as I can, and of right ought to, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in this city of St. Augustine, Florida, December 12, 1817.

JOSEPH COPPINGER.

By order of his excellency:  
JUAN DE ENTRALGO, *Notary of Government and Royal Finance.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. O.

DECREE BY THE BOARD.

The claimant establishes his claim for the land in question by producing in evidence a title of absolute property made by Governor Coppinger to him, dated December 12, 1817. We confirm the same to him and his heirs. June 1, 1824.

*Pedro Miranda vs. The United States. For two thousand acres of land.*

Francis Ferreira, being duly sworn, says that he knows the tract, and had a trading establishment there previous to the exchange of flags, and had two men there at the exchange of flags, and occupied as tenant of Mr. Miranda; says there were about twenty acres cleared and three comfortable dwellings erected thereon.

FRANCIS FERREIRA.

No. 20.—REPORT No. 1.—1824.

*Joseph Summerall vs. The United States. Claim to four hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain the claims and titles to lands in East Florida:*

The memorial of Joseph Summerall respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred acres, situated on Wills' creek, near Julington creek, and is known by the name of Boggy branch, bounded as follows: the first line runs south  $34^{\circ}$  east, 60 chains; second line runs south  $20^{\circ}$  east, 20 chains; the third, north  $70^{\circ}$  east, 50 chains; the fourth, north  $20^{\circ}$  west, 20 chains; the fifth, north  $34^{\circ}$  west, 60 chains; the sixth, south  $50^{\circ}$  west, 50 chains, as appears by the survey and plat herewith presented; which title your memorialist derives from a decree made to him on a memorial by Governor Estrada, in virtue of the royal order of 1790, dated June 25, 1815, and herewith presented by copy; and your memorialist further sheweth that he is now, and was at the time of the cession, in actual possession of said lands; that he is a citizen of the United States and resident of Florida. St. Augustine, September 17, 1823.

JOHN B. STRONG, *Attorney for Claimant.*

[Translation.]

MEMORIAL.

*To the governor:*

Don José Summerall, an inhabitant of this province, with due respect, states to your excellency that, desiring to continue engaged in the exercise of agriculture and the rearing of cattle, he has found a piece of vacant land for that purpose, situated on an arm of the river named Wills' creek, known by the name of Boggy branch, distant from the river of Julington about four miles, more or less, to the northeast, in which place I hope your excellency will be pleased to grant me four hundred acres in order to make my establishment, which favor I hope to merit from your excellency. St. Augustine, June 25, 1815.

JOSE SUMMERALL.

DECREE.

St. AUGUSTINE, June 25, 1815.

Let four hundred acres of land be granted to the interested in the place mentioned, without prejudice to a third person, and for his security let the necessary certificate be delivered by the secretary.

ESTRADA.

Don Thomas de Aguilar, sub-lieutenant of the army and secretary of the government of this city and province, for his Majesty: I certify that the foregoing copy is faithfully taken from the original, to which I refer; and, by virtue of command, I give these presents, at St. Augustine, Florida, June 28, 1815.

THOMAS DE AGUILAR.

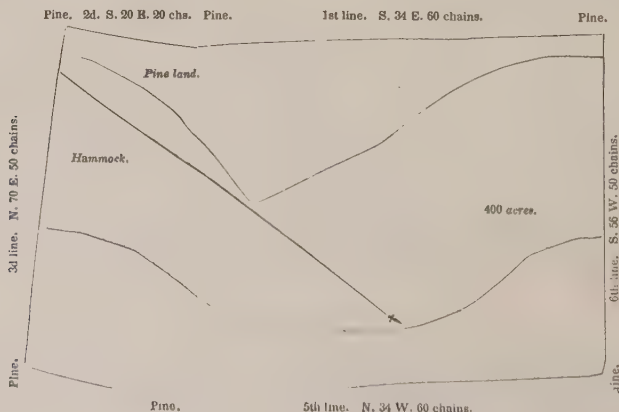
I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. O.*

[Translation.]

Don George Clarke, captain of the northern district of East Florida, and surveyor general of the same, by order and commission from this government: I certify that I have measured and marked the limits of four hundred acres of land to Don José Summerall, at the head of Boggy branch of Julington creek and the east side of the river St. John's, which land was granted to him by the government on June 26, 1815, conformably with the following plan and its copy, which I keep. St. Augustine, May 15, 1821.

GEORGE J. F. CLARKE.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

## DECREE BY THE BOARD.

We find in this case that the claimant obtained the land in question by a concession without condition from Governor Estrada to him, dated June 25, 1815, and which land was afterwards surveyed. We therefore consider the concession a valid one, and confirm it to claimant and his heirs. June 4, 1824.

No. 2.—REPORT No. 1.—1824.

*Antonio Proctor vs. The United States. Claim to one hundred and eighty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to land in East Florida:*

The memorial of Antonio Proctor respectfully sheweth: That your memorialist claims title in fee simple, absolute, in and to a certain tract or parcel of land containing one hundred and eighty-five acres, situated and being in the county of St. John's, in East Florida, about five miles distant from the city of St. Augustine, in said county, to the westward of a grove called Orange Grove, and bounded on the north, south, and west by vacant lands, and on the east by lands belonging to Philip Edinburgh, a free man of color; that the said tract of land was granted without condition and in absolute property to your memorialist March 18, 1816, under the authority of the Spanish government, by Don José Coppinger, then governor of East Florida, in virtue of a royal order of the King of Spain of March 29, 1815, as will appear by a certified copy of the original grant of record in the office of the keeper of the public archives of East Florida hereto annexed, and marked exhibit A, reference being thereto had. Your memorialist further shows that possession of the said tract of land was taken by him soon after the grant thereof to him; that he has had it in his actual occupancy from that time until the present; and that the said land was surveyed in virtue of an order of the then governor of East Florida for your memorialist on December 18, 1818, as will appear by the original plat of such survey hereto annexed, marked exhibit B, reference being thereto had. Your memorialist further shows unto your honors that he was, at the time of the making the said grant to him, and at the time of the cession of this Territory to the United States, an inhabitant and settler of and in East Florida and a subject of the King of Spain; that he is now, and has been ever since the said cession, an inhabitant of East Florida aforesaid. Wherefore your memorialist prays confirmation of his title to the said tract of land and its appurtenances in conformity to the acts of Congress in such case made and provided. And your petitioner will ever pray, &c.

ANTONIO PROCTOR,

By his attorney, JOHN DRYSDALE.

[Translation.]

*Title of property for one hundred and eighty-five acres of land in favor of Antonio Proctor.*

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of this city and its province, &c.:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the donations and rewards proposed by my predecessor, the Brigadier Don Sebastian Kindelan, for the officers and soldiers, both of the line as well as the militia of this province, who contributed in its defence at the time of the rebellion, being one of said rewards the partition of lands in proportion to the number of family each individual may have; that Antonio Proctor, a free black, having presented himself, soliciting the quantity himself and his family were entitled to on account of his peculiar services, he was granted 185 acres five miles distant from this city, on the other side of the ferry, and to the west of a hammock known by the name of the Orange Grove, bounded on the north, south, and west by vacant lands, and on the east by those belonging to Philip Edinburgh, a free black, all according to the regulations established by this government for the distribution of lands, and, as ordered by my decree of this day, in conformity with the advice of the military judge, (auditor de guerra,) placed on the proceedings instituted by the aforesaid Antonio Proctor, on file in the notary of government's office: Wherefore, I have granted, and by these presents do grant, in the name of his Majesty, to the said Antonio Proctor the above-mentioned 185 acres of land, without injury to a third, in the place already pointed out, for himself, his heirs and successors, in absolute property; and in granting him, as by these presents I do grant him, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said land; and I cede and transfer it to the aforesaid Antonio Proctor, his heirs and successors, that, in consequence thereof, they may possess it as their own, make use of and enjoy it free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all and in general which hath, doth, or in any manner by right may belong or pertain thereto; and, it being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority as far as I can, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in this city of St. Augustine, Florida, March 8, 1816.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, Notary *pro tem.* of Government, &c.

Conformable to its original remaining on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, March 8, 1816.

[L. S.]

JUAN DE ENTRALGO.

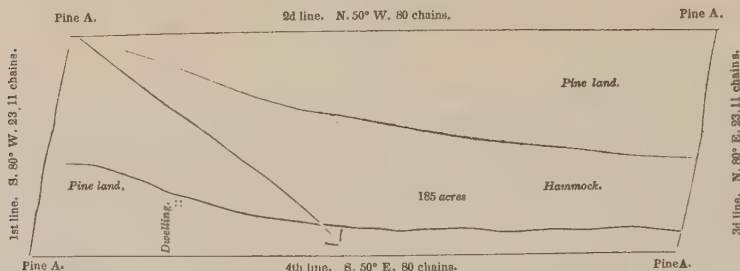
I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.



[Translation.]

Don Andres Burgevin, as surveyor appointed by a decree of this government of the second instant, in favor of the interested: I certify that I have measured and laid off for Antonio Proctor, a free black, 185 acres of land, situated about a league and a quarter on the other side of the river St. Sebastian, (ferria,) of this city; and being in all other circumstances conformable to the following plat, I give the present certificate, that it may be made known, in St. Augustine, Florida, December 18, 1818.

ANDRES BURGEVIN.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

DECREE BY THE BOARD.

The claimant establishes his title to the land in question by producing in evidence a title of absolute property made by Governor Coppinger to him, dated March 8, 1816; likewise a survey of the same. In consideration whereof, we confirm the same to him and his heirs. June 4, 1824.

No. 22.—REPORT No. 1.—1824.

*Ramon Sanchez vs. The United States. Claim to two hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Ramon Sanchez respectfully sheweth: That your memorialist claims title in fee simple, absolute, in and to a certain tract or parcel of land containing 200 acres, situated and being in the county of St. John's, in East Florida, on the south side of the river St. John's, at a place known by the name of the Ship Yard, distant about half a mile from the place called San Vincent Ferrer, commencing on the west side of a creek of the same name. That the said tract of land was granted to your memorialist without condition, and in absolute property, on April 19, 1816, by Don José Coppinger, then governor of East Florida, in virtue of a royal order of his Catholic Majesty the King of Spain of March 29, 1815, as will appear by a certified copy of the said grant thereof hereto annexed, marked exhibit B, reference being thereunto had, the original grant being of record in the office of the keeper of the public archives of East Florida. Your memorialist is unable to set forth in any other manner than he has done the situation and boundaries of the said tract of land, a survey of the same having never been made. Your memorialist further shows that he is a native, and was, at the time of the cession of the Territory of Florida to the United States, an inhabitant, resident, and settler of and in East Florida, and a subject of the King of Spain; that he is now, and has been ever since the said cession, an inhabitant, resident, and settler of East Florida. Wherefore, your memorialist prays a confirmation of his title to the said tract or parcel of land, and its appurtenances, in conformity to the acts of Congress in such case provided. And your memorialist, as in duty bound, will ever pray, &c.

RAMON SANCHEZ,

By his attorney, JNO. DRYSDALE.

[Translation.]

*Title of property in favor of Don Ramon Sanchez for two hundred acres of land at a place called Ship Yard.*

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem*, and chief of the royal finance of this city of St. Augustine, Florida, and its province:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the donations and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, both of the line as well as militia of this province, who contributed in its defence during the rebellion, being one of said rewards the distribution of lands in proportion to the number of family each individual may have; that Don Ramon Sanchez, a private of the company of local militia of this city, having presented himself, soliciting the quantity himself and his slaves are entitled to, there were granted him two hundred acres of land on the south side of the river St. John's, in a vacant place called the Ship Yard, half a mile distant from St. Vincent Ferrer, beginning on the west of the creek of the same name, all conformable to the regulations established by this government for the partition of lands, and to himself and slaves which he has proved his property consists of, and according to my decree of this day annexed to the proceedings instituted by the said Sanchez, filed in the notary of government's office: Wherefore, I have

granted, and by these presents do grant, in the name of his Majesty, to the aforesaid Don Ramon Sanchez the above-mentioned two hundred acres of land, without injury to a third, in the place already pointed out for himself, his heirs and successors, in absolute property; and in granting them, as by these presents I do grant them, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said land; and I cede and transfer it to the above-mentioned Don Ramon Sanchez, his heirs and successors, that, in consequence thereof, they may possess it as their own, make use of and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all and in general which hath, doth, or in any manner by right may belong or pertain thereto; and, it being their will, they may sell, cede, transfer, and alienate it at their will and pleasure. To all of which I interpose my authority as far as possible, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary *pro tem.* of government and royal finance, in this said city of St. Augustine, Florida, April 19, 1816.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, *Notary of Government, &c.*

Conformable to its original remaining on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, April 19, 1816.

[L. s.]

JUAN DE ENTRALGO, &c.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

#### DECREE BY THE BOARD.

The claimant establishes his claim for the land in question by producing a title of absolute property from Governor Coppinger to him, dated April 19, 1816. In consideration whereof, we confirm the same to claimant and his heirs. June 5, 1824.

NO. 23.—REPORT NO. 1.—1824.

*Francis P. Sanchez vs. The United States. Claim to one hundred acres of land.*

#### MEMORIAL.

*To the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francisco P. Sanchez respectfully sheweth: That your memorialist claims title in and to a certain tract or parcel of land consisting of one hundred acres, and being in East Florida aforesaid, at the head of the North river, at a place called Quiqui, in Diego plains; that the said tract of land has the following lines and dimensions, and had at the time of the survey thereof the following boundaries: that is to say, the first line begins at a palmetto tree, and runs east 36 chains, and is bounded by Diego plains; the second line runs south 30 chains to a pine tree, and was bounded by lands of one Juan Tate; the third line runs from the said pine tree west 30 chains to a stake, and was bounded by lands of one Juan Tate; the fourth line runs from the said stake along the bank of a creek at the head of the North river to the place of beginning, and is bounded by the said creek, as will more distinctly appear by a reference to the original plat of the survey of the said land, bearing date June 30, 1818, now here submitted and filed, and marked exhibit A; which said survey was made by the surveyor, Andres Burgevin, in virtue of an order for that purpose by Governor Coppinger. Your memorialist further shows that the said tract of land was originally granted to one Joseph Fernandez by a concession of November 20, 1806, in virtue of a royal order of the King of Spain of October 29, 1790; that the said land was confirmed to the said José Fernandez on June 19, 1816, by a grant thereof without condition, and in absolute property, made by Don José Coppinger, then governor of East Florida, as will more fully and at large appear by a certified copy of the said grant now here submitted and filed, and marked exhibit B; that the said Fernandez conveyed the said land and its appurtenances in absolute property to one Joseph Simeon Sanchez on September 4, 1816, as will appear by a reference to a certified copy of the said conveyance herewith submitted and filed, and marked exhibit C; that the said Joseph Simeon Sanchez kept possession of the said land, and cultivated it for some time; and afterwards, that is to say, on the 16th day of July, he conveyed the same and its appurtenances to one Pablo F. Fontane, as will fully and at large appear by a certified copy of the conveyance from the said Joseph Simeon Sanchez to the said Pablo F. Fontane, now here submitted, and marked exhibit D; and the said Pablo F. Fontane afterwards, that is to say, on August 18, 1818, for a valuable consideration paid to him by your memorialist, conveyed the said tract of land and its appurtenances in full and absolute property to your memorialist, as will fully and at large appear by a reference to a certified copy of said conveyance from the said Pablo F. Fontane to your memorialist now here submitted and filed, and marked exhibit E; and that the said tract of land is now in the actual occupancy of your memorialist.

And your memorialist alleges and shows that the said José Fernandez was, at the time the said land was conceded and granted to him as aforesaid, an inhabitant of East Florida, and an actual settler there, and a subject of the King of Spain; that the said Joseph Simeon Sanchez and Pablo F. Fontane were, at the time the said land was conveyed to them severally as aforesaid, inhabitants of East Florida, and subjects of the King of Spain; and that your memorialist was, before and at the time the said land was conveyed to him as aforesaid, an inhabitant and settler of East Florida, and a subject of the King of Spain, and that he has ever since the said cession continued to be, and now is, an inhabitant and settler of the same. Wherefore, your memorialist prays a confirmation of his title in and to the said tract of land and its appurtenances, conformably to the acts of Congress in such cases made and provided; and he will ever pray, &c.

FRANCISCO P. SANCHEZ,

By his attorney, JOHN DRYSDALE.

[Translation.]

*Title of property in favor of José Fernandez of one hundred acres of land in the plains of St. Diego, at a place called Quiqui.*

Don José Coppinger, lieutenant colonel of the royal armios, civil and military governor *pro tem.*, and chief of the royal finance of this city of St. Augustine, Florida, and its province:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, among other things, that to those strangers who, of their free will, present themselves to swear allegiance to our sovereign, land should be measured them gratis, in proportion to the laborers each family may have; that José Fernandez having presented himself as one of them, he solicited of the governor, and there were granted him, on November 20, 1806, one hundred acres of land on the plains of St. Diego, at a place called Quiqui, bounded on the south by the plantation called the Humpback, and on the north by said plains of St. Diego, as appears by a certificate given by the secretary of the governor, with the same date which is annexed to the proceedings instituted by the interested, soliciting the corresponding title of the land already mentioned; and as no title whatever had been given him for the security and evidence of his right to the said land in the form it has been executed to others; that more than the ten years of uninterrupted possession have elapsed to obtain said lands in fee simple, built houses thereon, cultivated them, and performed all the other conditions established by the government for concessions and donations of this nature, as is seen in the titles given to other settlers, and is set forth in the same proceedings: Wherefore, and in consideration of everything, I have granted, and by these presents do grant, in the name of his Majesty, to the said José Fernandez the one hundred acres of land for himself, his heirs and successors, in absolute property; and in granting him, as by these presents I do grant him, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said lands; and I cede and transfer it to the aforesaid José Fernandez, his heirs and successors, that, in consequence thereof, they may possess it as their own, make use of and enjoy it, free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all in general which hath, doth, or in any manner by right may belong or pertain thereto; and, it being their will, they may sell, cede, transfer, and alienate it as may best suit them; to all of which I interpose my authority as far as possible, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary *pro tem.* of government and royal finance, in this said city of St. Augustine, Florida, June 19, 1816.

JOSÉ COPPINGER.

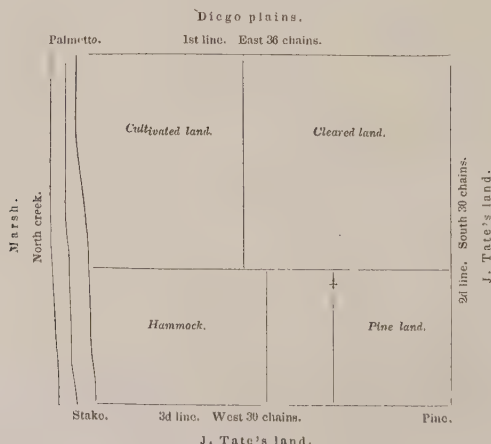
By order of his excellency :

JUAN DE ENTRALGO, *Notary pro tem. of Government, &c.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. O.*

[Translation.]

In virtue of the order which, under date of the 26th of May last, was communicated to me by his excellency Don Joseph Coppinger, colonel of the royal armies, civil and military governor of city and its province, I certify that I have measured and laid off for Don Pablo F. Fontane a tract of land situated at the head of the North river, containing one hundred acres, which he purchased of Don José Simeon Sanchez; and its figure and boundaries being according to the present plat, I give this certificate, which I sign in St. Augustine, Florida, June 30, 1818.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. O.*

[Here follows a conveyance from José Fernandez of the one hundred acres to José Simeon Sanchez, dated September 4, 1816; also a conveyance from José Simeon Sanchez of the same to Pablo F. Fontane, dated July 16, 1818; also a conveyance from Pablo F. Fontane to claimant, dated August 18, 1818.]



## DECREE BY THE BOARD.

We find in this case that the land was granted in absolute property to José Fernandez on June 19, 1816; and that it was conveyed by deed by Fernandez to José Simón Sanchez, who conveyed it by deed to Pablo F. Fontane, and by him conveyed to claimant. In consideration whereof, we confirm the same to the claimant and his heirs. June 7, 1824.

No. 24.—REPORT No. 1.—1824.

*Francis P. Sanchez vs. The United States. Claim to two hundred and twenty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francisco P. Sanchez respectfully sheweth: That your memorialist claims title in and to a certain tract or parcel of land containing two hundred and twenty acres, situated and being in East Florida aforesaid, on the St. Mary's river, at a place called McIntosh's Causeway. That the said tract of land has the following lines and dimensions, and, at the time of survey thereof, had the following boundaries, that is to say: The first line begins at a cypress tree and runs south, 55 chains, to a pine, and is bounded by McIntosh's Causeway; the second line runs from the said pine east, 40 chains, to another pine, and was bounded by vacant lands; the third line runs from the said last mentioned pine north, 55 chains, to a live oak on the bank of the river St. Mary's, and was bounded by lands of one James Woodland; and the fourth line runs from the said live oak, along the bank of the said river, to the place of beginning, and is bounded by the said river, as will more fully and distinctly appear by a reference to the original plat of the survey of the said land, bearing date May 15, 1817, now here submitted and filed, and marked exhibit A, which said survey was made by George Clarke, then surveyor general of the province of East Florida. And your memorialist further shows that the said land was originally granted one Domingo Estacholy, in absolute property, and without condition, by a grant bearing date December 5, 1816, by Don José Coppinger, then governor of East Florida, under the authority and in virtue of a royal order of the King of Spain, bearing date March 29, 1813, as will fully and at large appear by a reference to a certified copy of the said grant now here submitted and filed, and marked B. That some years after the making of the said grant as aforesaid the said Domingo Estacholy departed this life, leaving his wife, Ursula Llafrío, who, for a valuable consideration paid to her by your memorialist, conveyed, according to the requisitions of the Spanish law, the said tract of land and its appurtenances to your memorialist, in absolute property, on July 29, 1822, as will fully and at large appear by a reference to a certified copy of the said conveyance herewith submitted and filed, and marked exhibit C.

And your memorialist further avers and shows that the said Domingo Estacholy was, before and at the time of the granting the aforesaid tract of land to him as aforesaid, and at the time of his death, an inhabitant and settler of East Florida, and a subject of the King of Spain; and that your memorialist was, at the time of the cession of this Territory to the United States, and before the said cession, and has continued to be ever since, and now is, an inhabitant and settler of East Florida. Wherefore, your memorialist prays a confirmation of his title to the said land and its appurtenances; and he will, &c.

FRANCISCO P. SANCHEZ,

By his attorney, JNO. DRYSDALE.

[Translation.]

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor, and chief of the royal finance of the city of St. Augustine, Florida, and its province:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the donations and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, both of the line as well as militia, of this province, who contributed to its defence at the time of the rebellion, being one of said rewards the distribution of lands in proportion to the number of family each individual may have; that Don Domingo Estacholy having presented himself, making known his services as sergeant of one of the companies of militia which were formed in the town of Fernandina, soliciting the quantity of land corresponding to himself, his family, and slaves, there were granted to him 220 acres of land on the river St. Mary's, at a place known as McIntosh's Causeway, which are vacant, bounded on the north by a creek called Little St. Mary's, and on the south, east, and west, by vacant lands, all of which is conformable to the regulations established by this government for the distribution of lands, and to the number of persons and slaves which he has manifested that his said family consists of, and by what has been ordered by my decree of this day, placed on the proceedings instituted by the said Don Domingo Estacholy, on file in the government notary office: Wherefore, I have thought proper to grant, as in the name of his Majesty I do grant, to the aforesaid Don Domingo Estacholy, on file, the above-mentioned 220 acres of land in the place pointed out, without injury to a third person, for himself, his heirs and successors, in absolute property; and in granting him, as by these presents I do grant him, the corresponding title by which I separate it from the royal domain, from the right and dominion it had to said lands; and I cede and transfer it to the aforesaid Don Domingo Estacholy, his heirs and successors, that, in consequence thereof, they may possess it, as their own, use and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, which it had or may have, and of right may belong or pertain thereto; and, being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority as far as I can, and by right ought to, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in this city of St. Augustine, Florida, December 5, 1816.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO.

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Conformable to the original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, December 5, 1816.

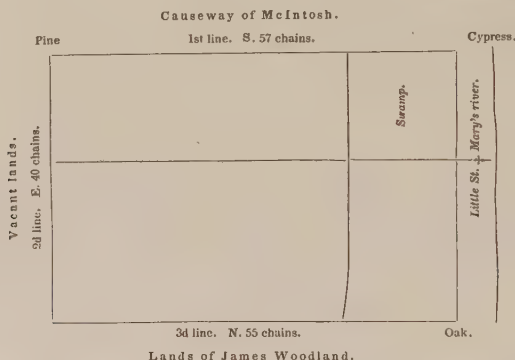
JUAN DE ENTRALGO. [L. s.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

[Translation]

Don George Clarke, lieutenant of local militia of St. Augustine, Florida, and surveyor general, appointed by the governor of the same city and province: I certify that I have measured and laid off for Don Domingo Estacholy two hundred and twenty acres of land on a branch of the river St. Mary's, called Little St. Mary's, which were granted him by the governor in absolute property, according to the documentary title in possession of the said interested; which land is conformable in all its circumstances to the following plat, and its copy in the book of surveys in my charge. Fernandina, May 15, 1817.

GEORGE J. F. CLARKE.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

[Here follows a conveyance by deed by Ursula Llafrio, widow of Domingo Estacholy, deceased, to claimant, dated July 29, 1822.]

#### DECREE BY THE BOARD.

We find in this case that they granted to Domingo Estacholy, by Governor Coppinger, in absolute property, on December 5, 1816, and that the widow of grantee conveyed the same by deed to claimant. In consideration whereof, we confirm the title to him and his heirs. June 10, 1824.

No. 25.—REPORT No. 1.—1824.

*Francis P. Sanchez vs. The United States. Claim to three hundred and eighty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francisco P. Sanchez respectfully sheweth: That your memorialist claims title in and to three hundred and eighty acres of land situated, lying, and being in East Florida aforesaid, to the north of Diego plains, having the following lines and dimensions, and having, at the time of the survey thereof, had the following boundaries, that is to say: The first line, commencing at a stake, runs north 20° west, 95 chains, to another stake, and was bounded by vacant lands; the second line runs from the last-mentioned stake north 65° east, 40 chains, to another stake, and was bounded by vacant lands; and the third line runs from the last-mentioned stake south 20° east, 95 chains, to another stake, and is bounded by the beach; the fourth line runs from last-mentioned stake south 65° west, 40 chains, to the place of beginning, and is bounded by lands of John Sanchez, as will more fully and distinctly appear by a reference to a plat of the survey thereof, bearing date May 1, 1819, (which survey was made under the authority of a decree of Don José Coppinger, October 9, 1818,) now here submitted and filed, and marked exhibit A. And your memorialist further shows that the said land was originally granted, without condition, and in absolute property, to one Joseph Simeon Sanchez, June 26, 1816, by Don José Coppinger, then governor of East Florida, under the authority and in virtue of a royal order of his Majesty the King of Spain, bearing date March 29, 1815, as will more fully and at large appear by a reference to a certified copy of said grant now here submitted and filed, marked exhibit B. And that the said Joseph Simeon Sanchez afterwards, that is to say, January 26, 1818, for a valuable consideration paid by your memorialist to him, conveyed the said land and its appurtenances, according to the formalities required by the Spanish law, to your memorialist, as will fully and at large appear by a reference to a certified copy of the said conveyance, herewith submitted and filed, and marked exhibit C. And your memorialist further avers and shows that the said Joseph Simeon Sanchez was, before and at the time of the granting the said land to him as aforesaid, an inhabitant and settler of East Florida, and a subject of his Majesty the King of Spain; and that your memorialist was, before and at the time of the cession of this Territory to the United

States, an inhabitant and settler of East Florida, and has ever since continued to be, and now is, an inhabitant and settler of the same. Wherefore, your memorialist prays a confirmation of his title in and to the said land and its appurtenances, agreeably to the acts of Congress in such cases made and provided. And he will, as in duty bound, &c.

FRANCISCO P. SANCHEZ,

By his attorney, JNO. DRYSDALE.

[Translation.]

*Title of property in favor of Don José Simeon Sanchez for three hundred and eighty acres of land to the north of the plains of St. Diego.*

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of this city of St. Augustine, Florida, and its province:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the donations and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, both of the line as well as militia of this province, who contributed to its defence at the time of the rebellion, being one of said rewards the distribution of lands in proportion to the number of family each family may have; that Don José Simeon Sanchez having presented himself, making statement of his services as a former militiaman of the town of Fernandina, soliciting the corresponding quantity for himself, his family, and slaves, there were granted him three hundred and eighty acres of land to the north of the plains of St. Diego, bounded on the north by those granted latterly to the inhabitant Willy Hartley; on the south to the head of St. Pablo creek, or boundary of those latterly granted to another inhabitant; on the east by the beach and part of the land which corresponds to his brothers', for their part of inheritance; and on the west by the swamp or hammock of St. Diego, all conformable to the regulations established by this government for the distribution of lands, and to the number of persons and slaves which he has manifested that his said family consists of, and by what has been ordered by my decree of this day, placed on the proceedings instituted by the said Sanchez, on file in the government notary's office: Wherefore, I have thought proper to grant, as in the name of his Majesty I do grant, to the aforesaid Don José Simeon Sanchez, the above-mentioned three hundred and eighty acres of land in the place already pointed out, without injury to a third, for himself, his heirs and successors, in absolute property; and in granting him, as by these presents I do grant him, the corresponding title by which I separate it from the royal domain, from the right and dominion it had to said lands; and I cede and transfer it to the aforesaid Don José Simeon Sanchez, his heirs and successors, that, in consequence thereof, they may possess it as their own, use and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights and appurtenances, which it had or may have, and of right may belong or pertain thereto; and, being their will, they may sell, cede, transfer, alienate it as may best suit them. To all of which I interpose my authority as far as I can, and of right ought to, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in this said city of St. Augustine, Florida, June 26, 1816.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, *Notary pro tem. of Government, &c.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Here follows a conveyance by deed of the three hundred and eighty acres, from José Simeon Sanchez to claimant, dated January 26, 1818.]

[Translation.]

In virtue of the order which has been communicated to me by his excellency Don José Coppinger, colonel of the royal armies, civil and military governor of this city and its province, May 7, 1818, I certify that I have measured and laid off a tract of land in favor of Don Francisco P. Sanchez, which contains three hundred and eighty acres, situated at a place called St. Diego, bounded on the south by the lands of Don Juan Sanchez, on the east by the beach, on the north and west by vacant lands, whose figure and boundaries are those denoted in the following plat. And that it may be made known, I sign it in St. Augustine, May 1, 1819.

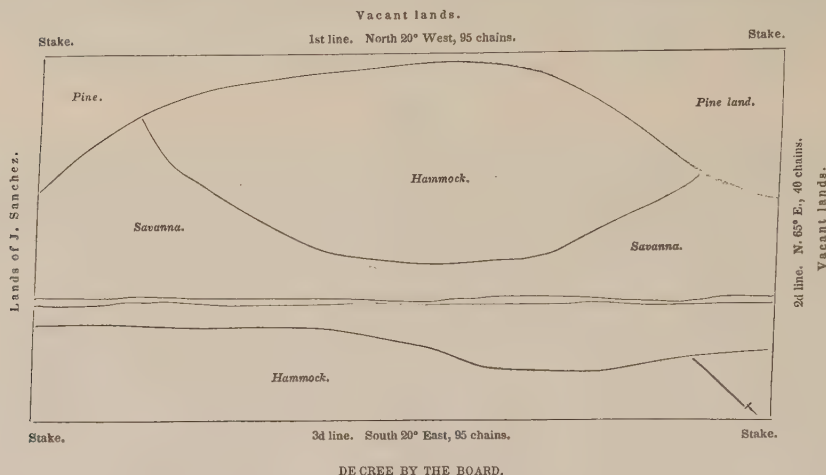
ROBERT McHARDY.

A copy from the original.

ROBERT McHARDY.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.



DECREE BY THE BOARD.

We find in this case that the land was granted in absolute property to José Simeon Sanchez by Governor Coppinger, June 26, 1816, which was afterwards conveyed by grantee by deed to claimant. In consideration whereof, we confirm the same to him and his heirs. June 10, 1824.

[NOTE.—In the abstract this claim is erroneously reported in the name of Francis P. Sanchez, present claimant, in right of Jos. S. Sanchez.]

No. 26.—REPORT No. 1.—1824.

*George Atkinson vs. The United States. Claim for five hundred and fifty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George Atkinson, by his attorney, George Gibbs, sheweth: That your memorialist claims title to a tract of land consisting of five hundred and fifty acres, situated on the west of the river St. John's, bounded on the north and west by lands of John H. McIntosh, on the south by McGirt's creek, on the east by the river St. John's, as per plat marked A; which title your memorialist derives from a grant made to your memorialist, February 22, 1816, by Governor Coppinger, in virtue of the royal order of October 29, 1790, as per deed marked B. And your memorialist further sheweth that he was, at the exchange of flags, and now is, legally seized and possessed of said land; that he is a citizen of the United States and resident of Darien, in Georgia.

All of which is respectfully submitted.

GEORGE ATKINSON,  
By GEORGE GIBBS, *Attorney in fact.*

[Translation.]

#### *Title of property.*

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of this city of St. Augustine, Florida, and its province:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, among other things, that to those foreigners who, of their own free will, present themselves to swear allegiance to our sovereign, lands should be measured them gratis, in proportion to the laborers each family may have; that Don George Atkinson having presented himself as one of them, he solicited of the government, and there were granted him, under date of August 8, 1803, five hundred and fifty acres of land on the west bank of the river St. John's, which land is known and distinguished under the following boundaries and dimensions: The first line, north 22° east, commences with a pine and ends at another, its measurement being 80 chains, and is bounded on this side by the lands of Don Juan McIntosh; the second line runs south 56° east, commences at said pine and ends at a stake, bounding with the lands of Don John McIntosh, and bounded on the side by a creek known as McGirt's creek, as results from the certificate given by the surveyor general appointed by this government, Don George Clarke, dated August 1, 1815, with the corresponding plat which has authorized in continuation of the same; and as no title whatever had been given him for the security and evidence of his dominion to the said land, that he has built houses thereon, cultivated them, and finally complied with all the rest of the conditions of this nature, as is seen in the titles given to other settlers, and is set forth in the proceedings moved for by the interested, soliciting that there should be given him the corresponding one of the lands which he has already measured and laid off: Wherefore, and in consideration of all, I have thought proper to grant, as in the name of his Majesty I do grant, to the said Don George Atkinson the five hundred and fifty acres of land in absolute property, for himself, his heirs, and successors; and in granting him, as by these presents I do grant them, the corresponding title by which I separate it

from the royal domain, from the right and dominion which it had in said land; and I cede and transfer it to the said George Atkinson, his heirs and successors, that, in consequence thereof, they may possess it as their own, use and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and services, which it has had, has, and in fact and by law belong to him; and, being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority as far as possible, and by right ought to, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary *pro tem.* of government and royal finance, in this city of St. Augustine, Florida, February 22, 1816.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, &c.

Conformable to its original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, February 22, 1816.

JUAN DE ENTRALGO, &c.

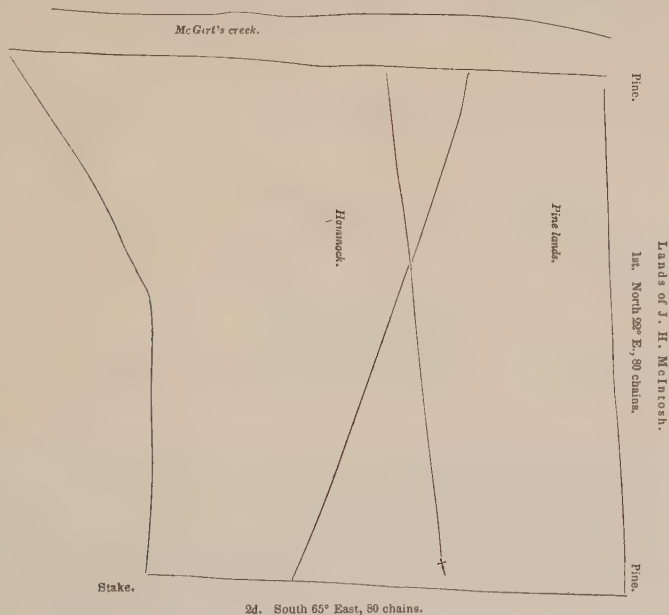
I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don George J. F. Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor general, appointed by the governor of said city and province: I certify that I have measured and laid off for Don George Atkinson, merchant, of this town, five hundred and fifty acres of land, which were granted him by the government, August 8, 1803, on the west side of the river St. John's, which in its figure, boundaries, and measurement, is according to the following plat, and is conformable to its copy in the book of surveys under my charge. Fernandina, August 1, 1815.

GEORGE J. F. CLARKE.



I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the public archives of St. Augustine.

F. J. FATIO.

DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant previous to January 24, 1813, by claimant producing a royal title made to him by Governor Coppinger, dated February 22, 1816, together with a certified plat of survey. In consideration whereof, we confirm the title to claimant and his heirs. June 11, 1824.

NO. 27.—REPORT NO. 1.—1824.

*Tucker's administratrix vs. The United States. Claim to two hundred and thirty acres of land.*

MEMORIAL.

*To the honorable the commissioners for ascertaining titles and claims to lands in East Florida:*

The memorial of Elizabeth Tucker, widow and administratrix of Andrew Tucker, deceased, residing in Camden county, Georgia, sheweth: That your memorialist claims title to a tract of land situated in

the county of Duval, containing two hundred and thirty acres, opposite Amelia island, bounded on the one side by lands of Louis Mattair, which said tract of land was granted to the said Andrew Tucker October 24, 1804, as headrights; all which, with the conditions thereto annexed, will more particularly appear by schedule A, being an abstract of the concession or grant thereof, and which conditions your memorialist says have been complied with; that the land is bounded on the north by lands of Louis McTier, on the south by lands of the same person, on the east by marsh, on the west by vacant lands, being in shape an oblong square, one hundred chains one way and twenty-three the other; all which, by the survey thereof executed June 26, 1816, a copy of which is hereunto annexed, marked schedule B, will more fully appear. All of which is humbly submitted to the consideration of your honorable body. August 27, 1823.

BELTON A. COPP, *Agent*.

[Translation.]

Don Juan de Pierra, lieutenant of the third battalion of the infantry regiment and secretary of government: I certify that, on a memorial presented by Andrew Tucker soliciting three hundred acres of land on the main land opposite Amelia island, bounded on the south by the lands granted to Louis McTier, the following decree was this day placed thereon: "Grant to this petitioner two hundred and thirty acres of land, which, according to the new regulations, are those appertaining to the family and slaves which he declares to have in the present memorial, without injury to a third, and with the condition that he is to establish himself on said land in the term of one month from this date; and that in case the royal service, for some motive, should order him to retire into the interior of the province, he can in no wise demand damages or injuries.

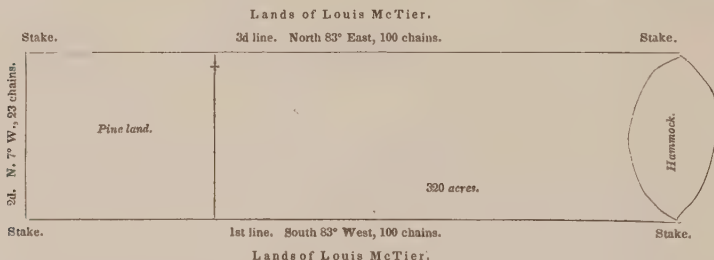
WHITE."

And that this may serve as a security to the interested, I give it, in St. Augustine, Florida, October 24, 1804.

JUAN DE PIERRA.

Don George J. F. Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor general, appointed by the governor of the same city and province: I certify that I have measured and laid off for Don Andrew Tucker 230 acres of land, which were granted to him by the governor on the river Amelia, and at a place called Black Hammock, fronting Amelia island, and is according to the following plat, and a copy retained in the book of surveys under my charge. Fernandina, June 26, 1816.

GEORGE J. F. CLARKE.



I certify the foregoing to be a true and correct translation from two documents in the Spanish language, in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

FLORIDA, *Duval county.*

In the matter of Elizabeth Tucker, widow of A. Tucker, claim to 230 acres at the Black Hammock, in Duval county, opposite Amelia island, William Braddock, an inhabitant of this county, planter, aged about 46 years, being duly sworn, says: That, for the last twenty-seven years, he has lived in the section of country now known by the name of Duval county, and in about three miles from the above tract of land for the most part of the time. Deponent says he well knew Andrew Tucker in his lifetime; he is now dead, and knows the said Elizabeth is his widow. Deponent further says that, in the year 1804, as well as deponent recollects, the said Andrew Tucker planted a part of the tract called Black Hammock tract; that he thinks it was cultivated by Andrew Tucker till 1806, during which year it was transferred or swapped by Tucker unto William Berrie for Snelling's old field, which Berrie owned, that is, one removed to the other's land by agreement; that the said William Berrie continued to cultivate the said tract known by the name of the Black Hammock till 1813, when both he and Tucker removed into Georgia, in consequence of the troubles which then existed in Florida; that in the year 1820 Berrie planted it again; that in the year 1803 the said Andrew Tucker intermarried with the said Elizabeth, who is the sister of William Berrie. Deponent further says that he has no interest in the lands in question, and shall neither lose nor gain whether the said Tucker's grant be confirmed or not; that William Berrie lives in Georgia.

WILLIAM BRADDOCK. [L. s.]

Sworn to before me, January 23, 1824.

JAMES O'NEILL, *J. P.*

DECREE BY THE BOARD.

In this case the claimant exhibited in evidence a concession, on condition, for the land in question, by Governor White, certified by the secretary of government, dated October 24, 1804; likewise a certified plat for the same; and likewise a deposition of William Braddock, showing that the condition stipulated in the grant or concession was complied with by the grantee. We therefore consider the claim a valid one, and confirm the same to claimant and her heirs.



## No. 28.—REPORT No. 1.—1824.

*Robert Hutchinson vs. The United States. Claim to two hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Robert Hutchinson respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and fifty acres, situated on the west side of the river St. John's, near McGirt's creek; first line runs westwardly 70 chains, commencing at a pine on the river, to a stake; second line thence north 50 chains to a pine; third line south 70 chains to a pine on the bank of the river; bounded north by land of your memorialist, east by the river St. John's, south by lands of George Atkinson, and west by vacant lands; which title your memorialist derived from a decree of Governor Coppinger, January 9, 1818, in virtue of the royal order of 1790. Your memorialist further sheweth that he was in possession until 1818, but has since been deprived by George Atkinson; that he is a citizen of the United States and resident of Florida. All which is respectfully submitted, &c.

A. BELLAMY, *Memorialist's Attorney.*

[Translation.]

## MEMORIAL.

*To his excellency the governor:*

Robert Hutchinson, an inhabitant and planter in this province, to your excellency respectfully sheweth: That since the last concession of lands he obtained of this government he has acquired, by his vigilance and industry, a considerable increase in the number of his slaves, so that he is at present without a sufficient quantity of land to employ them, and also an increase of family, for which reason he humbly prays your excellency will be pleased to grant him three hundred and fifty acres of land on the river St. John's, adjoining those he at present cultivates, (on the east by the mouth of McGirt's creek, on the north by said river,) for the purpose of employing advantageously the number of hands he has almost idle, being a gift he will ever be grateful to your excellency for. St. Augustine, January 8, 1818.

ROBERT HUTCHINSON.

## DECREE.

St. Augustine, Florida, January 9, 1818.

Grant to the petitioner the three hundred and fifty acres of land in the place which he solicits, without injury to a third, and with the condition that he is to cultivate them without intermission; and for his security give him, through the secretary's office, a certified copy of this memorial and decree.

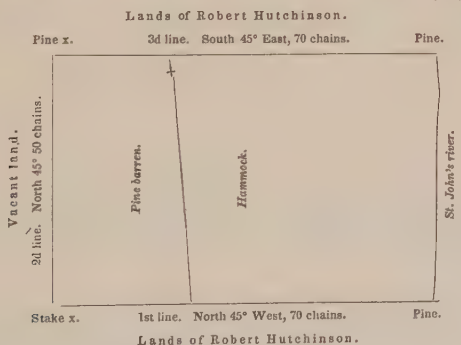
COPPINGER.

Don Thomas de Aguilar, ensign of infantry, and secretary, by his Majesty, of government of this city and province: I certify that the preceding copy is truly taken from the original on file in the office under my charge; and in virtue of what is ordered, I give the present in St. Augustine, January 9, 1818.

THOMAS DE AGUILAR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*



Don D. S. H. Miller, captain of the rural militia of St. John's river, district of St. Nicholas, and deputy surveyor, do certify that I did, May 15, 1821, survey for Mr. Robert Hutchinson 350 acres of land, lying and being on the west side of St. John's river, south of and joining a tract of 150 acres surveyed by me for him in January, 1817, as above.

TERRITORY OF FLORIDA, *County of Duval.*

This day personally appeared D. S. H. Miller before me, and, being duly sworn, deposeth and saith: That he surveyed a tract of land for Mr. Robert Hutchinson, now Robert Hutchinson, esq., on the west side of St. John's river, near the mouth of McGirt's creek, granted him in the year 1814 by the Spanish government; and that he is well knowing to Mr. Hutchinson improving the same place for upwards of five years; and that he was compelled to leave the place by the invasion of the Indians; also, another tract joining the above, granted to him in 1818; and that it was cultivated the same length of time, as his improvements were made on both tracts at the same time.

D. S. H. MILLER.

Sworn to this 16th day of January, 1824.

W. G. DAWSON, *J. P.*

TERRITORY OF FLORIDA, *St. John's County.*

Personally appeared Charles Hogan, who, being duly sworn, deposeeth and saith: That he has known and been well acquainted with Robert Hutchinson for the last twelve years; that he has also known Robert Hutchinson in the year 1815, and cultivated a tract of land on St. John's river, near McGirt's creek, of 150 acres; that, some time after it was surveyed by David S. H. Miller, this deponent further states that he was chain-bearer to both tracts of 150 and 350 acres; that at the time of settling and cultivating the first grant, granted to said Hutchinson in the year 1814, he, the said Hutchinson, cleared and cultivated the same until 1818, (May,) when he obtained a grant for said land of 350 acres, and was soon after forced to leave it in consequence of the Indians. Deponent further states that the land that the said Hutchinson cleared, without the first grant of 150 acres, is in the survey of 350 acres.

CHARLES HOGAN.

Sworn to before me.

EDWARD R. GIBSON,  
*Justice of the Peace for St. John's county.*

## DECREE BY THE BOARD.

We find in this case that the land was conceded to the claimant on condition by Governor Coppinger, January 9, 1818, and that he complied with the conditions stipulated in the concession, as proven by the depositions of D. S. H. Miller and Charles Hogan; the claimant likewise exhibited a survey of the land. In consideration whereof, we confirm the same to him and his heirs. June 17, 1824.

## No. 29.—REPORT No. 1.—1824.

*Samuel Worthington vs. The United States. Claim to one hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Samuel Worthington respectfully sheweth: That your memorialist claims title to a tract of land consisting of 100 acres, situated on the river St. Mary's, near Pigeon creek, bounded north by lands of your memorialist, south by lands of John Dixon, east by vacant lands, west by river St. Mary's; which title your memorialist derived from a decree of Governor Coppinger to your memorialist, March 18, 1817, in virtue of the royal order of 1790, which, together with a survey of the land, is herewith presented. Your memorialist further sheweth that he is in actual possession of said tract, and was so at the cession; that he is a citizen of the United States and resident of the Territory. All of which is respectfully submitted.

A. BELLAMY, *Memorialist's Attorney.*

[Translation.]

## MEMORIAL.

*To his excellency the governor:*

Samuel Worthington, an inhabitant of the river St. Mary's, to your excellency, respectfully sheweth: That being desirous of applying himself to the cultivation of the land, and there being vacant one hundred acres on the river St. Mary's, bounded by the lands of John Hogins, he therefore prays that your excellency will be pleased to grant him the quantity; his family consisting of his wife, a slave of age, and himself. Fernandina, February 4, 1817.

SAMUEL WORTHINGTON.

## DECREE.

St. AUGUSTINE, *March 18, 1817.*

Grant to the petitioner the one hundred acres of land in the place which he solicits, without injury to a third, and are those his family, himself, and slave, are entitled to, as he has set forth in this petition; and for his security let there be given him, from the secretary's office, a certified copy of the proceedings.

COPPINGER.

Don Thomas de Aguilar, ensign of the army, and secretary of the government of the city of St. Augustine and its province of East Florida, by his Majesty: I certify that the foregoing copy is well and truly taken from its original on file in the archives under my charge, to which I refer; and at the request of the party, do sign the present in virtue of the superior decree of this day, made in St. Augustine, Florida, March 18, 1817.

THOMAS DE AGUILAR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

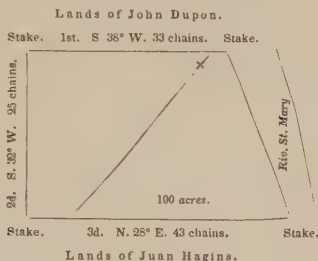
F. J. FATIO, *S. B. L. C.*

[Translation.]

Don George Clarke, captain of the northern district of Florida, and surveyor general of said province, appointed by his government: I certify that I have measured and laid off for Samuel Worthington one hundred acres of land on the river St. Mary's, and in the vicinity of Pigeon creek, granted him March 18, 1817, and are conformable to the following plat and its copy in my possession. Northern district, May 9, 1818.

GEORGE J. F. CLARKE.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.



DECREE BY THE BOARD.

We ascertain this is a valid Spanish grant, by claimant producing a concession without condition made to him by Governor Coppinger, dated March 18, 1817, which land was afterwards surveyed. In consideration whereof, we confirm the same to claimant and his heirs. June 21.

*Samuel Worthington vs. The United States.* For one hundred acres of land on Pigeon creek, St. Mary's river.

George J. F. Clarke, being duly sworn, states that he has known Samuel Worthington since the year 1815, and that he has always resided in the Territory; does not know whether he has resided on the tract in question. Witness says that he does not think he ever received on any other concession from the Spanish government.

*Question by Mr. Macon.* Witness says he is unable to say whether the claimant cultivated the tract in question.

No. 30.—REPORT No. 1.—1824.

*Robert Hutchinson vs. The United States.* Claim to one hundred and fifty acres of land.

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Robert Hutchinson respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and fifty acres, lying on the west side of St. John's river, two miles north of McGirt's creek; bounded north by vacant lands, south by lands of your memorialist, east by St. John's river, west by vacant lands, which will be seen by the survey which is herewith presented, marked C; which title your memorialist derived from a decree of Governor Estrada, December 6, 1815, on a petition of your memorialist, which is herewith presented, by virtue of the royal order of 1790. Your memorialist further states that he was in possession until 1818, in December, at which time your memorialist was deprived of his possession by an individual who claims the same; that he is a citizen of the United States and resident of the Territory of Florida.

A. BELLAMY, *Memorialist's Attorney.*

[Translation.]

Robert Hutchinson, subject of his Catholic Majesty, to your excellency respectfully sheweth: That to the northeast of McGirt's creek, situated on the north side of St. John's, there is a quantity of vacant land, part of which your memorialist is desirous of cultivating with four slaves above the age of sixteen years, which he owns; and not having wherein to employ them in consequence of his not obtaining any concession whatever of land on account of his being under the protection of his parents, he therefore prays that your excellency will be pleased to grant him the number of acres which he is entitled to in the place pointed out as vacant; for which gift he will remain truly grateful. St. Augustine, Florida, December 7, 1815.

ROBERT HUTCHINSON.

ST. AUGUSTINE, December 7, 1815.

Let the civil and military commandant of the river St. John's report as to the conduct of the interested, and with certainty of the number of slaves to which he refers in this memorial, that, in consequence thereof, I may order what may be convenient.

ESTRADA.

*To his excellency the governor:*

The individual set forth in the memorial is an inhabitant of the province, and is considered in the same as a person of good conduct, without ever having been spoken ill of; he is industrious, and is attentive to his work. He has, according to the information given me by his father and others, the slaves which he sets forth in his petition, which is all I can inform your excellency in virtue of the preceding superior decree. St. Nicholas, December 9, 1815.

THOMAS LLORENTE.

ST. AUGUSTINE, December 12, 1815.

In conformity with the foregoing decree, grant to the interested one hundred and fifty acres of land in the place which he solicits, without injury to a third, and are those he is entitled to according to the number of persons his family consists of; and for his security let there be given him from the secretary's office the necessary document.

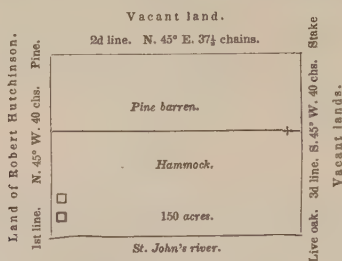
ESTRADA.



I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

Don S. H. Miller, captain of the rural militia of St. John's river, district of St. Nicholas, and deputy surveyor, do certify that I did, January 12, 1817, survey for Mr. Robert Hutchinson one hundred and fifty acres of land lying and being on the west side of St. John's river, about two miles north of McGirt's creek, as follows:



DECREE BY THE BOARD.

We ascertain this is a valid Spanish grant, by claimant producing a concession without condition made to him by Governor Estrada, dated December 12, 1815; likewise a survey of the same. In consideration whereof, we confirm the same to claimant and his heirs. June 21, 1824.

No. 31.—REPORT No. 1.—1824.

*Francisco P. Sanchez vs. The United States. Claim to nine hundred acres.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francisco P. Sanchez respectfully sheweth: That your memorialist claims title in and to a certain tract or parcel of land consisting of nine hundred acres, situated and lying in East Florida aforesaid, on the west of the river St. Sebastian, being partly the place known by the name of Penman's Plantation, at a short distance from the city of St. Augustine; that the said tract of nine hundred acres is made up of what was originally two tracts, one of six hundred, and the other of three hundred acres; that the tract of six hundred acres was originally granted to one John Geiger, under the royal order of the King of Spain, bearing date October 29, 1790; was surveyed for him August 1, 1816, and was confirmed to the said John Geiger July 29, 1817, by a grant thereof, without condition, and in absolute property, made by Don José Coppinger, then governor of East Florida, as will more fully and at large appear by a reference to a certified copy of the said grant now here submitted and filed, and marked A; that the aforesaid three hundred acre tract, part of the said nine hundred acre tract, bounding on the aforesaid six hundred acre tract, was purchased, March 15, 1820, by the said John Geiger from one William Travers, an inhabitant of East Florida, and a Spanish subject, which William Travers was one of the heirs of one Thomas Travers, then deceased; that the said Thomas Travers acquired the said tract of three hundred acres by devise from one Maria Evans, by her last will and testament, made in the year 1792, who died in this country shortly after the date of her said will; that the said tract of three hundred acres was in the actual occupancy of the said Maria Evans at the time of and long before her death, and then and long before having been in cultivation, and in a state of high improvement; that your memorialist is unable to set forth or produce the deraignment of title to the said three hundred acres of land, but most of the facts herein before alleged in reference thereto will appear or be supported and affirmed by the exhibit A, herein before referred to; that, after the purchase as aforesaid of the said three hundred acres of land by the said John Geiger, he being desirous to unite and throw into one tract the said three hundred acres and the aforesaid six hundred acres formerly and then owned by him, applied to Don José Coppinger, then governor of East Florida, for permission so to do, and for an order for the survey of the said two tracts of three hundred and six hundred acres as one tract of nine hundred acres, which permission was obtained, and a survey of the whole nine hundred, as forming one tract, was made by one Andres Burgevin, under the authority of the said Don José Coppinger, on or before September 16, 1820. Your memorialist further shows that the said tract of land of nine hundred acres has the following lines and dimensions, and had, at the time of the survey thereof, the following boundaries—that is to say: the first line runs north 65° east, 60 chains, to a pine marked with three notches; the second line runs from the said pine north 37° east, 37 1/2 chains; the third line runs north 65° east; the fourth line runs north 25° west, 54 chains 80 links; the fifth line runs north 62° west, to a pine marked +; the sixth line runs north 25° west, 35 chains, to a pine tree with the same mark; the seventh line runs south 81° west, 60 chains, to another pine tree marked with a +; and the eighth line runs south 20° east, 150 chains, to the place of beginning, as will more distinctly appear by a reference to the original plat of the survey of the said land, bearing date September 16, 1820, herewith submitted and filed, and marked exhibit B. And your memorialist further shows that the said John Geiger, for a valuable consideration paid to him by your memorialist, October 16, 1820, conveyed the said nine hundred acres of land and its appurtenances to your memorialist in absolute property, as will fully and at large appear by a certified copy of the conveyance thereof by the said John Geiger to your memorialist, herewith submitted and filed, and marked exhibit C, reference being thereto had; and that the said John Geiger was, at the time the said six hundred acres of land were granted to him as aforesaid, and at the time he so purchased the three hundred acres of land as aforesaid, and before, an inhabitant and settler of East Florida, and a subject of the King of Spain; and that your memorialist was, before and at the time the said nine hundred acres of land were conveyed to him as

aforesaid, and at the time of the cession of this Territory to the United States, an inhabitant and settler of East Florida, and a subject of the King of Spain, and that he has ever continued to be, and now is, an inhabitant and settler of the same. Wherefore, he prays confirmation of his title in and to the said land and its appurtenances; and he will ever pray, &c., &c.

FRANCISCO P. SANCHEZ,  
By his attorney, JOHN DRYSDALE.

[Translation.]

*Title of property for six hundred acres of land in favor of Don John Geiger, situated on the other side of the ferry ———, at a place known as Talman's Plantation.*

Don José Coppinger, colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of this city of St. Augustine, Florida, and its province:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and two Floridas, it is provided, among other things, that to those foreigners who, of their free will, present themselves to swear allegiance to our sovereign, lands should be laid off for them gratis, in proportion to the laborers each family may have; that Don John Geiger having presented himself as one of them, he solicited of the government, and there were granted him, six hundred acres of land situated on the other side of the ferry, at a place known as Talman's Plantation; which land is known and distinguished under the following dimensions: bounded on the north by the Picolata road, on the east by vacant pine land, on the south by lands of the negro Philip Embara, and on the west by vacant pine land. The first line runs north 30° east, 93 chains; the second line runs south 60° west, 56 chains; the third line runs west, 15 chains; the fourth line, north 30° east, 85 chains; and the fifth runs south 60° west, 64 chains 50 links, as appears by the measurement and plat made by Don Robert McHardy August 1, 1816, to whom a commission was given for that purpose, in consequence of there not being a surveyor here; and as the said Don John Geiger has complied with the conditions imposed by this government when he was granted said land, for the purpose of being entitled to a title of property for having cultivated them, built houses thereon, as is proven by the documents which he has presented, and the proof set forth in the proceedings which he has instituted, praying there should be given him the corresponding title to said land: Wherefore, and in consideration of the other reasons which appear in said proceedings, and by what is set forth in the decree of this day in continuation thereof, I have thought proper to grant, and by these presents do grant, in the name of his Majesty, to the said Don John Geiger the above-mentioned six hundred acres of land, in absolute property, for himself, his heirs and successors; and in granting him, as by these presents I do grant him, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said land, and I cede and transfer it to the said Don John Geiger, his heirs and successors, that, in consequence thereof, they may possess it as their own, make use of and enjoy it, free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, and all in general which hath, doth, or in any manner by right may belong or pertain thereto; and, it being their will, they may sell, cede, transfer, and alienate it at their will. To all of which I interpose my judicial authority as far as possible, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in this said city of St. Augustine, Florida, July 29, 1817.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, Notary of Government, &c.

NOTE.—That to this land there are joined three hundred acres which Don John Geiger purchased from Don William Travers in the same place, by deed before me in *this archives*, March 15 of the present year, and, united, forms a tract of nine hundred acres, the measurement and plat of which made by Don Andres Burgevin by judicial authority, in the proceedings instituted by the said Geiger on file in the archives under my charge, and by decree of this day placed on his memorial, it is ordered that this note be inserted as proof. St. Augustine, Florida, October 6, 1820. I attest:

JUAN DE ENTRALGO.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIÓ, S. B. L. C.

[Here follows a conveyance by deed of 900 acres of land by John Geiger to claimant, dated October 16, 1820.]

[Translation.]

Don Andres Burgevin, surveyor appointed by decree of this government, made the 14th instant of the present year: I certify that I have measured and laid off for Don John Geiger a tract of land containing 900 acres, situated about three or four miles to the northwest of this city, and at a place known as Penman's Swamp; and that it may be made known, I sign the accompanying plat in St. Augustine, Florida, the 16th of September of the year 1820.

ANDRES BURGEVIN.

A copy from the original, to which I refer.

ANDRES BURGEVIN.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIÓ S. B. L. C.





given to other settlers, and made known in the proceedings instituted by Don Santos Rodriguez, as attorney in fact of Don Spicer Christopher, praying that there should be granted in favor of the latter the necessary title of the land which he has measured and laid off, and of which he is in possession. Wherefore, and in consideration thereof, I have granted, and by these presents do grant, in the name of his Majesty and his royal justice, which I administer, to the aforesaid Don Spicer Christopher the said ten caballerias and twenty-five acres of land which the said plantation consists of, for himself, his heirs and successors, in absolute property; and in granting him, as by these presents I do grant him, the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said land; and I cede and transfer it to the aforesaid Don Spicer Christopher, his heirs and successors, that, in consequence thereof, they may enjoy it free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights and appurtenances, and all and in general which hath, doth, or in any manner by right may belong or pertain thereto; and, it being their will, they may sell, cede, and transfer and alien it at their will. To all of which I interpose my authority as far as possible, and according to law, in compliance with the sovereign will.

Given under my hand, and countersigned by the undersigned notary of his Majesty of government and royal finance, in this said city of St. Augustine, Florida, April 8, 1809.

ENRIQUE WHITE.

By order of his excellency:

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

Conformable to its original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, February 28, 1818.

[L. s.]

JUAN DE ENTRALGO, &c.

*Extract from the will of Spicer Christopher, deceased, dated February 12, 1806.*

My landed property to be partitioned in the following manner: To my son John my plantation on the river St. John's, called \_\_\_\_\_, &c.

DECREE BY THE BOARD.

The claimant exhibited to the board a royal title made to his father by Governor White, dated April 8, 1809, for the land in question, which land was afterwards bequeathed to him by Spicer Christopher, his father aforesaid. In consideration whereof, we confirm the same to him and his heirs. July 7, 1824.

No. 33.—REPORT No. 1.—1824.

*Francis P. Sanchez vs. The United States. Claim to three hundred and forty-five acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to land in East Florida:*

The memorial of Francisco P. Sanchez respectfully sheweth: That your memorialist claims title in and to a certain tract or parcel of land consisting of three hundred and forty-five acres, situated and lying in East Florida aforesaid, on the river St. John's, at a place called the Ship Yard, distant about half a mile from San Vincent Ferrer, having the following lines and dimensions, and, at the time of the survey thereof, having had the following boundaries—that is to say: the first line begins at a live oak and runs south 60° east, 61 chains, to a pine tree, and was bounded by lands of Andres Atkinson; the second line runs from the said pine tree south 30° west, 57½ chains, to a stake; the third line runs from the said stake north 60° west, 61 chains, to a stake; and the fourth line runs from the said stake to the place of beginning, and is bounded by the river St. John's, as will more fully and distinctly appear by a reference to the original plat of the survey of the said land by George J. F. Clarke, then surveyor general of East Florida, bearing date September 4, 1820, herewith submitted and filed, and marked exhibit A. Your memorialist further shows that the said tract of land was originally granted, on May 28, 1816, to one John Rafo, in absolute property, by Don José Coppinger, then the governor of East Florida, under the authority and in virtue of a royal order of the King of Spain of March 29, 1815, as will more fully and at large appear by reference to a certified copy of the said grant now here submitted and filed, and marked exhibit B; that afterwards, to wit, some time in the year 1817, the said John Rafo died considerably indebted to one Pedro Miranda; that authority was given by the government of East Florida to the said Pedro Miranda, on June 11, 1818, to make sale of the said tract of land for the payment of the debt due by the said John Rafo to the said Pedro Miranda, and that, in virtue of the said authority, the said Pedro Miranda sold and conveyed the said land to Tomas de Aguilar on July 2, 1820, as will appear by a reference to a certified copy of conveyance from the said Pedro Miranda to the said Tomas de Aguilar of the said land, now here submitted and filed, and marked exhibit C; and that the said Tomas de Aguilar afterwards, that is to say, on January 11, 1821, for a valuable consideration paid to him by your memorialist, conveyed, according to the formalities required by the Spanish law, the said tract of land to your memorialist in full and absolute property, which will fully and at large appear by a reference to a certified copy of the said conveyance from the said Tomas de Aguilar of the said land to your memorialist, herewith submitted and filed, and marked exhibit D. And your memorialist further avers and shows that the said John Rafo was, before and at the time the said land was granted to him as aforesaid, an inhabitant and actual settler of East Florida, and a subject of the King of Spain; and that your memorialist was, before and at the time the said land was so conveyed to him as aforesaid, and at the time of the cession of this Territory to the United States, an inhabitant and actual settler of East Florida, and a subject of the said King of Spain; and that he has ever since the said cession continued to be, and is now, an inhabitant and actual settler of East Florida. Wherefore, your memorialist prays a confirmation of his title in and to the said tract of land and its appurtenances, agreeably to the acts of Congress in such cases made and provided. And he will, as in duty, &c.

FRANCO. P. SANCHEZ,

By his attorney, JNO. DRYSDALE.

[Translation.]

*Title of property in favor of Don Juan Rafo for three hundred and forty-five acres of land, on the bank of the river St. John's, at a place called Ship Yard.*

Don José Coppinger, colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of the city of St. Augustine, Florida, and its province:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the donations and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, both of the line as well as militia of this province, who contributed to its defence at the time of the rebellion, being one of said rewards the distribution of lands in proportion to the number of family each individual may have; that Don Juan Rafo, a militiaman, having presented himself, making known his services in said defence, and soliciting the corresponding quantity for himself, his family, and slaves, there were granted him three hundred and forty-five acres of land on the south bank of the river St. John's, in the vacant place called "Ship Yard," half a mile distant from St. Vincent Ferrer, bounded on the west by those granted in said place to Don Ramon Sanchez, on the north by the banks of said river, and on the south and east by vacant lands; all conformable to the regulations established by this government for the distribution of lands, and to the number of persons and slaves which he has manifested that his said family consists of, and, by what has been ordered by my decree of this day, placed on the proceedings instituted by the said Don Juan Rafo on file in the government notary's office: Wherefore, I have thought proper to grant, as in the name of his Majesty I do grant, to the aforesaid Don Juan Rafo the above-mentioned three hundred and forty-five acres of land, without injury to a third, in the place already pointed out, for himself, his heirs and successors, in absolute property; and in granting him, as by these presents I do grant him, the corresponding title by which I separate it from the royal domain, from the right and dominion it had to said lands; and I cede and transfer it to the aforesaid Don Juan Rafo, his heirs and successors, that, in consequence thereof, they may possess it as their own, use and enjoy it without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances, which it has or may have, and of right may belong or pertain thereto; and, being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority as far as I can, and by right ought to do, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in this said city of St. Augustine, Florida, May 28, 1816.

By order of his excellency:

JUAN DE ENTRALGO, *etc.*

JOSÉ COPPINGER.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

PROCEEDING AUTHORIZING SALE BY MIRANDA.

ST. AUGUSTINE, June 11, 1818.

Having seen, and as, from the documents presented by Don Pedro Miranda, it is manifest that in the dissolution of the company which he had with his cousin Don Juan Rafo there resulted a balance in his favor of two hundred and eighty-eight dollars, and being known that Rafo did not leave other property by which his creditor could be paid but the three hundred and forty-five acres of land which this government granted, as appears by the title of dominion which was expedited to him for that purpose: wherefore, the said Miranda is authorized that he may proceed to the sale of the said lands, with the charge of responsibility that offers of forwarding the amount of surplus to his heirs, making the most active search to find out their abode

COPPINGER.  
SAAVEDRA.

Fees, seventeen reals.

Before me—

JUAN DE ENTRALGO.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

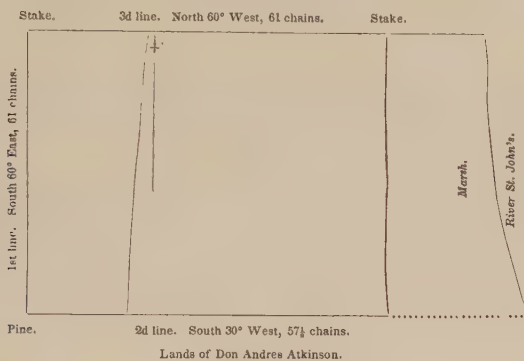
[Here follows a conveyance by deed from Pedro Miranda to Tomas de Aguilar for the three hundred and forty-five acres of land, dated July 2, 1820; also, a conveyance by deed from Tomas de Aguilar to claimant for the same, dated January 11, 1821.]

[Translation.]

Don George Clarke, lieutenant of militia of St. Augustine, Florida, and surveyor general, appointed by the government of the same city and province: I certify that I have measured and laid off for the heirs of Don Juan Rafo three hundred and forty-five acres of land on the south side of the river St. John's, being part of the land called "Ship Yard," which were granted to said Rafo by the government in absolute property on the 28th of May of the year 1816, and are in all parts conformable to the following plat and its copy in the book of surveys under my charge. District of St. Mary's, September 4, 1820.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*



DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, and confirmed it to claimant.

No. 34.—REPORT No. 1.—1824.

*Todd's legatees, by George Atkinson, executor, vs. The United States. Claim to six hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to land in East Florida:*

The petition of George Atkinson, by his attorney, George Gibbs, sheweth: That your memorialist claims title to a tract of land consisting of six hundred acres, situated at New Smyrna, bounded on the east by marshes, on the north by lands of William Williams, on the south by lands of Robert McHardy, on the west by vacant lands, as per plat marked A; which title your memorialist derives from a grant made to Lindsay Todd, July 1, 1815, by Governor Estrada, in virtue of the royal order of October 29, 1790, who having died, your memorialist claims it as executor. And your memorialist further sheweth that, at the exchange of flags, the estate of Todd was, and now is, legally seized and possessed of said lands; that L Todd was a citizen of the province of Florida and resident of said province. All of which is respectfully submitted, &c.

GEO. ATKINSON, *Executor of Lindsay Todd, Esq.*  
By GEO. GIBBS, *Attorney in fact.*

[Translation.]

MEMORIAL.

St. AUGUSTINE, *July 20, 1803.*

Lindsay Todd, a new settler, admitted under the protection of his Catholic Majesty, with due respect states to your excellency that he has determined to establish himself in Musquitos to cultivate those lands, at a place called New Smyrna, the survey of which ought to begin where the land petitioned for by William Williams terminates; and for that purpose he solicits of your excellency to be pleased to grant him there six hundred acres, corresponding to the number of negroes he possesses, which favor he will be grateful to your excellency.

LINDSAY TODD.

Señor GOVERNOR.

St. AUGUSTINE, *July 20, 1823.*

Let the commandant of engineers report.

WHITE.

Being informed of the memorial, and in obedience to the foregoing decree, I communicate to your excellency that the cultivation of the lands solicited for by the petitioner in the place which he names will not obstruct the defence of the province as respects the department of fortification; you may grant him the number of acres your excellency may judge fit, which is all that I can report to your excellency, that you may determine according to your pleasure. St. Augustine, July 21, 1803.

NICOLAS BARIDO.

St. AUGUSTINE, *July 21, 1803.*

Let this party have granted to him the lands which he solicits, without injury to a third person, and until the corresponding quantity of lands be measured to him in proportion to the number of workers whom he may have for its cultivation, it being well understood that he ought to take possession of said lands within the term of six months.

WHITE.

A certificate was given.

PIERRA.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of public archives of St. Augustine.

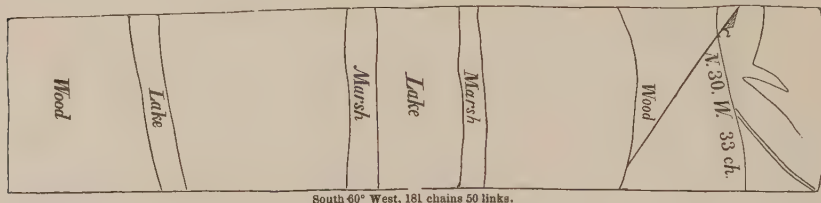
F. J. FATIO, *S. B. L. C.*



[Translation.]

In virtue of the commission granted me by Don Henry White, political and military governor of this province, on the 7th day of October, in the year 1803, I certify that I have measured and marked off the boundaries for Don Lindsay Todd of a piece of land which contains six hundred acres of land, situated in the territory of Musquitos, bounded on the east by marshes, on the north by the lands of Don William Williams, on the south by the lands of Don Robert McHardy, and on the west by vacant lands, the figure and dimensions of which are what the preceding plan points out; and for its confirmation I sign it at St. Augustine, Florida, December 19, 1803.

JOHN PURCELL.



I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives.

F. J. FATIO, *S. B. L. C.*

[Here follows a royal title in confirmation of the concession made by Governor White to Lindsay Todd of the six hundred acres, signed by Governor Estrada, and dated July 1, 1815.]

## DECREE BY THE BOARD.

George Atkinson, executor for the legatees of Lindsay Todd, deceased, in their behalf produced in evidence a concession for the land from Governor White, dated July 21, 1803; also a survey of the same, and also a confirmation by royal title, bearing date July 1, 1815. In consideration whereof, we confirm to the legatees and their representatives the land in question. July 12, 1824.

## No. 35.—REPORT No. 1.—1824.

*Todd's legatees, by George Atkinson, executor, vs. The United States. Claim to three hundred and ninety acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George Atkinson, by his attorney, George Gibbs, sheweth: That your memorialist claims title to a tract of land consisting of three hundred and ninety acres, situated on Cedar creek, on the St. John's river, bounded on all sides by vacant lands, as follows: First line runs south 45° west, 60 chains; second line runs north 45° west, 65 chains; third line runs north 45° east, 60 chains; fourth line, bounded by Cedar creek on the east, as per plat marked A; which title your memorialist derives from a grant made to Lindsay Todd, February 11, 1817, by Governor Coppinger, in virtue of the royal order of March 29, 1815, who having died, your memorialist claims as executor. And your memorialist further sheweth that, at the exchange of flags, the estate of Todd was, and now is, legally seized and possessed of said lands; that L. Todd was a citizen of the province of Florida and resident of said province. All of which is respectfully submitted.

GEORGE ATKINSON, *Executor of Lindsay Todd,*  
By GEORGE GIBBS, *Attorney in fact.*

[Translation.]

## MEMORIAL.

Lindsay Todd, an inhabitant and planter on the river St. John's, in this province, with due respect states to your excellency that, in consequence of the provision of the decree of the 19th February of the year last past, he presents proof of the services he has performed as a militiaman at the time of the insurrection of this said province, accredited by the report of the lieutenant of the regiment of Cuba, Don Christoval Bravo, and by the certificate of the captain of said militia, Don Andrew Atkinson; in attention to which, and having delayed the exhibition of said documents, from not having met until now with vacant lands, he prays your excellency to be pleased to grant him the number of acres which correspond to him, to the west of the eastern creek which forms McGirt's creek, and is known by the name of Cedar creek, beginning two hundred yards above a great cypress, which is in the middle of said creek. The first line runs west to Kingsley's road; the second runs south by said road unto the said creek, running along that until the quantity is completed; which favor he hopes from the justice of your excellency. St. Augustine, Florida, February 10, 1817.

LINDSAY TODD.

Señor GOVERNOR.

St. AUGUSTINE, February 11, 1817.

The documents referred to being presented, and in virtue of them, let there be granted to the petitioner three hundred and ninety acres of land, which is the quantity corresponding to the number of

slaves in the list exhibited, for which a title of property shall be expedited to him in the place pointed out, without prejudice to a third person, in virtue of the royal order upon which it is founded.

COPPINGER.

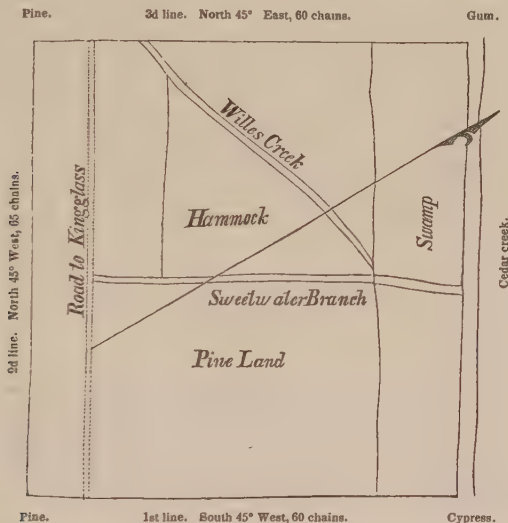
I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don George Clarke, lieutenant of the militia of St. Augustine, Florida, and surveyor general, nominated by the governor of the said place and province: I certify that I have measured and marked off for Don Lindsay Todd three hundred and ninety acres of land in the place named Cedar creek, on the waters of the St. John's, which were granted to him by the government in absolute property, agreeably to the document of title which the interested has exhibited to me, and which he preserves himself, which land is, in its circumstances, conformable to the following plan, and the copy of it preserved in the book of surveys in my charge. Fernandina, Amelia island, April 21, 1817.

GEORGE J. F. CLARKE.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

[Here follows a royal title in confirmation of the concession made to Lindsay Todd of the three hundred and ninety acres, signed by Governor Coppinger, and dated February 11, 1817.]

#### DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, and confirmed it to claimant.

No. 36.—REPORT No. 1.—1824.

*Thomas Travers' heirs vs. The United States. Claim to one hundred and twenty-five acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Travers, for the heirs of Thomas Travers, respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and twenty-five acres, situated on St. John's river, at a place called St. Patricio, bounded north and south by St. John's river, and on other sides by a marsh. A certificate of survey is in the office of the keeper of the public archives, made by Marrot, which title your memorialist derives from a grant made to the said Thomas Travers by Governor White, in virtue of the royal order 1790. And your memorialist further sheweth that he is in actual possession of said lands; that he resides in St. Augustine, and did so at the change of flags in 1821.

GEO. MURRAY,  
For TRAVERS.

[Translation.]

*Title in favor of the children and heirs of the deceased, Don Thomas Travers, of the plantation named St. Patrick.*

Don Enrique White, colonel of the royal armies, political and military governor of this city of St. Augustine of Florida, and its province:

Whereas, by a royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and both Floridas, it is provided, among other things, that to those foreigners who,

of their own free will, offer themselves to swear allegiance to our sovereign, lands shall be granted and surveyed gratis, in proportion to the workers which each family may have; that Don Thomas Travers having offered himself, he solicited, and there were granted, measured, and delivered to him, three caballerias and twenty-five acres of land at the plantation named St. Patrick, in part of what he is entitled to in proportion to his family, which he declared under oath, which land was known and distinguished under the following dimensions and boundaries: It runs north and south with the river St. John's, and, from the oblique course which the said river runs, forms an island with an impassable marsh, which is in the rear; the greater part of the front of the said lands runs on the bank of the said river, and the other part runs on that of the said marsh, forming at both sides an irregular figure, as results from the certificate given by Don Pedro Marrot, judge commissioned for said distribution and survey of lands, dated November 18, 1792, and a corresponding plat authenticated by Don Juan Samuel Eastlake, who was the surveyor at said survey; and as no title has been issued to him for the security and confirmation of his dominion to the said lands in the form in which it has been executed to others, that they have already passed more than ten years of uninterrupted possession, erected buildings on them, cultivated, and finally complied with the other conditions established by the government for concessions and grants of this nature, seen in the titles delivered to other settlers, as appears by the proceeding moved by Don William Lawrance, in the name of his wife, Donna Ana Travers, and by the representation which he made as guardian or curator of Donna Maria, William, and Margaret, all legitimate children and heirs of the above-mentioned Don Thomas Travers, deceased, he moved, soliciting that a title should be issued in favor of the said heirs, corresponding to the land which is measured and laid off, and of which they are in possession: Wherefore, and in consideration of everything, I have granted, as in the name of his Majesty, and of his royal justice, which I administer, I do grant, unto the said children and heirs of the said Travers, deceased, the said caballerias of land of which the said plantation consists, for themselves and their successors, in absolute property; and to expedite to them, as by these presents I do, the corresponding title, whereby I separate the royal domain from the right and dominion it had to said lands, and I cede and transfer it to the children and heirs of the deceased Travers, and his successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and services, which it has had, has, and in fact and law belong and appertain to it; and, at their will, sell, cede, transfer, exchange, and alien it as may best suit them. In all which I interpose my authority as I can, and of right ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of his Majesty and of government and the royal domain, in this city of St. Augustine, Florida, September 28, 1808.

ENRIQUE WHITE.

By command of his excellency:

JOSÉ DE ZUBIZARRETTA, *Government Notary.*

This is conformable to the original which exists in the archives in my charge; and, at the request of the children and heirs of Thomas Travers, deceased, I sign and seal this present copy on two leaves of common paper, the stamped not being used. St. Augustine, Florida, October 4, 1808.

JOSÉ DE ZUBIZARRETTA, &c.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

#### DECREE BY THE BOARD.

We ascertain this to be a valid Spanish grant, by claimants exhibiting a royal title of absolute property by Governor White, dated September 28, 1808, to the children and heirs of Thomas Travers, deceased. In consideration whereof, we confirm the same to them. July 13, 1824.

#### NO. 37.—REPORT NO. 1.—1824.

*Antonio Hindsman vs. The United States. Claim to two hundred and forty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Antonio Hindsman sheweth: That your memorialist claims title to a tract of land consisting of two hundred and forty acres, situated on the west of the North river, at a place called *Araques*, bounded as follows: The first line runs south 2 degrees east, 30 chains; second line runs south 39 degrees west, 42 chains; third line runs north 85 degrees west, 45 chains; fourth line runs north 69 degrees east, 21 chains; fifth line runs north 40 degrees east, 25 chains, as will appear more fully by the original survey of Don Pedro Marrot in the public archives, which title your memorialist derives from a grant made to your memorialist September 1, 1819, by Governor Coppinger, in virtue of the royal order of October 29, 1790. The said lands were granted and delivered to your memorialist May 30, 1793, as will appear by title marked A. And your memorialist further sheweth that, for thirty-nine years past, he has been in actual possession of said lands; that he is a citizen of the United States and resident of this Territory. All of which is respectfully submitted, &c.

ANTHONY HINDSMAN.

[Translation.]

Don Charles Howard, captain of grenadiers of the third battalion of the infantry regiment of Cuba, and secretary of this government for his Majesty, &c.: I certify that, on a memorial presented by Anthony Hindsman, under date of the 8th ultimo, soliciting the confirmation of the land called *Araques*, which he occupies, eight miles to the north of this city, the following decree was yesterday placed thereon: "Agreeably to his request, with the condition that, for the present, and that the memorialist must conform himself to those which his Majesty may have established in the instructions which are expected for his



new subjects, in which case the lands which he enjoys at present will be confirmed to him."—Quesada. And that it may be made known, I give the present in St. Augustine, Florida, October 9, 1790.

CARLOS HOWARD.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don Pedro Marrot, captain of the 3d battalion of the infantry regiment of Cuba, and commissioned judge by his excellency the governor and commander-in-chief of this province of East Florida, for the measurement of lands ordered to be distributed by command of his Majesty, &c.: I certify that on the plantation called Aragues there has been measured and delivered seven caballerias and seven acres of land (which is part of those which he is entitled to) to the inhabitant Anthony Hindsman, whose family, under oath which he has taken, consists of the husband, wife, four children, and one negro slave: The first line runs south 2 degrees west, commences at an oak marked with a cross at the edge of a marsh of the North river, and ends at a pine with the same mark, its measurement being 30 chains; the second runs south 39 degrees west, commences at said pine, and ends at another with the same mark, its measurement being 42 chains; the third runs north 85 degrees west, begins at the last-mentioned pine, and ends at another with the same mark, measuring 45 chains; the fourth runs north 69 degrees east, begins at said pine, and ends at a laurel with the same mark of the cross; its measurement consists of 21 chains; the fifth runs north 40 degrees east, commences at the aforementioned laurel, and concludes at a pine with the same mark, on the edge of a marsh of a small creek which enters from the North river, its measurement being 25 chains; its front runs along the said small creek; all, according to the orders which I have, the surveyor, Don Josias Dupont, signed with me, and the interested not knowing how to make the mark of a cross; and that it may be made known, and may serve for the information of the government secretary's office, where the interested must apply for his respective title, I give the present in Aragues, on the North river, May 30, 1793.

JOSIAH DUPONT.  
PEDRO MARROT.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

#### DECREE BY THE BOARD.

The claimant in this case exhibited in evidence a concession from Governor Quesada, dated October 9, 1790, for the lands claimed, and a survey thereof by Pedro Marrot, dated May 30, 1793. The said survey contains 240 acres. It being proved to the satisfaction of the board that the claimant has continued in possession of the land since the time of the concession up to the present period, they order that the title be confirmed to the said Anthony Hindsman, so far as the United States have any interest in it. August 26, 1824.

#### No. 38.—REPORT No. 1.—1824.

*Philip Weadman vs. The United States. Claim to one hundred and fifty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners to ascertain claims and titles to lands in East Florida:*

The petition of Philip Weadman sheweth: That your memorialist claims title to a tract of land consisting of 150 acres, situated on the road to Picolata, twelve miles north of the city of St. Augustine, bounded as follows: north, south, east, and west, by vacant lands. The first line runs north 55° west, 20 chains; second line runs south 35° west, 33 chains; third line runs south 55° west, 40 chains, as will appear more fully by the survey of Don Andres Burgevin, which is in the public archives; which title your memorialist derives from a grant made to your memorialist July 5, 1815, by Governor Coppinger, in virtue of the royal order of March 29, 1815, as will appear by title marked A. And your memorialist further sheweth that he is now in actual possession of said lands; that he is a citizen of the United States and resident of this Territory. All of which is respectfully submitted.

PHILIP WEADMAN,  
By his agent, JOSEPH LOUZES.

[Translation.]

Don Thomas de Aguilar, ensign of the army and secretary of government of the city of St. Augustine and province of East Florida: I certify that on a memorial presented by Philip Weadman, soliciting a grant of four hundred acres of land in the territory of the river St. John's, bounded on the east by a creek called Turnbull, on the south by the road going to Picolata, on the north and east by vacant lands, the following decree was passed thereon: "St. Augustine, July 5, 1815. Grant to the interested one hundred and fifty acres of land in the place which he solicits, without injury to a third, which are those he is entitled to for the present, according to the number of his family, and for which purpose let there be given him from the secretary's office the necessary certificate. Estrada." And that it may serve as a security to the interested, I give the present in St. Augustine, Florida, July 5, 1815.

THOMAS DE AGUILAR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

## [Translation.]

Don Andres Burgevin, as surveyor appointed by decree of this government, and made the 14th instant in favor of the interested: I certify that I have measured and laid off for Don Philip Weadman a tract of land containing one hundred and fifty acres, situated on the Picolata road, about twelve miles from this city, and being in its other circumstances conformable to the following plat; that it may be made known, I give the present which I sign in St. Augustine, Florida, April 28, 1819.

ANDRES BURGEVIN.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, S. B. L. C.

## DECREE BY THE BOARD.

The claimant in this case exhibited a certified copy of a concession from the office of the keeper of the public archives, made to him by Governor Estrada July 5, 1815, for one hundred and fifty acres of land, as described in his memorial for headrights, in conformity with the Spanish laws and regulations. The said land is therefore confirmed to the claimant, as far as the United States are interested. August 26, 1824.

## No. 39.—REPORT No. 1.—1824.

*James Hall vs. The United States. Claim for seven hundred and seventy-five acres of land.*

## MEMORIAL.

*To the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of James Hall sheweth: That your memorialist claims title to a tract of land consisting of seven hundred and seventy-five acres, situated near Julington creek, on the river St. John's, a part of said tract lying between Dauven and Durben creeks, on said Julington, bounded as follows: beginning at a pine, and running thence N. 30° W., 60 chains, to another pine; thence N. 60° E., 45 chains, to another pine; thence S. 75° E., 60 chains, to a gum; thence S. 45° W., 64 chains, to a cypress; thence N. 75° W., 40 chains, to a pine; thence N. 60° W., 45 chains, to the beginning; as appears by a plat of survey of the same herewith filed, dated July 21, 1819, made by George J. F. Clarke, and marked A; which title your memorialist derives from a concession made to your memorialist by Governor Coppinger, in virtue of the royal order of the Spanish government dated October 29, 1790, an official copy of which concession is herewith filed, as exhibit B, dated January 8, 1818. And your memorialist further sheweth that he is legally in possession of said lands; that he is a citizen of East Florida and resident of St. John's county, and has been ever since the cession of the Floridas to the United States by Spain. All of which is respectfully submitted.

JAMES HALL.

## [Translation.]

## MEMORIAL.

St. AUGUSTINE, January 8, 1818.

Don James Hall, inhabitant of this province, to your excellency with due respect states: That he intends dedicating himself to the rearing of stock and the cutting of timber in this said province; for which purpose he has chosen a piece of vacant pine land, containing five hundred acres, near Julington creek, on the river St. John's; and as, for the purpose of attending strictly to the said rearing of stock, he must be in the neighborhood thereof, he is desirous of establishing and cultivating a portion of the swamp lying between the creeks called Dauven and Durben, on the said Julington; which quantity of acres that may appertain to me according to my family and slaves, seen in the annexed list, with the five hundred which he has set forth for said rearing of stock, he prays and supplicates your excellency to grant him, in the form it has been done to others of his class: a gift he hopes to obtain from the justice of your excellency.

JAMES HALL.

The GOVERNOR.

## DECREE.

St. AUGUSTINE, January 8, 1818.

Grant to the interested seven hundred and seventy-five acres of land, in the places pointed out, for himself and slaves, without injury to a third, and for his security let a certified copy of this memorial and decree be given him from the secretary's office.

COPPINGER.

Don Thomas de Aguilar, ensign of infantry and secretary of this government for his Majesty: I certify that the preceding copy is faithfully taken from the original on file in this office under my charge; and, in virtue of what is ordered, I give the present in St. Augustine, Florida, January 8, 1818.

THOMAS DE AGUILAR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, S. B. L. C.

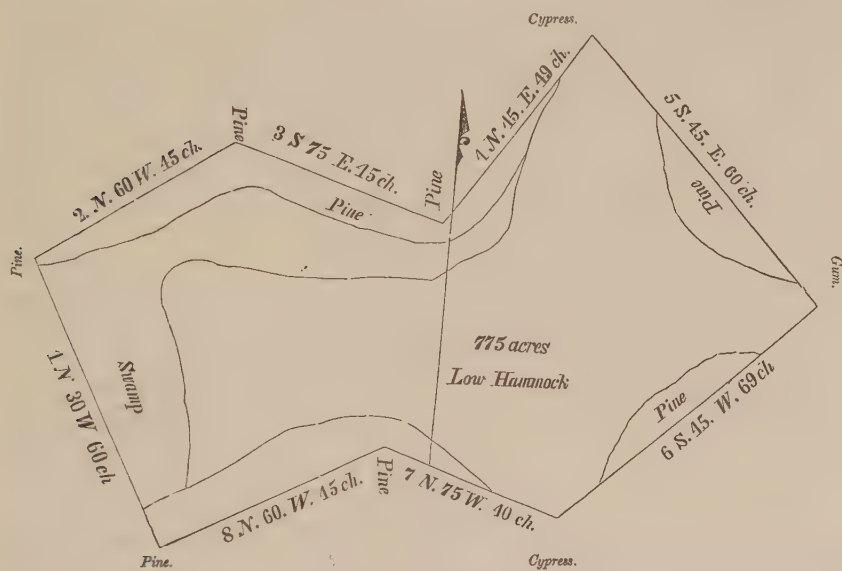
## [Translation.]

Don George Clarke, captain of the northern district of East Florida and surveyor general of the province, by commission of his government: I certify that I have measured and laid off for Don James

Hall seven hundred and seventy-five acres of land at the place called the principal branch of Durbin's swamp, and below the big bend of said swamp, which were granted him by the government, and conformable in its circumstances to the following plat and its copy kept by me. District of St. Mary's, July 21, 1819.

GEO. J. F. CLARKE.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIÓ.



DECREE BY THE BOARD.

The claimant in this case exhibited a verified copy of concession by Governor Coppinger, dated January 8, 1818, for the land as described in his memorial, and a survey thereof by G. J. F. Clarke. In consideration whereof, we confirm the same to him and his heirs. August 27, 1824.

No. 40.—REPORT No. 1.—1824.

*Eleazer Waterman's heirs vs. The United States. Claim to one hundred and seventy-five acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Sarah Waterman, widow, in behalf of herself and heirs of Eleazer Waterman, sheweth: That your memorialist claims title to a tract of land consisting of 175 acres, bounded on the north by Bell's river, on the south by lands of Guillermo Carney, on the northwest by lands of Joseph Howell, and on the other side by land vacant, as appears by the plat thereof, annexed and marked A, dated February 4, 1815, and surveyed by George J. F. Clarke; which title your memorialist, in behalf as aforesaid, derives from a royal grant made to the said E. Waterman by Governor Coppinger, in virtue of the royal order of October 29, 1790, and bears date February 22, 1816, and marked exhibit B. And your memorialist, in behalf as aforesaid, further sheweth that she is in actual possession of said lands; that she is a citizen of the United States and resident of Florida. All which is respectfully submitted.

ARCHIBALD CLARKE, Attorney for executrix and heirs of Eleazer Waterman.

[Translation.]

*Title of property.*

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of this city of St. Augustine, Florida, and its province:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, among other things, that to those foreigners who, of their free will, present themselves to swear allegiance to our sovereign, lands should be measured off for them gratis, in proportion to the laborers each family may have; that Don Eleazer Waterman having presented himself as one of them, he solicited of the government, and there were granted him, under date of August 9, 1804, 175 acres of land on an old plantation situated on the river St. Mary's, known by the name of Joly, which runs north to the creek which divides the lands of Richard Carney; which land is distinguished under the following boundaries and dimensions: The first line runs south  $39^{\circ}$  west, measuring 70 chains, begins at a stake near a creek which runs into Bell's river, and ends at a pine; the second line runs north  $51^{\circ}$  west, begins at said pine and ends at another, its measurement consisting



of 33 chains; the third line runs north  $39^{\circ}$  east, commences at said pine and ends at another on the banks of Bell's river, its measurement consisting of 36 chains; which land is bounded on the south by those of William Carney, on the west by vacant lands, on the north by lands of John Howell, and on the east by Bell's river, as appears by the certificate given by the surveyor general appointed by this government, Don George Clarke, under date of February 4, 1816, with the corresponding plat, which he has signed in continuation of the same. And as no title whatever has been given him for the security and evidence of his dominion to the said land in the form it has been executed to others, to obtain the useful and direct dominion to the said lands; that he has built houses thereon, cultivated them, and finally complied with all the other conditions which the government established for the gifts of concessions of this nature, to be seen in the titles given to other settlers, and is set forth in the proceedings instituted by the interested, praying there should be granted him the corresponding one for the land he is in possession: Wherefore, and in consideration thereof, I have thought proper to grant, as in the name of his Majesty I do grant, to the said Don Eleazer Waterman, the 175 acres of land in absolute property, for himself, his heirs, and successors; and in granting him, as by these presents I do, the corresponding title by which I separate the royal domain from the right and dominion which it had to said land; and I cede and transfer it to the said Waterman, his heirs, and successors, that, in consequence thereof, they may possess it as their own, use and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and services, which it has had, has, and in fact and law belong or appertain to it; and, being their will, may sell, cede, transfer, and alienate it as may best suit them; to all of which I interpose my authority as far as I can, and of right ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in the said city of St. Augustine, Florida, February 22, 1816.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, *Notary of Government, &c.*

Conformable to its original on file in the archives under my charge, to which I refer; and, at the request of the party, do seal and sign the present testimonial on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, February 22, 1816.

JUAN DE ENTRALGO.

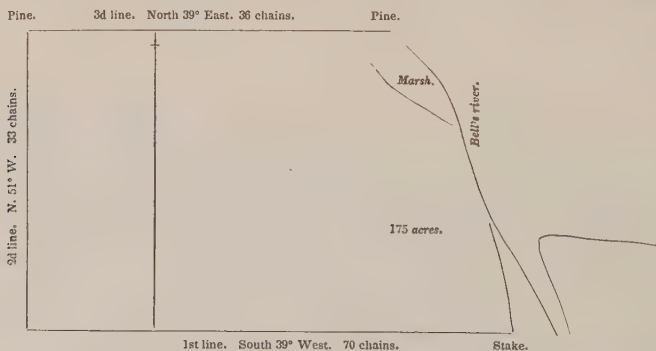
I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don George Clarke, lieutenant of militia of the city of St. Augustine, Florida, and surveyor general by appointment of his government: I certify that at the request of Don Eleazer Waterman, an inhabitant and planter of this province, I have measured and laid off for him 175 acres of land, which were granted him by this government, in a place known by the name of Waterman's Bluff, on Bell's river, which communicates with that of St. Mary's, and is in figure and measurement conformable to the following plat and its copy kept by me in the book of surveys under my charge. Fernandina, February 4, 1816.

G. J. F. CLARKE.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

DECREE BY THE BOARD.

The claimants produced in this case a royal title from Governor Coppinger, made February 22, 1816, to Eleazer Waterman, deceased, under whom they claim as heirs at law. This being a case which, in the opinion of the board, would have been considered and deemed valid had Florida remained a Spanish province, they confirm to the claimants the 175 acres described in their memorial, so far as the United States have any interest. August 27, 1824.

## No. 41.—REPORT No. 1.—1824.

*Eleazer Waterman's heirs vs. The United States. For two hundred and seventy acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of S. Waterman, widow, on behalf of herself and the heirs of said estate, sheweth: That your memorialist claims title to a tract of land containing 270 acres, situated on McQueen's swamp, near the river St. Mary's, bounded on all sides by vacant land at the time of the survey, as will appear by reference to the plat thereof hereto annexed, and marked A. First line begins at a pine and runs thence north 45° east, 20 chains, to another pine; thence north 60° east, 30 chains, to a pine; thence east, 25 chains, to a pine; thence south 50° east, 25 chains, to a pine; thence south 50° west, 25 chains, to a pine; thence south 85° west, 40 chains, to a sweet gum; thence north 45° west, 15 chains, to the beginning; which survey was made March 20, 1816, by George J. F. Clarke; which title your memorialist derives in behalf of said estate, as aforesaid, from a concession made to the said Eleazer Waterman, by Governor Coppinger, in virtue of the royal order of October 29, 1790, and bears date February 17, 1816, and herewith filed and marked B. And your memorialist further sheweth that she is (in behalf of herself and heirs aforesaid) in actual possession of said lands; that she is a citizen of the United States and resident of Florida.

ARCHD CLARKE, *Attorney for executrix and heirs of E. Waterman.*

[Here follows a translation of the concession made by Governor Coppinger, of the 270 acres to Eleazer Waterman, dated February 17, 1816, certified by the secretary of the government.]

[Here follows the plat of the 270 acres, made by G. J. F. Clarke, dated March 20, 1816.]

## DECREE BY THE BOARD.

The claimants in this case exhibited a certified copy of a concession made to Eleazer Waterman's heirs by Governor Coppinger, dated February 17, 1816; also, a survey thereof. This claim being deemed a valid one by the board, they therefore confirm the same to the claimants. August 26, 1824.

## No. 42.—REPORT No. 1.—1824.

*Andrew R. Govan vs. The United States. For six hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Andrew R. Govan respectfully sheweth: That your memorialist claims title to a tract of land containing 600 acres, and known by the name of the Orange Grove, situated, lying, and being, on the east side of St. John's river, and near the Buena Vista; which land is bounded on the south by the road called the Indian's road, on the north by vacant lands, on the east by vacant lands, and on the west by St. John's river; which land your memorialist claims by virtue of a grant made to Thomas de Aguilar, by Governor Coppinger, May 10, 1817, and which was confirmed by a royal title June 4, 1817; and which land was conveyed to Francis P. Sanchez June 14, 1820; all which matters, as are herebefore stated, may be fully seen on reference to the documents filed in the office of the public archives in the city of St. Augustine. And your memorialist would further represent that the said Francis P. Sanchez, having held the said land in trust for your memorialist, did, August 10, 1821, convey by deed the said land to your memorialist, as may be seen on reference to the records of St. John's county; and your memorialist would further represent that he is a citizen of the United States and an inhabitant of the State of South Carolina. And your memorialist prays that your honorable board will confirm to him his claim to the aforementioned tract of land.

ANDREW R. GOVAN,

By his agent, EDWARD R. GIBSON.

[Here follows the translation of the royal title for the six hundred acres made by Governor Coppinger to Thomas de Aguilar, in virtue of the royal order of March 29, 1815, dated June 4, 1817.]

[Here follows the certificate of survey by G. J. F. Clarke, dated April 15, 1818.]

[Here follows the plat of the six hundred acres.]

[Here follows a deed of conveyance from Francis P. Sanchez to claimant, dated August 13, 1821.]

[Here follows an abstract from the keeper of the public archives, showing a conveyance from Thomas de Aguilar to Francis P. Sanchez, dated July 15, 1824.]

## DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

## No. 43.—REPORT No. 1.—1824.

*McDowell & Black vs. The United States. Claim to four hundred and ninety acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain titles and claims to lands in East Florida:*

The memorial of Andrew McDowell & Alexander Black respectfully sheweth: That your memorialists claim title in and to a certain tract or parcel of land, consisting of 490 acres, situated and being in East Florida aforesaid; that the said tract or parcel of land was originally granted to Andres Burgevin, on December 11, 1817, by Don José Coppinger, then the governor of East Florida, under and in virtue of the

order of the King of Spain, bearing date October 29, 1790, as will fully and at large appear by a reference to the certified copy of the said grant or decree herewith submitted and filed, and marked exhibit A. That on January 5, 1818, the said Andres Burgevin obtained an order for the survey of the said land, a certified copy whereof is now submitted and filed, and marked exhibit B. That, in virtue of the said order, the said land was surveyed by Robert McHardy, as will appear by the original plat thereof, bearing date March 27, 1818, now here submitted and filed, and marked exhibit C. That the tract of land is situated on a creek to the east of the river St. John's, at a place called Little Orange Grove, and to the south of the old Indian road Chocochati, and on the eastern bank of the river St. John's and Little lake, about eight or ten miles above Lake George, and has the following lines and dimensions, that is to say: the first line begins at a cypress tree marked B, and runs north  $70^{\circ}$ , 50 chains, to a pine marked B; the second line runs thence south  $30^{\circ}$  east, 20 chains; the third line runs south 80 chains, to a palmetto marked with a cross; the fourth line runs along the edge of the marsh of Spring Garden creek, or lagoon; and the fifth line runs along the bank of the Little lake and the river St. John's, to the place of beginning, and is bounded by the waters on the west, as will more distinctly appear by a reference to the plat of the said land set forth in exhibit C. That the said Andres Burgevin, upon the concession of the said land to him, took immediate possession thereof, and cultivated and improved it; that on April 24, 1819, his title to the said land was confirmed by an absolute grant thereof to the said Andres Burgevin, made by Don José Coppinger, then the governor of East Florida, as will fully appear by a reference to a certified copy thereof, herewith submitted, and marked exhibit D. That the said Andres Burgevin, according to the formalities prescribed by the Spanish law, for a valuable consideration paid to him afterwards, that is to say, on June 12, 1820, conveyed the said land in absolute property to one Francisco P. Sanchez, as will appear by a reference to the certified copy of the said conveyance, herewith submitted and filed, and marked exhibit E. And the said Francisco P. Sanchez, on June 10, 1823, conveyed the said tract of land and its appurtenances to your memorialists, as will appear by reference to a certified copy of the said last-mentioned conveyance, herewith submitted and filed, and marked exhibit F. And your memorialists further aver and show that the said Andres Burgevin was at the time of the concession of the said tract of land, and of the absolute grant thereof as aforesaid, an inhabitant and settler of East Florida, and a subject of his Majesty the King of Spain; that the said Francisco P. Sanchez was also, at the time of the aforesaid conveyance to him of the said tract of land, an inhabitant and settler of East Florida and a subject of the King of Spain, and that your memorialists are citizens of the United States. Wherefore, they pray confirmation of their title to the said tract of land and its appurtenances.

ANDREW McDOWELL and  
ALEXANDER BLACK,

By their attorney, JNO. DRYSDALE.

[Here follows the translation of the concession of the 490 acres, made by Governor Coppinger to Andres Burgevin, dated December 11, 1817.]

[Here follows the certificate and plat of the survey of the 490 acres, by Robert McHardy, dated March 27, 1818.]

[Here follows the translation of a conveyance from Andres Burgevin to Francisco P. Sanchez of the 490 acres, dated June 12, 1820.]

[Here follows a deed of conveyance from F. P. Sanchez to claimants, dated June 10, 1823, of the 490 acres.]

#### DECREE BY THE BOARD.

On December 11, 1817, Governor Coppinger conceded to Andres Burgevin 490 acres of land at the place described in his memorial, for headrights, in virtue of the royal order of October 29, 1790. On June 12, 1820, Burgevin conveyed the lands to Francis P. Sanchez, as appears by his deed filed with the memorial; and on June 10, 1823, Sanchez sold and conveyed the same lands to McDowell & Black, the claimants. The board being of opinion that this grant would have been deemed valid had Florida remained a Spanish province, they confirm it to the claimants, so far as the United States have any interest. August 30.

No. 44.—REPORT No. 1.—1824.

*Gideon Dupont's heirs vs. The United States. Claim for four hundred and fifty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The heirs of Gideon Dupont, deceased, respectfully represent: That your memorialists claim title to a tract of land consisting of 450 acres, situated at a place called Moultrie; that it has never been surveyed to their knowledge, and is about five miles south of the city of St. Augustine, on the Matanzas river; which title your memorialists derive from a grant made to Antonio Uzena and John Holzendorf, by Governor Zepiedra, in virtue of the laws of Indies, and the grant confirmed by Governor Quesada, by virtue of the royal order of 1790; which appears by documents Nos. 1 and 2, herewith presented, dated May 4, 1787, and November 15, 1792. On December 15, 1794, Uzena obtains leave from Governor Quesada to sell to John Holzendorf, and, in the same memorial, Holzendorf has leave to take his headrights adjoining, as appears by document No. 3; and, on April 15, 1796, John Holzendorf obtains leave to sell to Richard Ryan the said lands, and the grant of those he then occupied, as appears by document No. 4, given by the then secretary of the government; and, on November 20, 1797, Ryan obtained leave to sell to Gideon Dupont, from Governor White, as appears by document No. 5, and his deed to Dupont, dated December 9, 1797, all herewith presented. And your memorialist further sheweth that the said Gideon Dupont, deceased, and those under whom he held title, were in actual possession of said lands from 1787 till 1802, when the unsettled state of the province compelled him to leave it for a time, with the intention of returning to it. He did return, and found the governor had given it to one Rovira, the very man left in charge of his concerns, and it is now in the possession of Dr. E. R. Gibson, for the claimant under Rovira, who resides in Baltimore. That they are citizens of the United States and residents of South Carolina.

JOHN B. STRONG, *Attorney for Claimant.*



[Here follows a concession from Governor Zespides to Antonio Uzena, dated May 4, 1787.]

[Here follows a proceeding authorizing Uzena to sell to John Holzendorf, dated December 15, 1794; also, a power given by the governor to Holzendorf to convey the land to Richardson Ryan, dated April 15, 1796; also, a permission to Ryan to sell to Gideon Dupont 450 acres of land, dated November 20, 1797; also, a conveyance from Richardson Ryan to Gideon Dupont for 500 acres of land, dated December 9, 1797; all of which documents are duly translated and of record.]

DECREE BY THE BOARD.

In this case the claimants exhibited a concession from Governor Zespides to Antonio Uzena, the original grantee, dated May 4, 1787; likewise various documents showing the transfers from Uzena to Holzendorf, from him to Ryan, and by him to Gideon Dupont. It appearing that the claimants have made out a title to no more than 400 acres, the board, therefore, only confirm to them and their representatives that amount. September 1, 1824.

No. 45.—REPORT No. 1.—1824.

*George Fleming's heirs vs. The United States. For nine hundred and eighty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of the heirs of George Fleming, deceased, by Sophia Fleming, widow and relict of said decedent, respectfully sheweth: That your memorialist claims title to a tract of land consisting of 980 acres, situated in East Florida, in two tracts, and situated on the west side of St. John's river, at a place called Langley Bryan, opposite Buena Vista fort; the other lies in Caco swamp, about one mile west of Buena Vista fort. The first contains 780 acres: beginning upon the bank of St. John's river, running S. 10° E., 88 chains; thence E., 88 chains, to the river; thence with the river to the beginning; a plat whereof, made by A. Burgevin, and dated December 2, 1818, marked D, is herewith submitted. The other tract contains 200 acres, and begins at a stake, and runs N., 30 chains, to a pine marked F y C; thence S., 30 chains, to a stake; thence S. 45° W., 67 chains, to the beginning; as per plat and certificate herewith submitted, made by Andres Burgevin, and dated November 16, 1818, marked E; which title your memorialists derive from a royal title made to George Fleming April 5, 1816, by Governor Coppinger, in virtue of the royal order of March 29, 1815, which is herewith submitted, marked G, F. And your memorialists further show that they are legally in possession of said lands, and were so by themselves and their ancestors before and ever since the cession of this Territory by Spain to the United States; that they are citizens of the United States and residents of East Florida. They pray confirmation of their title. All which is submitted, &c.

SOPHIA FLEMING,

*For herself and the heirs of George Fleming, deceased.*

[Here follows the translation of the royal title for the 980 acres of land made by Governor Coppinger to G. Fleming, dated April 5, 1816, in virtue of the royal order of 1815.]

[Here follows a certificate and plat of Survey by Andres Burgevin, of 200 acres, dated November 16, 1818. Here follows a certificate and plat of survey by Andres Burgevin, of 780 acres, December 2, 1818. Both translated.]

DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

No. 46.—REPORT No. 1.—1824.

*George Fleming's heirs vs. The United States. For one thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the heirs of George Fleming, deceased, by Sophia Fleming, his widow and relict, respectfully sheweth: That your memorialists claim title to a tract of land consisting of 1,000 acres, situated in East Florida, on the west side of the river St. John's, on an island known by the name of Fleming's island; is bounded on the north and west by lands belonging to James Cashen's estate and vacant lands; on the east by the St. John's river, and on the south by Black creek; beginning at a stake on the bank of said river, running thence W., 48 chains, to a pine; thence S. 45° W., 104 chains, to a cypress on the margin of Black creek; thence along the meanders of said creek and river to the beginning; a plat whereof, made by A. Burgevin, dated November 11, 1818, is submitted; which title your memorialist derives from a royal title made to George Fleming, March 8, 1816, by Governor Coppinger, in virtue of the royal order of October 29, 1790, a certified copy of which said royal title is herewith submitted, marked F. And your memorialists further show that they are in actual possession of said lands, and have been for near twenty years; that they are citizens of the United States and resident of East Florida, and on said lands. They pray confirmation of title, &c. All of which is respectfully submitted, &c.

SOPHIA FLEMING,

*For herself and heirs of George Fleming.*

[Here follows the translation of the royal title for 1,000 acres of land made by Governor Coppinger to George Fleming, dated March 8, 1816, in virtue of the royal order of October 29, 1790.]

[Here follows a certificate and plat of survey by Andres Burgevin, of 1,000 acres, dated November 16, 1818. Tr. nslated.]

## DECREE BY THE BOARD.

The claimants in this case offered as evidence of their title to 1,000 acres of land on Fleming's island, on the west side of St. John's river, a royal grant made by Governor Coppinger to George Fleming, deceased, on March 8, 1816, for headrights, in virtue of the royal order of October 29, 1790. This being a complete title, perfected before January 24, 1818, is confirmed to the claimants so far as the United States is concerned. September 1, 1824.

## No. 47.—REPORT No. 1.—1824.

*George W. Perpall vs. The United States. For six hundred and sixty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of G. W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of 660 acres, situated at a place called the Big Hammock, distant forty miles west of Buena Vista, and on the west side of the St. John's, bounded on the north by lands of Don Matias Martinez, on the south by lands of Donna Catalina de Jesus Hijuelos, on the east and west by vacant lands. The first line begins at a stake, and runs S. 35° W., 82½ chains, to another stake; the second line from the stake runs N. 35° W., 80 chains, to another stake; the third line runs from the last stake N. 55° E., 80 chains, to the stake where the first line began; which title your memorialist derives from a royal title made to him by Governor Coppinger, in virtue of the royal order of March 29, 1815. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St Augustine. November 10, 1823.

G. W. PERPALL.

[Here follows the translation of the royal title for the 660 acres made by Governor Coppinger to G. W. Perpall, dated January 12, 1816, in virtue of the royal order of 1815.]

[Here follows a translation of the certificate and plat of survey by Andres Burgevin, dated September 9, 1819.]

## DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

## No. 48.—REPORT No. 1.—1824.

*Gabriel W. Perpall vs. The United States. For six hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of G. W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of 600 acres, situated at Matanzas bar, to the south of the Orange grove called Bueno Retiro, bounded on the north and east by royal lands, on the south by lands of Don Joseph M. Hernandez, and on the west by the river Matanzas; the lines of which are as follows: the first line runs N. 60° E., 68 chains, from the river Matanzas, to a stake; second line runs N. 32° W., 140 chains, to a palmetto royal, marked P; the third line from thence runs S. 60° W., 18 chains, to the Matanzas; the fourth line thence S. 10° W., 14 chains, to an oak, marked P y H, to the place where the first line began; which title your memorialist derives from a concession made to Joseph Bonelly by Governor White, on January 16, 1799, who sold the same to your memorialist by deed of conveyance December 30, 1803, herewith presented. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[Here follows a translation of the certified copy of the concession made by Governor White of the land, dated January 16, 1799, to Joseph Bonelly.]

[Here follows the translation of the conveyance from Bonelly to claimant of the six hundred acres of land, dated December 30, 1803; also a plat.]

[Here follows a permission from Governor White to Bonelly to dispose of the six hundred acres, dated September 23, 1803.]

## DECREE BY THE BOARD.

The claimant in this case produced in evidence a certified copy of concession made by Governor White, dated January 16, 1799, to Joseph Bonelly for the land; likewise a permission from the government to dispose of the same, together with a conveyance from Bonelly to claimant, and a plat. The board being of opinion that this is a valid Spanish grant, it is therefore confirmed to the claimant and his heirs. September 3, 1824.

## No. 49.—REPORT No. 1.—1824.

*Gabriel W. Perpall vs. The United States. For one acre of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of G. W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of one acre, situated in front of his plantation on the river opposite to the Orange

grove of Bueno Retiro, bounded on all sides by the river Matanzas, it being a small island; which title your memorialist derives from a royal grant made to him by Governor Coppinger, in virtue of a royal order of October 29, 1790, a certified copy of which is herewith presented, and dated January 15, 1818; and your memorialist further sheweth that he is in actual possession of said land; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[Here follows the translation of the royal title for the acre of land made by Governor Coppinger to claimant, dated January 15, 1818.]

DECREE BY THE BOARD.

The claimant establishes his claim by exhibiting a royal title made by Governor Coppinger for the land, dated January 15, 1818, to him. We therefore confirm the same to him and his heirs. September 3, 1824

No. 50.—REPORT No. 1.—1824.

*Gabriel W. Perpall vs. The United States. For three hundred and thirty-five acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of G. W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and thirty-five acres, situated at a place called *Turnbull*, about twelve miles off this place, bounded on the south, east, and west by land of Don Antonio Huertas, and on the north by the Picolata road, whose lines are, viz: first line, marked B, at a pine, runs north 12° east, 60 chains, to another pine marked B; second line, south 70° west, 30 chains; third line, north 22° 33 chains, to a pine marked B; fourth line, thence south 12° east, 50 chains, to a pine marked X; fifth line, south 50° east, 33 chains; sixth line, from thence east, 30 chains, to the pine where the first line began; which title your memorialist derives from a royal title made to Ramon de Fuentes by Governor Coppinger, January 13, 1818, and who sold the same to Antonio Mier, who sold the same to Frances Rovira, who sold the same to Joseph Delespine, who sold the same to José M. Bousquet, who sold the same to your memorialist, as more fully appears in the office abstract herewith presented. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[Here follows the translation of the royal title made by Governor Coppinger to Ramon de Fuentes for the three hundred and thirty-five acres, dated January 13, 1818, in virtue of the royal order of 1790.]

[Here follows the translation of the certificate and plat of survey, by Andres Burgevin, of the three hundred and thirty-five acres surveyed for José M. Bousquet, dated August 13, 1818.]

[Here follows an abstract from the office of the keeper of the public archives, showing conveyances from Fuentes to Mier, from him to Rovira, from him to Delespine, from him to Bousquet, and from him to claimant.]

DECREE BY THE BOARD.

We ascertain in this case that the land was granted in absolute property to Ramon de Fuentes by Governor Coppinger January 13, 1818. An abstract from the office of the keeper of the public archives was exhibited, showing conveyances from Fuentes to Antonio Mier, from him to Francisco Rovira, from him to Joseph Delespine, from him to Joseph M. Bousquet, and from him to claimant; likewise a survey of the land. We deem this grant to be a valid one, and confirm it to the claimant and his heirs. September 11.

No. 51.—REPORT No. 1.—1824.

*Gabriel W. Perpall vs. The United States. For eight and a half acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Gabriel W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of eight and a half acres, situated about a mile to the north of the gate of this town, bounded on the north by lands belonging to Diego Caneras, on the south and west by St Nicholas road. The first line begins at a stake and runs north 21° west, 11½ chains; second line, south 75° west, 9 chains; third line, south 31° east, 11 chains, to a stake; fourth line, to the turn of the St. Nicholas road, where the stake is, where the first line began. (N. B.—This measurement gives only eight and a half acres.) Which title your memorialist derives from a title made to Pedro Triay by Governor White, in virtue of the royal order of —, who sold the same to Lucas Munos, from whom your memorialist purchased them as per receipt No. 14. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[Here follows the translation of the certified copy of concession made by Governor White to Pedro Triay of the land, dated September 30, 1806.]

[Here follows Triay's receipt to Munos, dated January 13, 1820; and here follows Munos' receipt to claimant of \$20, being the purchase money of the land. Both translated.]



## DECREE BY THE BOARD.

The claimant produced to the board a certified copy of concession from Governor White to Pedro Triay, dated September 30, 1806; also, a receipt from Triay to Munos, and a receipt from Munos to claimant, showing a transfer of the land. We confirm the same to claimant and his heirs. September 17.

## No. 52.—REPORT No. 1.—1824.

*Gabriel W. Perpall vs. The United States For five hundred and thirty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of G. W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of five hundred and thirty-five acres, situated at the head of Matanzas river, and known by the name of Saur's hammock, bounded on the north by the head of Matanzas river, on the west by lands of Joseph M. Hernandez and the late Mr. Fish, and on the south and east by vacant lands; the first line whereof begins at an oak and runs south 35° east, 90 chains, to a pine tree marked P; from thence north 45° east, 50 chains, to a pine tree marked P; the third line from thence north 45° west, 146 chains, to a stake; fourth line, south, 67 chains, to the oak marked P, at which the first line began; which title your memorialist derives from a royal title made to him by Governor Kindelan, in virtue of the royal order of October 29, 1790. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[Here follows the translation of the royal title made by Governor Kindelan to claimant for the 535 acres of land, dated May 4, 1815, in virtue of the royal order of 1790.]

[Here follows a plat of the 535 acres.]

## DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant by claimant's exhibiting a royal title made by Governor Kindelan to him, dated May 24, 1815, for the land which he claims. In consideration whereof, we confirm the same to him and his heirs. September 4.

## No. 53.—REPORT No. 1.—1824.

*Gabriel W. Perpall vs. The United States. For one hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of G. W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land containing one hundred and fifty acres, situated on the river Halifax, opposite to Mount Oswald, bounded on the east by the sea beach, on the north and south by vacant lands, and on the west by the river Halifax; which title your memorialist derives from a grant made to him by Governor Kindelan, in virtue of the royal order of 1790. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[Here follows the translation of the royal title made by Governor Kindelan to claimant for the hundred and fifty acres, dated May 23, 1815, in virtue of the royal order of 1790.]

## DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant by claimant exhibiting a royal title made by Governor Kindelan to him, dated May 23, 1815. In consideration whereof, we confirm the same to him and his heirs. September 4.

## No. 54.—REPORT No. 1.—1824.

*Mariano Berta vs. The United States. For one hundred and sixty-six and two-thirds acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Mariano Berta sheweth: That your memorialist claims title to a tract of land consisting of one hundred and sixty-six and two-thirds acres, situated in St. John's county, on Cartel Point, bounded on the south by lands granted to Andrew Pacety. First line commencing on Guana creek and running S. 83° W., 55 chains, to a stake on the North river; thence along said river an undefined number of chains to another stake; and thence S. 83° E., 55 chains, to a stake on Guana creek; and thence along said creek to the place of commencement; which title your memorialist derives from a grant made to Andrew Pacety by Governor White, in virtue of the royal order of 1790, who sold the same to Manuel F. Bendicho May 29, 1804, who sold the same to Thomas Andrew October 4, 1808, who sold the same to your memorialist April 15, 1819. And your memorialist further sheweth that he is in actual possession

of said lands, and that he, Thomas Andrew, Manuel F. Bendicho, and Andrew Pacety, have been in actual possession of the land, cultivating a part of it, with the acquiescence and consent of the Spanish government, for the last twenty years; that he is a citizen of the United States and resident of St. Augustine.

FOR MARIANO BERTA,  
G. W. PERPALL.

[Here follows the translation of the royal title made by Governor White to Andrew Pacety for five caballerias (166 $\frac{2}{3}$  acres) of land, dated April 13, 1804, in virtue of the royal order of 1790.]

[Here follows an abstract from the keeper of the public archives, showing conveyances from Pacety to Bendicho, from him to Andrew, and from him to claimant.]

[Here follows a plat of the 166 $\frac{2}{3}$  acres.]

DECREE BY THE BOARD.

The claimant in this case exhibited to the board a royal title made by Governor White to Andrew Pacety April 23, 1804, for the land, (five caballerias;) likewise an abstract from the office of the keeper of the public archives, by which it appears that the land was sold and conveyed by Pacety to Manuel Fernandez Bendicho, who sold and conveyed it to Thomas Andrew, who sold and conveyed it to claimant. A plat of the same was also exhibited.

Deeming this grant to be valid, we confirm it to claimant and his heirs. September 11.

· No. 55.—REPORT No. 1.—1824.

*Mariano Berta vs. The United States. For two hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Mariano Berta sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated in the county of St. John's, on Cartel Point Front creek, bounded on north by land supposed to be vacant. First line commencing at a stake on the North river, and running S. 65° E., 63 chains, to Guana creek; thence along said creek an undetermined number of chains to another stake; thence N. 83° W., 55 chains, to a stake on the North river; and thence along said river an indefinite number of chains, to the place of beginning; which title your memorialist derives from a grant made to Juan Capo by Governor White, in virtue of the royal order of 1790, who sold the same to Manuel F. Bendicho September 14, 1804, who sold the same to Thomas Andrew October 4, 1808, who sold the same to your memorialist April 15, 1819. And your memorialist further sheweth that he is in actual possession of said lands, and that Thomas Andrew, Manuel F. Bendicho, and Juan Capo, have been in actual possession of the land, cultivating a part of it, with the acquiescence and consent of the Spanish government, for the last twenty years; that he is a citizen of the United States and resident of St. Augustine.

FOR MARIANO BERTA,  
G. W. PERPALL.

[Here follows the translation of the royal title made by Governor White to Juan Capo for six caballerias (200 acres) of land, dated September 7, 1804, in virtue of the royal order of 1790.]

[Here follows an abstract from the office of the keeper of the public archives, showing conveyances from Capo to Bendicho, from him to Thomas Andrew, and from him to claimant.]

[Here follows a plat of the two hundred acres.]

DECREE BY THE BOARD.

The claimant in this case exhibited to the board a royal title made by Governor White to Juan Capo September 7, 1804, for the land, (six caballerias;) also an abstract from the office of keeper of the public archives, by which it appears that Capo sold and conveyed the land to Manuel Fernandez Bendicho, who sold and conveyed it to Thomas Andrew, who sold and conveyed it to claimant. In consideration whereof, we confirm the same to Mariano Berta, so far as the United States are concerned. September 11.

No. 56.—REPORT No. 1.—1824.

*Horatio S. Dexter vs. The United States. For two hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Horatio S. Dexter and Mrs. Abby Dexter, the wife of the said Horatio S. Dexter, respectfully sheweth: That your memorialists claim title to a certain tract or parcel of land consisting of two hundred acres, situated and being in East Florida aforesaid; that the said tract of land was originally granted in absolute property, April 5, 1815, to one George Petty by Governor Kindelan, then the governor of East Florida, as will appear by a reference to a certified copy of the original grant thereof, herewith submitted and filed; that the said tract of land was purchased by your memorialist from the said George Petty January 26, 1820, and was conveyed by the said Petty on the 21st of May, as will appear by a reference to the original conveyance thereof of that date, by the said George Petty to your memorialist, herewith submitted and filed. Your memorialist further shows that the said land is situated on the east of the St. John's river, in East Florida aforesaid, between Little lake and Lake George, and is known by the name of Mount Royal; that it was surveyed on or before May 1, 1821, by G. J. F. Clarke, the surveyor general of East Florida, as will appear by a reference to the original plat and certificate of the survey thereof of that date, herewith submitted and filed; that the said tract of land has the following lines and dimensions, that is to say: The first line begins at a cypress tree on the bank of the river St. John's, and runs N. 15°

W., 40 chains, to a pine tree; the second line runs thence N. 75° E., 50 chains, to a pine tree; the third line runs thence S. 15° E., 40 chains, to a pine on the bank of the river St. John's; and the fourth line runs thence along the bank of said river to the place of beginning; all which will more distinctly appear by a reference to the said plat herewith submitted. Your memorialist further avers and shows that, upon the purchase of the said land by him as aforesaid, he took immediate and actual possession thereof; and that from that to the present time it has been in actual occupancy, and that a part thereof is in cultivation, considerable improvements and buildings having been made thereon by your memorialist; that the said George Petty was, at the time the said grant was made to him as aforesaid, and at the time he conveyed the said land to your memorialist, an inhabitant and settler of East Florida; and that your memorialist was at the time of the purchase by and conveyance to him of the said land as aforesaid, and at the time of the cession of this Territory to the United States, and has ever since that time been an inhabitant and settler of East Florida. Wherefore, your memorialist prays a confirmation of his title to the said land and its appurtenances.

HORATIO S. DEXTER,

By his attorney, JOHN DRYSDALE.

[Here follows the translation of the certified copy of the concession made to George Petty by Governor Kindelan for the two hundred acres, dated April 5, 1815.]

[Here follows the translation of the certificate and plat of survey by G. J. F. Clarke, dated May 21, 1821.]

[Here follows the bill of sale from Petty to claimant, dated May 21, 1821.]

#### DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant by claimant exhibiting a certified copy of concession from Governor Kindelan to George Petty, dated April 5, 1815, for the two hundred acres, together with a plat thereof, and a conveyance from Petty to him.

In consideration whereof, we confirm the same to the claimant and his heirs. September 6.

#### TESTIMONY.

*Horatio S. Dexter vs. The United States. For two hundred acres of land.*

Francis J. Fatio, being sworn on the part of the claimant, states that the signature of John State, a witness to a deed of conveyance from George Petty to Mrs. A. Dexter, is the proper handwriting and signature of said State.

FRANCIS J. FATIO.

No. 57.—REPORT No. 1.—1824.

*Horatio S. Dexter vs. The United States. For two hundred acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Horatio S. Dexter respectfully sheweth: That your memorialist claims title to a certain tract or parcel of land situated and being in East Florida aforesaid, consisting of two hundred acres; that the said land was originally granted to one William Bardin, March 17, 1815, by Governor Kindelan, then the governor of East Florida, without any condition annexed to the said grant, as will fully and at large appear by a reference to a certified copy of the original grant to the said William Bardin, herewith submitted and filed; that the said land is situated at a place called McCullough's Point, on the river St. John's, about seven miles south of Picolata, and has the following lines and dimensions, that is to say: the first line begins on the bank of the river St. John's, and runs north 87½° east, twenty-nine chains; the second line runs thence south 22° east, sixty-two chains; the third line runs thence south 68° west, thirty chains; and the fourth line runs thence along the bank of the said river St. John's to the place of beginning; that the said land is bounded on the southwest by the said river St. John's, as will appear by the plat herewith filed. Your memorialist further shows that he purchased the said land from the said William Bardin, December 23, 1819, for a valuable consideration paid to him by your memorialist, and on that day received from the said William Bardin a conveyance thereof from him, as will appear by the said original conveyance herewith submitted and filed; that the said William Bardin was, at the time the said land was granted to him as aforesaid, an inhabitant and settler of East Florida, and subject of the King of Spain; and that your memorialist was, when the said land was conveyed to him as aforesaid by the said William Bardin, a settler and inhabitant of East Florida; that he was such inhabitant and settler at the time of the cession of this Territory to the United States, and has ever since so continued to be. Wherefore he prays that his title to the said land and its appurtenances may be confirmed to him.

HORATIO S. DEXTER,

By his attorney, JOHN DRYSDALE.

[Here follows the translation of the certified copy of concession made to William Bardin by Governor Kindelan for the two hundred acres, dated March 17, 1815.]

[Here follows a plat of two hundred acres.]

[Here follows a conveyance from Bardin to claimant, dated December 23, 1819.]

#### DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant by claimant exhibiting a certified copy of concession from Governor Kindelan to William Bardin, dated March 17, 1815, for the two hundred acres of land, together with a plat thereof; also, a conveyance by deed from Bardin to claimant. In consideration whereof, we confirm the same to him and his heirs. September 6.



## TESTIMONY.

*Horatio S. Dexter vs. The United States. For two hundred acres of land.*

Samuel Fairbanks, being duly sworn on the part of claimant, states that the signature attached to the transfer from Bardin, the original grantee, to memorialist, is original and genuine, and that he is acquainted with the handwriting of said original grantee.

SAMUEL FAIRBANKS.

Before the board, in session September 6, 1824.

FRANCIS J. FATIO, *S. B. L. C.*

No. 58.—REPORT No. 1.—1824.

*Francis J. Fatio et al. vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Francis J. Fatio, for himself and for Maria Theresa, widow of P. Fatio, deceased, as also Sophia Louisa, Luis, Mary Ann, and Fernando, children and heirs of the said P. Fatio; that your memorialists claim title to a tract of land consisting of two hundred acres, situated on the east side of St. John's river, about thirty miles to the west of the city of St. Augustine, bounded on the north by the lands of Francis P. Fatio, deceased, called New Switzerland, on the south by the lands of the heirs of Thomas Travers, deceased, on the east by vacant lands, and on the west by the river St. John's; which title your memorialists derive from a grant made to Francis P. Fatio, November 24, 1791, by Governor Quesada, who died resident in East Florida, when said tract, by deed of division and partition made afterwards amongst his heirs, was allotted to the children of P. Fatio, deceased, son of said grantee; the said partition is filed in the claim for ten thousand seven hundred and sixty-two acres, presented by Sophia Fleming and William Gibson. And your memorialists further show that they are legally in possession of said lands, and were so by themselves, and those through whom they claim, ever since the date of concession; that Francis J. Fatio is a citizen of the United States and resident of Florida; and that the said widow and the other heirs reside at present in the Island of Cuba. All of which is respectfully submitted.

F. J. FATIO,

*For himself and the other heirs of P. Fatio.*

[Here follows a decree of Quesada granting the land to F. P. Fatio, after a proceeding had, dated November 24, 1791.]

[Here follows a document showing the division of the estate of F. P. Fatio, by which the two hundred acres was allotted to the heirs of P. Fatio, deceased, son of F. P. Fatio.]

## DECREE BY THE BOARD.

The claimants in this case, in support of their claim, produced a memorial from Francis Philip Fatio, deceased, to the government, together with the proceeding had, and the decree of Governor Quesada, dated November 24, 1791. It was proven that Francis Philip Fatio, the original grantee, took the oath of allegiance to his Catholic Majesty; that he cultivated the land for many years. The board being of the opinion that the claimants have made out a valid title for the land, the same is confirmed to them. September 7.

NOTE.—The oath of allegiance of Francis Philip Fatio to his Catholic Majesty, alluded to in the decree, is filed in the claim of Mrs. Fleming and William Gibson, and applies in all the claims of the Fatics and the other heirs.

No. 59.—REPORT No. 1.—1824.

*Joseph M. Hernandez vs. The United States. For eight hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain the claims and titles to lands in the district of East Florida:*

The memorial of Joseph M. Hernandez, of the city of St. Augustine, in said district of East Florida, aforesaid, respectfully sheweth: That your memorialist claims title to a tract of land of eight hundred acres, situated at the head of Matanzas river, in Graham swamp, bounded on the east by a cart road which divides it from lands of G. W. Perpall, on the south by lands belonging to the heirs of Jesse Fish, on the west by pine barren land, and on the north by pine barren and the head of the aforesaid river Matanzas. First line begins at a pine on the road H and E, and runs south 45° west, 88 chains 90 links; second line, thence north 45° west, 90 chains, to another pine; the third line runs thence north 45° east, 88 chains 90 links, to another pine, marked H; fourth line, thence on the aforesaid road south 45° east, 90 chains, terminating at the tree where the first line began. The aforesaid tract of land was granted to your memorialist May 25, 1816, by Governor Joseph Coppinger, by virtue of the royal order of March 29, 1815, as will appear by a royal title given to your memorialist for the said tract May 28, 1816, recorded in the office of public records kept by Mr. William Reynolds, of this city, as well as by the survey of the said tract of land by Robert McHardy, dated September 7, 1818, also in the same office. And your memorialist further sheweth that he has been in uninterrupted possession since May 25, 1816, having cleared and cultivated the same extensively. All which is respectfully submitted. St. Augustine, November 25, 1823.

JOSEPH M. HERNANDEZ.

[Here follows the translation of the royal title made by Governor Coppinger to claimant for the eight hundred acres, dated May 28, 1816, in virtue of the royal order of 1815.]

[Here follows the translation of the certificate and plat of survey by Robert McHardy of the eight hundred acres, dated September 7, 1817.]

DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

No. 60.—REPORT No. 1.—1824.

*Joseph M. Hernandez vs. The United States. For one hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Joseph M. Hernandez respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated on the west side of the river Halifax at the place called the Old Chimneys, bounded on the west by the river Halifax. The first line begins at a pine, and runs south 68° west, 20 chains, to a stake; the second line, thence runs north 22° west, 100 chains, to another pine; third line, thence north 68° west, 20 chains, to another pine; fourth line, along the banks of the river; which title your memorialist derives from a concession made to Ana Maria Hill by Governor Estrada, August 19, 1811, in virtue of the royal order of 1790, as will appear by the public archives; that your memorialist, having married the said Ana Maria Hill, cleared and cultivated it; and your memorialist further sheweth that he is in actual possession of the said lands, and a citizen of the United States.

JOSEPH M. HERNANDEZ.

[Here follows the translation of the concession made by Governor Estrada of the one hundred acres to Donna Ana Maria Hill, dated August 19, 1811.]

[Here follows the translation of the certificate and plat of survey of the one hundred acres by George J. F. Clarke, dated February 10, 1820.]

DECREE BY THE BOARD.

In this case we find that the land was conceded by Governor Estrada to Donna Ana Maria, wife of claimant, for headrights, August 10, 1811; which land was afterwards surveyed. Being of opinion that this is a valid Spanish grant, we confirm it to claimant and his heirs. September 7.

No. 61.—REPORT No. 1.—1824.

*Joseph M. Hernandez vs. The United States. For seventy acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Joseph M. Hernandez respectfully sheweth: That your memorialist claims title to a tract of land consisting of about seventy acres, situated in front of the Little Matanzas bar, and is a small island, boundary not exactly known, not having been surveyed; which title your memorialist derives from a concession made to F. M. Arredondo, jr., by Governor Coppinger, in virtue of the royal order of October 29, 1790, dated December 29, 1817, who sold the same to your memorialist December 30, 1818, as will appear in the office of archives kept by Mr. William Reynolds. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine.

JOSEPH M. HERNANDEZ.

[Here follows the translation of the concession of the seventy acres of land made by Governor Coppinger to Fernando de la Maza Arredondo, jr., dated December 29, 1817.]

[Here follows the translation of the conveyance from Arredondo to claimant of the seventy acres, dated December 30, 1818.]

DECREE BY THE BOARD.

It was proven in this claim that the land was conceded to F. M. Arredondo, jr., by Governor Coppinger, December 29, 1817, who conveyed it by deed to claimant. It being the opinion of the board that this grant would have been deemed valid had Florida remained a Spanish province, they therefore confirm it to claimant and his heirs. September 8.

No. 62.—REPORT No. 1.—1824.

*Joseph M. Hernandez vs. The United States. For three hundred and seventy-five acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in the district of East Florida:*

The memorial of Joseph M. Hernandez, of the city of St. Augustine, in said district of East Florida, respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and seventy-five acres, situated in the territory of Matanzas, bounded on the north by the plantation of G. W. Perpall, formerly belonging to Joseph Bonelly, on the south by the plantation of Jonas Dupont, on the east by the sea beach, and on the west by the river Matanzas; which said tract of land was granted

by Governor White to John Bautista Ferreira July 8, 1803, whose son, Francis Ferreira, sold the same to your memorialist June 5, 1818, about which time it was surveyed by Robert McHardy, whence the following lines: First line runs north from an oak marked formerly as the boundary of Mr. Perpall's land, on which is marked (H,) 60° east, 68 chains and 60 links; second line, thence runs along the sea beach south 15° east, 54 chains; third line, thence runs south 60° west, 68 chains 60 links; fourth line, begins at a palm marked H, runs north 15° west, 54 chains. The aforesaid tract of land was granted and confirmed to said Ferreira by a royal title dated September 28, 1815, as will appear in the records kept by Mr. William Reynolds of this city, and a conveyance from Ferreira to your memorialist, and survey. And your memorialist further sheweth that he is in actual and uninterrupted possession of said land, and has been so since he purchased it. All which is respectfully submitted. St. Augustine, November 25, 1823.

JOSEPH M. HERNANDEZ.

[Here follows the translation of the royal title made by Governor Estrada to Juan Bautista Ferreira and his heirs of the three hundred and seventy-five acres, dated September 28, 1815, in virtue of the royal order of 1790.]

[Here follows the translation of the conveyance from Francisco Ferreira, for himself and in the name of the other heirs, to claimant, dated June 5, 1818.]

[Here follows the translation of the certificate and plat of survey by Robert McHardy of the three hundred and seventy-five acres, dated September 2, 1818.]

DECREE BY THE BOARD.

In this case we ascertain that the land was granted to the heirs of Don Juan Bautista Ferreira in absolute property by Governor Estrada, September 8, 1815; that it was conveyed by the heirs aforesaid to claimant; and that it was regularly surveyed. In consideration whereof, we confirm the same to him and his heirs.

No. 63.—REPORT No. 1.—1824.

*Martin Hernandez vs. The United States. For twenty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Martin Hernandez, by his attorney in fact, Joseph M. Hernandez, respectfully sheweth: That your memorialist claims title to a tract of land consisting of twenty acres, situated on the river St. Sebastian, on the west side, called the Ferry, bounded on the east by the said river, on the south by lands of Manuel Solano, on the west by vacant lands, and on the north by lands of John Huertas. First line begins at a stake on the bank of the river, and runs south 77° west, 14 chains, to another stake; the second line, thence south 15° east, 21 chains, to a stake; third line, thence north 34° east, 17 chains 66 links, to another stake; fourth line, along the bank of the river, ending at a stake where the first line began; which title your memorialist claims from a royal title made to Martin Hernandez by Governor Estrada, in virtue of the royal order of October 29, 1790; the same tract was granted to your memorialist May 21, 1798, as will appear by the documents in the public archives. And your memorialist further sheweth that he is legally in actual possession of said lands which the said Martin Hernandez cleared and cultivated; that he is a citizen of Spain and resident of Havana.

JOS. M. HERNANDEZ, *Attorney in fact.*

[Here follows the translation of the royal title made by Governor Estrada for the twenty acres of land, dated October 5, 1815, in virtue of the royal order of 1790.]

[Here follows the translation of the certificate and plat of survey of the twenty acres by G. J. F. Clarke, dated May 10, 1819.]

DECREE BY THE BOARD.

The board ascertain this claim to be a valid one by claimant exhibiting a title of absolute property for the land, dated October 5, 1815, and a survey thereof; the same is hereby confirmed to him and his heirs. September 8.

No. 64.—REPORT No. 1.—1824.

*Martin Hernandez vs. The United States. For ten and a quarter acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Martin Hernandez, by J. M. Hernandez, sheweth: That your memorialist claims title to a tract of land consisting of ten and one-quarter acres and one perch, situated within the present limits of the city of St. Augustine, bounded on the east in the front of the creek Maria Sanchez, on the south by the road leading to the old bridges near the orange grove of Francis Marin, on the west by the Ferry road, and on the north by the plantation of John Bousquet and Isaac Wickes, measuring on the north 70° east, 20 chains; north 28° west, 5 chains 50 links; south 60° west, 18 chains; north 43° west, 8 chains; which title your memorialist derives from a royal title made to Martin Hernandez by Governor Estrada, in virtue of the royal order of October 29, 1790. The said tract was granted to your memorialist October 5, 1815, by a royal title from the aforesaid Governor Estrada, as will appear in the public archives. And your memorialist further sheweth that he is legally and positively at this time in actual possession of said land, consisting of an orange grove planted by himself, and the right of the said tract, fenced and otherwise improved; that he is a citizen of Spain and resident of Havana.

JOS. M. HERNANDEZ, *Attorney in fact.*



[Here follows the translation of the royal title made by Governor Estrada to Martin Hernandez for the ten and a quarter acres and one perch, dated October 5, 1815, in virtue of the royal order of 1790.]  
[Here follows a plat of the ten and a quarter acres and one perch.]

DECREE BY THE BOARD.

The board ascertain this claim to be a valid one by claimant exhibiting a title of absolute property for the land, made by Governor Estrada, October 5, 1815, to him; likewise a survey of the same. In consideration whereof, we confirm the title to claimant and his heirs. September 8.

No. 65.—REPORT No. 1.—1824.

*Gabriel W. Perpall vs. The United States. Claim to five hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

Gabriel W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of five hundred acres, situated on Turnbull's, about twelve miles north of the town, bounded on the west and northwest by lands of Don José M. Bousquet, on the east and northeast by *equivocal* grants, and on the other sides by vacant lands, whose lines are as follows: First line, north 12° east, 60 chains, to a pine marked P; second line, north 45° east, 35 chains; third line, north 10 chains to a pine marked P; from thence, fourth line, south 70° east, 10 chains; from thence, fifth line, south 15° east, 104 chains, to a pine marked P; sixth line, west, to the pine marked P, where the first line began; which title your memorialist derives from a royal title made to Juan Gonzales Montesdeoca, who obtained a royal title for this quantity on the Matanzas, which, being proven to be property of the Clarke family, permission was given him to take the present land by Governor Coppinger. The royal title for services were granted by Governor Kindelan, in virtue of the royal order of March 29, 1815. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[Here follows a translation of the royal title made by Governor Coppinger to Juan Gonzales Montesdeoca for seven hundred and eighty acres of land, dated September 3, 1816, in virtue of the royal order of 1815.]

[Here follows the translation of the conveyance of Juan Gonzales Montesdeoca of the seven hundred and eighty acres to claimant, dated November 6, 1816.]

[Here follows a permission of Governor Coppinger to claimant to locate five hundred acres of the seven hundred and eighty at Turnbull, dated April 17, 1818.]

[Here follows the translation of the plat and certificate of survey by Andres Burgevin of the five hundred acres, dated August 17, 1818.]

DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

No. 66.—REPORT No. 1.—1824.

*Gabriel W. Perpall vs. The United States. Claim to two hundred and eighty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in Florida:*

The petition of Gabriel W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and eighty acres, situated at the head of the river Matanzas, at a place called Samuel Hammock, bounded on the northeast by royal lands, on the southwest by lands of G. J. F. Clarke and Jesse Fish, and on the southeast by lands of your memorialist. The first line begins at a pine marked X, and runs to another marked P, north 45° west, 50 chains; second line, thence south 45° west, 56 chains, to a stake; third line, thence south 45° west, 50 chains, to a pine marked P; fourth line, thence north 45° west, 56 chains, to the pine where the first line began; which title your memorialist derives from a bill of sale made to him by John Gonzales Montesdeoca, who obtained seven hundred and eighty acres by a royal title, in 1816, for military services in 1812 and 1813, the above two hundred and eighty acres being a part thereof. The royal title was given by Governor Kindelan, and the lands were surveyed in one body on the Matanzas; but, on a discovery that they belonged to the Clarke family, Governor Coppinger permitted him to make this survey. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[The royal title to Montesdeoca, and the conveyance from him to claimant, in his claim for 500 acres, apply to this case.]

[Here follows a plat of the 200 acres.]

DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

## No. 67.—REPORT No. 1.—1824.

*Mary Kunen vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Mary Kunen respectfully sheweth: That your memorialist claims title to a tract of land consisting of 200 acres, situated near Tomoka, a half on either side of Smith creek; bounded, the one by lands of Mr. Ormond, the other by lands of Isaac Wickes and Patrick Lynch; which title your memorialist derives from a grant made to her by Governor Coppinger, dated November 17, 1817, as appears by title annexed, and confirmed June 10, 1818, in virtue of the royal order of March 29, 1815, and which lands were granted in consequence of the services rendered by her husband, Bernard Wickes, deceased. And your memorialist further sheweth that she has always been in possession of said land since granted. She is a citizen of the United States and resident of St. Augustine. All which is respectfully submitted. St. Augustine, August 15, 1823.

MARY KUNEN.

[Here follows the translation of the concession by Governor Coppinger to claimant of the land, dated November 15, 1817, in virtue of the royal order of 1815.]

[Here follows the translation of the plat and certificate of survey by Robert McHardy of the 200 acres, dated April 20, 1818.]

## DECREE BY THE BOARD.

The claimant, on November 13, 1817, in memorial to Governor Coppinger, set forth that she was the widow of Bernardo Wickes, deceased, who had served in the defence of the province in 1812; that she claimed the benefit of the royal order of 1815; and that the family left by the said Wickes consisted of herself and daughter, and five slaves over 16 years of age. She therefore asked for 200 acres of land at the places described in her memorial filed before this board. On the 15th of November of the same year Coppinger granted the lands as requested. This claim being one which would, in the opinion of the commissioners, have been considered valid had the Floridas remained in the possession of Spain, they confirm the same to the claimant so far as the United States are interested. September 10.

## No. 68.—REPORT No. 1.—1824.

*Joseph M. Hernandez vs. The United States. For eight hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain the claims and titles to lands in East Florida:*

The memorial of Joseph M. Hernandez, of the city of St. Augustine, East Florida, aforesaid, respectfully sheweth: That your memorialist claims title to a tract of land consisting of eight hundred acres, with its adjoining marshes, situated on the river Matanzas, bounded on the north by lands of the heirs of John Bautista Ferreira, on the east by the border of wood lands and the river Matanzas, the figure and lines of which are particularly marked and described in the plat and certificate of survey herewith presented. The aforesaid tract of land is part of a grant of a large tract made by the Spanish government to Josiah Dupont in the year 1792; and having been abandoned, and his right therein forfeited, the said land was granted to Miguel Crosby February 3, 1804, in virtue of the royal order of October 29, 1790, and purchased by your memorialist from the said Miguel Crosby March 11, 1816, as will appear by a deed from the said Crosby to your memorialist, recorded in the office of public records kept by Mr. Reynolds, of this city. And your memorialist further sheweth that he has been in uninterrupted possession of the said land since the aforesaid purchase from Crosby, and has erected buildings and made many improvements thereon, and has extensively cultivated the said land; that your memorialist was a resident inhabitant of East Florida at the time of the cession to the United States. In confirmation of the title of your memorialist, the following documents are herewith presented:

1. Proceedings in relation to the grant to Dupont, and the title of Miguel Crosby, dated St. Augustine, May 31, 1805.
2. Certified copy of the regulations of Governor White in relation to the grants of land, dated October 12, 1803.
3. Certified copy of the grant to Miguel Crosby, dated July 3, 1804.
4. Certificate of survey and plat.
5. Petition of Miguel Crosby for certificates of the proceedings against Dupont, and a certificate thereto annexed.
6. Bill of sale from M. Crosby to Jos. M. Hernandez. All which is respectfully submitted. St. Augustine, November 25, 1823.

JOS. M. HERNANDEZ.

[Here follows the translation of the royal title made by Governor Coppinger to Miguel Crosby for the 800 acres, dated March 8, 1816, in virtue of the royal order of 1790.]

[Here follows the translation of the conveyance from Crosby to claimant for the 800 acres, dated March 11, 1816.]

[Here follows the translation of the certificate and plat of survey by Robert McHardy, dated September 4, 1818.]

## DECREE BY THE BOARD.

In this case we ascertain that the land was granted to Miguel Crosby in absolute property by Governor Coppinger March 8, 1816, who sold and conveyed it to claimant; the said land was afterwards surveyed by the surveyor appointed by government. In consideration whereof, we confirm the same to claimant and his heirs. September 8.

## No. 69.—REPORT No. 1.—1824.

*Fernando de la Maza Arredondo, jr., vs. The United States. For one hundred and seventy-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Fernando de la Maza Arredondo, jr., respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and seventy-five acres, situated on the west side of the river St. Sebastian, and about three miles westward from St. Augustine; bounded on the north by the land of Antonio Proctor, (a free black,) and on the south, east, and west by vacant lands; which title your memorialist derives from a royal title made to Prince (a free black) by Governor Coppinger, in virtue of the royal order of March 29, 1815, who sold the same to your memorialist, as will be seen by a certified copy of a deed of conveyance herewith presented, and dated March 30, 1821, as also a certified copy of said royal title, dated March 9, 1816. And your memorialist further sheweth that he is legally in possession of said lands; that he is a citizen of Spain and resident of the Island of Cuba. All of which is respectfully submitted, &c.

F. M. ARREDONDO, JR.

[Here follows the translation of the royal title made by Governor Coppinger to Prince (a free black) for the 175 acres, dated March 9, 1816, in virtue of the royal order of 1815.]

[Here follows the translation of the conveyance from Flora, widow of Prince, to claimant, of the 175 acres, dated June 30, 1821.]

## DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

[No. 70 was not returned to the General Land Office by the commissioners.]

## No. 71.—REPORT No. 1.—1824.

*Edward M. Wanton vs. The United States. For two hundred acres of land*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Edward M. Wanton respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated on the east side of the river St. John's; bounded on the east, north, and south by public lands, and on the west by the said St. John's. The first line runs from an ash north 75° east, 30 chains, to a pine; the second line, north 15° west, 67 chains, to another pine; the third line, south 75° west, 30 chains, to an oak; and the fourth line, the natural boundary of the said river, as will more fully appear by referring to the certificate of survey of George J. F. Clarke, dated November 17, 1819, herewith presented; which title your memorialist derives from a grant made to your memorialist by Governor White, in virtue of the royal order of 1790; which said tract of two hundred acres is part of a grant of seven hundred and fifty acres made to your memorialist November 23, 1801, as will more fully appear by referring to the original memorial and decree, dated November 23, 1801, on file in the office of the public archives. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of Florida. In confirmation of the title of your memorialist, he begs leave to refer this honorable board to the before-mentioned memorial and decree of November 23, 1801, on file in the office of the public archives, and to the certificate of survey of George J. F. Clarke, public surveyor, dated November 17, 1819, herewith presented, marked exhibit A. All which is respectfully submitted. St. Augustine, November 28, 1823.

EDWARD M. WANTON,

By his attorney, THOS. F. CORNELL.

[Here follows the translation of the concession made by Governor White of the land to claimant, dated November 23, 1801.]

[Here follows the translation of the certificate and plat of survey by George J. F. Clarke, dated November 17, 1819, of the two hundred acres.]

## DECREE BY THE BOARD.

The board ascertain that the two hundred acres of land which is claimed is part of a grant of seven hundred and fifty acres which was conceded to claimant November 23, 1801, by Governor White, without condition. The same is hereby confirmed to him and his heirs. September 11.

*Edward M. Wanton vs. The United States. For seven hundred and fifty acres of land.*

Horatio S. Dexter, being duly sworn on the part of the claimant, states that the said Edward M. Wanton was in possession of the tracts called Picolata or Wanton's Plantation, in the year 1814, and was cultivating the same; and that the same has been rented out ever since. Witness judged from the appearance that the same had been cultivated for a long time.

Before the board in session September 11, 1824.

HORATIO S. DEXTER.

FRANCIS J. FATIO.



## No. 72.—REPORT No. 1.—1824.

*Edward M. Wanton vs. The United States. For one hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Edward M. Wanton respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and fifty acres, situated on the east side of the river St. John's, and known by the name of Wanton's Plantation, bounded on the north and south by lands of your memorialist, on the east by public lands, and on the west by the river St. John's. The first line runs north from an oak 76° east, 30 chains, to a pine; second line, north 22° west, 52 chains, to another pine; third line, south 68° west, 30 chains, to a maple; and the fourth line, the natural boundary, by the accompanying certificate of survey; which title your memorialist derives from a grant made to your memorialist by Governor White, in virtue of the royal order of 1790; which said tract of one hundred and fifty acres is part of a grant of seven hundred and fifty acres made to your memorialist on November 23, 1801. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and a resident of Florida. In confirmation of the title of your memorialist, he begs leave to refer this honorable board to the original memorial and decree of November 23, 1801, on file in the office of the public archives, and the certificate of survey of G. J. F. Clarke, public surveyor, dated November 17, 1819, herewith presented, marked B. All which is respectfully submitted. St. Augustine, November 23, 1823.

EDWARD M. WANTON,

By his attorney, THOMAS F. CORNELL.

[Here follows the translation of a concession of the land by Governor White to claimant, dated November 23, 1801.]

[Here follows the translation of the certificate and plat of survey of the one hundred and fifty acres by George J. F. Clarke, dated November 17, 1819.]

## DECREE BY THE BOARD.

In this case the claimant exhibited to the board a concession without condition made to him by Governor White November 23, 1801, together with survey thereof. The board deeming this claim to be valid, they therefore confirm it to claimant and his heirs. September 11.

## No. 73.—REPORT No. 1.—1824.

*Mary Fontané vs. The United States. For four hundred and ninety five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Mary Fontané, the administratrix of the estate of Joseph Fontané, deceased, respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred and ninety five acres, situated at the head of Moultrie creek, bounded on the south with lands of Julian Daniel Sweeney, the first line of survey beginning at a pine marked F, running south 70° west, 36 chains, to a pine S y F; thence north 25° west, 35 chains 86 links; thence north 20° west, 34 chains 50 links, to a pine F; thence north 70° east, 70 chains 36 links, to a pine F; thence south 20° east, 34 chains 50 links; thence 25° east, 35 chains 86 links, to the beginning pine; which title your memorialist derives from an absolute title made to Joseph Fontané by Governor Coppinger, in virtue of the royal order of 1815, a certified copy of which, dated April 4, 1816, accompanies this petition; and your petitioner will file, when required, the plat of Robert McHardy, and the authorization of the government to the said Robert McHardy. And your memorialist further sheweth; that she is in actual possession of the said lands; that she is a citizen of East Florida and resident of the same. Your memorialist will, as in duty bound, pray, &c.

JOHN M. FONTANE,  
For MARY FONTANE.

[Here follows the translation of the royal title made by Governor Coppinger to José Fontané for the four hundred and ninety-five acres, dated April 4, 1816, in virtue of the royal order of 1815.]

## DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to the claimant.

## No. 74.—REPORT No. 1.—1824.

*Andrew Alkinson vs. The United States. For two hundred and twenty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Andrew Atkinson, by his attorney, George Gibbs, sheweth: That your memorialist claims title to a tract of land consisting of two hundred and twenty acres, situated between North river and Guana creek, bounded on the south by lands of Peter Maestré, and on the north by lands of Juan Carpo, east by Guana creek, and west by the North river, agreeably to plat A; which title your memorialist derives from a concession made to Andrew Atkinson, April 29, 1793, by Governor Quesada, in virtue of the

royal order of —; and your memorialist further sheweth that he was, at the exchange of flags, and now is, legally seized and possessed of the said land; that he is a citizen of the United States and resident of Philadelphia. All which is respectfully submitted.

ANDREW ATKINSON,  
By GEO. GIRBS, *Attorney in fact.*

[Here follows the translation of the concession of the two hundred and twenty acres by Governor Quesada to claimant, dated April 29, 1793.]

[Here follows the translation of the plat and certificate of survey by Pedro Marrot of six caballerias and twenty acres, dated May 27, 1793.]

DECREE BY THE BOARD.

It appears in this case that Governor Quesada, April 29, 1793, conceded the land to the claimant without condition, and in May of the same year it was surveyed. In consideration whereof, we confirm this claim to Atkinson and his heirs. September 15.

No. 75.—REPORT No. 1.—1824.

*William Walker vs. The United States. For one hundred and seventy-five acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Walker respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and seventy-five acres, situated in East Florida, in a little island situated in the northern branch of Nassau river, at a place known by the name of Cypress Grove, bounded on the east and north by vacant lands, and on the west by the river Nassau; which title your memorialist derives from a royal title made to him February 16, 1816, by Governor Coppinger, in virtue of the royal order of October 29, 1790. And your memorialist further sheweth that he is in legal possession of said lands; that he is a citizen of the United States and resident of Georgia. He prays confirmation of his title, &c.

WILLIAM WALKER.

[Here follows the translation of the royal title made by Governor Coppinger to claimant for the one hundred and seventy-five acres, dated February 16, 1816, in virtue of the royal order of 1790.]

DECREE BY THE BOARD.

The claimant establishes title to the land by exhibiting a royal title made to him by Governor Coppinger February 16, 1816. In consideration whereof, we confirm the one hundred and seventy-five acres to him and his heirs. September 17.

No. 76.—REPORT No. 1.—1824.

*Andrew Pleym's heirs vs. The United States. For five hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of the heirs of Andrew Pleym respectfully sheweth: That your memorialists claim title to a tract of land consisting of five hundred acres, situated at the place called Doctor's Lake, on the St. John's river, formerly occupied by Christopher Nelly, in the time of the British, and has not been surveyed; which title your memorialists derive from a grant made to the said Andrew Pleym by Governor Quesada, in virtue of the royal order of 1790; which said grant is dated February 10, 1791, as appears by a copy of the said grant herewith presented. And your memorialists further sheweth that the said Andrew Pleym was in actual possession of said lands from the time of the grant till 1794, when there was a revolution in the province, and the Spanish government ordered all the settlements on the west side of the St. John's river to be destroyed, which was accomplished by the officers of the gun-boats, and the inhabitants [removed] on the east side of the said river; that the said Andrew Pleym died soon after; that they are citizens of the United States and residents of Georgia. St. Augustine, October 10, 1823.

JOHN B. STRONG, *Attorney for Claimants.*

[Here follows the translation of the concession by Governor Quesada to Andrew Pleym of the land, dated February 10, 1791.]

TERRITORY OF FLORIDA, *County of St. John's, ss.*

Joseph Summerall, being duly sworn, doth depose and say: That he was well acquainted with Andrew Pleym, and that the said Pleym settled on the land situated on an island on the St. John's river, at a place called Doctor's Lake, about the year 1789; continued to live upon it till the year 1794, when, on account of the disturbances of 1794, called Wagner's war, the Spanish government ordered all the settlers on the west side of the St. John's river (where this island lies) to remove on the east side, and sent the gun-boats to burn and destroy all the plantations, in order to compel the inhabitants to remove on the east side of the river. Deponent further says that the said Pleym built a house and cleared about twenty acres of the said land upon this place; and further says not.

JOSEPH SUMMERALL.

Sworn before me this 24th day of December, 1823.

JOHN B. STRONG, *Judge of County Court.*

## DECREE BY THE BOARD.

On the memorial to the Spanish government by A. Pleym, the land was granted February 10, 1791, for headrights, by Governor Quesada. It appeared that the grantee, in consequence of the revolution of the province, was obliged to abandon his place. This being deemed a valid grant, the same is hereby confirmed to claimants. September 25.

## No. 77.—REPORT No. 1.—1824.

*Philip Embara vs. The United States. For one hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Philip Embara respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated about three miles west from the ferry, at a place called Pivit, in St. John's county, East Florida, bounded on the north by lands belonging to Isaac Wickes, on all other sides by vacant lands; beginning at a pine marked E, running thence north 85° east, 20 chains, to another pine; thence south 6° east, 46 chains, to a pine marked E; thence north 60° east, 21 chains, to a pine marked E; thence south 6° east, 54 chains, to the beginning, as will appear by a plat and certificate of survey herewith filed, made by R. McHardy, dated March 11, 1817, and marked C; which title your memorialist derives from a concession made to your memorialist by Governor White, in virtue of the royal order of October 29, 1790; a certified copy of said concession is herewith filed, marked A, and dated January 5, 1807; and also a memorial and order of survey, dated March 3, 1817, herewith filed, marked B. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. John's county, in East Florida. He prays confirmation of title to said lands. All of which is respectfully submitted.

PHILIP EMBARA.

[Here follows the translation of the concession by Governor White of the one hundred acres, dated January 5, 1807.]

[Here follows the translation of the plat and certificate of survey by R. McHardy of the one hundred acres, dated March 11, 1817.]

## DECREE BY THE BOARD.

In this case we find that Governor White conceded the land to claimant January 5, 1807; that it was surveyed March 11, 1817, by Robert McHardy, the surveyor appointed by government. The board deeming this to be a valid Spanish grant, it is therefore confirmed to claimant and his heirs.

## No. 78.—REPORT No. 1.—1824.

*William Pengree vs. The United States. For one thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the heirs of William Pengree, by Julius Alford, respectfully sheweth: That your memorialists claim title to a tract of land consisting of one thousand acres, situated near the head of the creek called Naponacema, and near Doctor's lake, on a creek about five miles from his lands, bounded by vacant lands, and has not been surveyed as far as memorialists know; and which title your memorialists derive from a concession made to William Pengree, January 29, 1793, by Governor Quesada, in virtue of the royal order of October, 1790, a copy whereof is hereby submitted, marked P; and your memorialists further show that they are legally in possession of said lands; that they were so during the life of the grantee, and many years afterwards; but finally they were removed to the State of Georgia by the provinces of East Florida, where they have since resided; that they are citizens of the United States and residents of Georgia, as aforesaid. They pray confirmation of their title. All of which is submitted.

JULIUS ALFORD, for the heirs of Wm. Pengree, deceased.

[Here follows the translation of the concession by Governor Quesada of the one thousand acres, dated January 29, 1793.]

## DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant on claimants' producing the concession made to William Pengree by Governor Quesada, dated January 29, 1793, said concession being without condition. In consideration whereof, we confirm the one thousand acres of land to claimants and their heirs. September 25.

## TESTIMONY.

*Rebecca Pengree's heirs vs. The United States. For five hundred and one thousand acres of land.*

Joseph Hogan, being sworn on the part of the claimant, states that he knew Rebecca Pengree, who cultivated five hundred acres of land on the east side of the river St. John's; and that Mr. Cook, her son-in-law, cultivated those lands, as well as others on the opposite side of said river, and had from thirty to forty negroes.

By UNITED STATES ATTORNEY.



Witness states that the land was cultivated in 1812, and a small part thereof afterwards.

JOSEPH <sup>his</sup> HOGAN.  
mark.

Before the board, in session, September 25, 1824.

No. 79.—REPORT No. 1.—1824.

*Rebecca Pengree's heirs vs. The United States. For five hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the heirs of Rebecca Pengree, by Julius Alford, respectfully sheweth: That your memorialists claim title to a tract of land consisting of five hundred acres, situated adjoining her plantation, being formerly owned by Mrs. Jones, in St. John's river, the former three, the latter two hundred acres, which has never been surveyed; which title your memorialists derive from a concession made to Rebecca Pengree, their ancestor, by Governor White; a certified copy of said concession is herewith submitted, marked 4, and dated May 9, 1798. And your memorialists further show that they are in legal possession of said lands; that they were cultivated by the said Rebecca Pengree at the time of her death, and by her son, George Cook, afterwards, who was her legal heir; and since his death they are the property of his children, the memorialists, who reside near Greensborough, in the State of Georgia; that they are citizens of the United States and residents of as aforesaid. They pray confirmation of title, &c.

JULIUS ALFORD, for the heirs of Rebecca Pengree.

[Here follows the translation of the concession by Governor White of the land, dated May 9, 1798.]

TERRITORY OF FLORIDA, *County of St. John's, ss.*

Lodowick Ashley, being duly sworn, doth depose and say: That he was well acquainted with Mrs. Rebecca Pengree, who formerly lived on the St. John's river; that she died about twenty years ago, leaving George Cook, her son, and Mrs. Eliza Lesley, her daughter, her only heirs-at-law; that the said Mrs. Eliza Lesley died some years after her mother, without children, and left the said George Cook, her brother, her only heir, to whom her property descended; and the said George Cook became possessed, as heir-at-law by descent, of all the property of the said Mrs. Pengree and the said Mrs. Lesley; that the said Cook died about the year 1815, and his wife died about three months after, leaving the following children, their only heirs-at-law by descent, viz: Louisa Rogers, the wife of Josiah Rogers; Eliza Alfred, the wife of Julius C. Alfred; Jane Cook and George A. Cook, all of them now residing in the State of Georgia, and are the daughters of this deponent's sister.

LODOW. ASHLEY.

Sworn to before me, December 30, 1823.

JOHN B. STRONG, *Judge of County Court.*

DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant on claimants' producing the concession made to Rebecca Pengree by Governor White, dated May 9, 1798, said concession being without condition. In consideration whereof, we confirm the five hundred acres of land to claimants and their heirs. September 25.

No. 80.—REPORT No. 4.—1824.

*Sarah Petty vs. The United States. For one hundred and fifty acres of land—fifty only confirmed.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Sarah Petty, citizen of the United States and resident in East Florida, respectfully sheweth: That your memorialist claims title to one hundred and fifty acres of land, situate on the St. John's river, near Buena Vista, bounds not known, not having been surveyed, which she acquired as only heir to Elizabeth Houston, her mother, who purchased the same from Thomas Rodgers November 4, 1805, as appears by his receipts attached to the certificate of the secretary of the Spanish government at that time, and which are herewith presented, by which it appears that the said lands were granted to the said Thomas Rodgers by the Spanish government September 5, 1804, the original concession being, as is supposed, in the office of the archives of East Florida. And your memorialist further sheweth that the said Thomas Rodgers was in actual possession of the said lands for one year from the time of the grant, when the same was sold to the said Elizabeth Houston, the mother of your memorialist, who was in possession from that time till the revolution of 1812, when she was obliged to leave the same on account of the troubles of the times, and the same are now occupied. All which is respectfully submitted, &c. St. Augustine, August 20, 1823.

J. B. STRONG, *Claimant's Attorney.*

[Here follows the translation of the certified copy of concession by Governor White to Thomas Rodgers of fifty acres of land, dated September 5, 1804.]

[Here follows a receipt from Rodgers to Mrs. Houston of certain articles, in consideration for his property, dated November 4, 1805.]

DECREE BY THE BOARD.

In this case fifty acres only were proven to have been conceded to Thomas Rodgers September 5, 1804, by Governor White, as per certified copy of concession exhibited. Rodgers, it appears by a receipt, conveyed to Mrs. Houston, mother of claimant, his property at Buena Vista. The board ascertaining that title to only fifty acres of land has been made out, they only confirm that quantity to claimant and her heirs. September 25.

## No. 81.—REPORT No. 1.—1824.

*Sarah Petty vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Sarah Petty respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated on the river St. Mary's, and is bounded as follows: The first line runs south 70° west, to a pine bounded on the borders of the river St. Mary's, 40 chains; the second line runs north 45° west, 40 chains, to a pine tree; the third line runs north 45° east, to a stake on the banks of the river St. Mary's, 40 chains, running along the bank of the river to the first bounds; which title your memorialist derives from a survey and plat made to John Houston, by virtue of the royal order of 1790, by Pedro Marrot and Samuel Eastlake, herewith produced, dated April 13, 1792, and the said John Houston, having died, left your memorialist his heir-at-law. And your memorialist further sheweth that she is in legal possession of said lands, and was at the time of the cession; that she is a citizen of the United States and resident of Florida. St. Augustine, November 28, 1823.

J. P. STRONG, *for Claimant.*

[Here follows the translation of the certificate and plat of survey by Pedro Marrot and Samuel Eastlake of the land (six caballerias,) dated April 13, 1792.]

TERRITORY OF FLORIDA, *St. John's County:*

Personally appeared before me Sarah Faulk, who, being duly sworn, deposeth and saith that, in the year 1793, this deponent was well acquainted with Mr. John Houston, and that he lived at a place called Cotton's Bluff, about three miles above the mouth of the Little St. Mary's, on the south side of St. Mary's river; and also that he occupied one other place on the same side of St. Mary's river, about twenty miles above, called Hickory Grove; which two tracts this deponent lived on eight years, and that the new Mr. Houston obtained of the Spanish government; and that the above-described tracts are the same now claimed by George Petty in behalf of his wife.

SARAH FAULK.

Sworn to and subscribed this 10th day of December, A. D. 1823.

SAMUEL FAIRBANKS, *J. P.*

## DECREE BY THE BOARD.

In this case the claimant produced to the board a certificate and plat of survey made by Pedro Marrot, dated April 13, 1792, to John Houston, from whom she inherited the land. It appeared by the affidavit of Sarah Faulk that Houston inhabited the place as far back as 1793. This being, in the opinion of the board, a title which was valid under the Spanish government, the same is hereby confirmed to claimant and her heirs. September 27.

## No. 82.—REPORT No. 1.—1824.

*Sarah Petty vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Sarah Petty, (only heir of John Houston, deceased,) resident of East Florida, and citizen of the United States, respectfully sheweth: That your memorialist claims title to six caballerias (equal to two hundred acres) of land, situated on the river St. Mary's, and bounded as per survey and plat herewith, bounds noted in the margin; which title your memorialist derives from her father, to whom the same was surveyed and laid off by Pedro Marrot and Samuel Eastlake, March 30, 1792, in virtue of the royal order of 1790. And your memorialist further states that her said father was, from the time of the said survey and making of the plat, which is herewith presented, in the actual possession and cultivating the said tract of land for several years, till he was murdered by the Indians, when his family, in fear for the safety of their lives, left the place and have been prevented from taking possession of the same by reason of one Hobkirk and others having settled on the same. All which is respectfully submitted, &c. St. Augustine, September 26, 1823.

JOHN B. STRONG, *Attorney for Claimant.*

The above land is bounded as follows: The first line runs south from a pine marked with a cross, on the margin of the river St. Mary's, terminating at another pine with the same mark, 45 chains; the second runs west, and terminates at a stake with the same mark, 46 chains; the third runs from the stake to another, with the same mark, on the banks of the river St. Mary's, joining lands of John Forrester, and is measured 45 chains; thence along the margin of the river to the first bound.

[Here follows the translation of the certificate and plat of survey by Pedro Marrot and Samuel Eastlake, of the two hundred acres, dated March 30, 1792.]

TERRITORY OF FLORIDA, *St. John's County:*

Personally appeared before me, Samuel Smith, who, being duly sworn, deposeth and saith that, about the year 1787, until 1793, this deponent was well acquainted with Mr. John Houston, who lived on St. Mary's, on the further side of the river; was repeatedly at said Houston's house, at two separate places on said river, one at a bluff a little above the mouth of Little St. Mary's river, the other about twenty miles above, by land; which two places I understood said Houston to own under the Spanish government, and which said tracts I believe to be claimed by George Petty, in behalf of his wife.

SAMUEL SMITH.

Sworn and subscribed to before me this 9th day of December, 1823.

SAMUEL FAIRBANK, *J. P.*

## DECREE BY THE BOARD.

In this case the claimant produced to the board a certificate and plat of survey made by Pedro Marrot, dated March 30, 1792, to John Houston, from whom she inherited the land. It appeared by the affidavit of Samuel Smith that Houston inhabited the place as far back as 1787 and 1793. This being, in the opinion of the board, a title which was valid under the Spanish government, the same is hereby confirmed to claimant and her heirs. September 27.

## No. 83.—REPORT No. 1.—1824.

*Joseph Summerall vs. The United States. For one hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Joseph Summerall respectfully sheweth: That your memorialist claims title to a tract consisting of one hundred and fifty acres, situated five miles from Nassau river, on the head of the river, on the creek called William's, bounded as follows: beginning at a stake, thence south 45° east, 40 chains, west 40 chains, to another stake; thence south 45° west, 30 chains; thence north 45° west, 40 chains, to another pine; thence north 45° east, 38 chains, to the place of beginning; all which appear by a survey and plat made by Pedro Marrot and Samuel Eastlake March 11, 1792, which is herewith presented; which title your memorialist derives from a survey plat made to himself by government, in virtue of the royal orders of 1790. And your memorialist further sheweth that he is now, and was at the cession, in actual possession of said lands; that he is a citizen of the United States and resident of Florida. St. Augustine, September 17, 1823.

JOHN B. STRONG, *Attorney for Claimant.*

[Here follows the translation of the certificate and plat of survey by Pedro Marrot, commissioned judge for the distribution of lands of four caballerias and seventeen acres; one hundred and fifty acres surveyed for claimant, dated March 11, 1792.]

## DECREE BY THE BOARD.

It appears in this case that Pedro Marrot surveyed and delivered the one hundred and fifty acres of land to claimant, March 11, 1792. The survey being considered by the board as authorized by the Spanish government, they confirm it to claimant and his heirs. December 28.

## No. 84.—REPORT No. 1.—1824.

*Joseph Summerall vs. The United States. For two hundred acres of land..*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

Joseph Summerall, your memorialist, sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated at Long bluff, on St. Mary's river—not having been surveyed, the boundaries are not known; which title your memorialist derives from a decree made to your memorialist by governor Quesada, in virtue of the royal order of 1790, dated April 20, 1792, a copy of which is herewith presented. And your memorialist further sheweth that he is now, and was at the cession, in actual possession of said lands by his tenant; that he is a citizen of the United States and resident of Florida. St. Augustine, September 26, 1803.

JOHN B. STRONG, *for Claimant.*

[Here follows the concession (translated) of the land by Governor Quesada to claimant, dated April 28, 1792.]

## DECREE BY THE BOARD.

It appears in this case that Governor Quesada conceded the land to claimant, April 28, 1792, without condition. Being of opinion that this is a valid Spanish grant, the board confirm it to claimant and his heirs. September 28.

## No. 85.—REPORT No. 1.—1824.

*Joseph Summerall vs. The United States. For three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Joseph Summerall respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated on the St. John's river, and bounded as follows: The first line runs north from a gum tree marked with a cross, on the banks of St. John's river, seventy-seven chains fifty-hundredths, to a stake with the same mark; thence west from said stake to another stake with a cross, thirty-eight chains seventy-five-hundredths; thence south to the bank of the river, forty-nine chains fifty-hundredths, fronting partly on the bank of the river St. John's, and partly on an *enserada* of the same river; all which will appear by an original survey and plat made by Peter Marrot and Samuel Eastlake, November 11, 1791, herewith presented; which title your memorialist derives from a survey made to Diego Clatworthy by order of the Spanish governor, in virtue of the royal order of 1790; and the said Diego Clatworthy having died, left three children, all of whom died, when the mother became the heir, who



was one Mary Ann Clatworthy. On October 9, 1805, she made her last will and testament, giving to the said Joseph Summerall (with whom she had lived and been supported for several years) all her property, except some bequests, as will appear by said will herewith presented, and having been proved by Edward Wanton, a subscribing witness, the other being dead. And your memorialist further sheweth that he is now in legal possession, having a tenant on the premises, and was in actual possession of said lands till 1812, when his houses were burned by the patriots and Indians, and his whole plantation destroyed, fences burnt, orange grove destroyed, cattle and other stock killed and drove off, when he was obliged to abandon it. The Spanish government have always since said bequest recognized said lands as the property of this claimant, having occupied it with their knowledge; that he is a citizen of the United States and resident of Florida. St. Augustine, September 3, 1823.

JOHN B. STRONG, *Attorney for Claimant.*

[Here follows the translation of the certificate and plat of survey by Pedro Marrot of nine caballerias, or three hundred acres, to James Clatworthy, dated November 11, 1791.]

*Extract from the will of Mary Ann Clatworthy, deceased.*

"The small remainder of my estate I give to my very good friend Joseph Summerall, and do constitute him executor of this my last will and testament. In witness whereof, I have hereunto set my hand and seal the 9th day of October, in the year of our Lord 1805.

"MARY ANN CLATWORTHY.

"Witnesses: EDWARD WANTON.

"JOHN DAVIS.

"EUPHEY SUMMERALL."

EAST FLORIDA, *St. John's County:*

Edward Wanton, being duly sworn, doth depose and say that, at the request of Mary Ann Clatworthy, he wrote the annexed will and subscribed the same as a witness; and, at the same time, John Davis and Euphey Summerall, who are now both dead, subscribed the same as witnesses in this deponent's presence, and that their names subscribed as witnesses to said will are their own proper handwriting. Deponent further says that the said Mary Ann was the widow of Diego Clatworthy, who had died some time previous, leaving two or three children; that all the said children died after their father and before their mother, who was Mary Ann Clatworthy; and when this deponent wrote the said will the said testator directed him to draw said will so as to give to Joseph Summerall a tract of land lying on St. John's river, near Buena Vista, which was granted to her husband in the year 1791, by a survey made by Don Pedro Marrot and Samuel Eastlake, and by her said husband left to his children by descent, and at their death descended to the said Mary Ann. This deponent in drawing said will made use of the word estate, supposing it sufficient to transfer said property to the said Summerall; and further says not.

EDWARD M. WANTON.

Sworn and subscribed to before me September 5, 1813.

JAMES S. TINGLE, *Notary Public, St. John's County.*

DECREE BY THE BOARD.

In this case the claimant produced to the board a certificate and plat of survey made by Pedro Marrot to James Clatworthy for the three hundred acres, which descended to Mary Ann Clatworthy, his wife, on his and their children's death. Mary Ann Clatworthy bequeathed this tract to claimant by her last will and testament, dated October 9, 1805. The certificate and plat of survey is dated November 11, 1791. This being a title which we ascertain was valid under the Spanish government, the same is hereby confirmed to Joseph Summerall and his heirs. September 28.

No. 86.—REPORT No. 1.—1824.

*William and John Lofton vs. The United States. Claim for three hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of William and John Lofton, inhabitants of East Florida and citizens of the United States, respectfully sheweth: That your memorialists claim title to a tract of land consisting of ten caballerias and seventeen acres of land, (equal to three hundred and fifty acres,) situate between the St. Mary's and Nassau rivers, distant from the first five miles, and from the second four miles, bounded as per margin and survey herewith presented; which title your memorialists derive from said plat and survey made by Peter Marrot and Samuel Eastlake to their grandfather, John Lofton, as appears by said survey herewith presented, dated in February, 1792. And your memorialists further state that their said grandfather was in possession and cultivated the said lands for many years, and that it descended to them by the death of their ancestors; and your memorialists are now in possession by their agent. All which is respectfully submitted. St. Augustine, September 16, 1823.

JOHN B. STRONG, *for Claimants.*

The above land is bounded as follows: first line runs north 70° west, from a pine marked with a cross, and runs to a poplar with a cross, distance 70 chains; second line runs south 30° west, 59 chains, to a pine; third line runs south 70° east, 60 chains; fourth line runs south 30° west, 59 chains; all which appears by the survey of Marrot and Eastlake and the plat annexed, herewith presented.

[Here follows the translation of the certificate of survey and plat by Pedro Marrot and Samuel Eastlake, dated 1792.]

## DECREE BY THE BOARD.

In this case the claimants produced to the board a certificate and plat of survey made by Pedro Marrot, dated 1792, to John Lofton, from whom they inherited the land. The board referred to the depositions exhibited in the claim of Messrs. Lofton for two hundred acres, when it was proven that John Lofton, grandfather of the claimants, had occupied for many years the tract now claimed. Being of the opinion that this would have been a valid grant had Florida remained a Spanish province, we confirm it to claimants. September 28.

## No. 87.—REPORT No. 1.—1824.

*William and John Lofton vs. The United States. For three hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of William and John Lofton respectfully sheweth: That your memorialists claim title to a tract of land consisting of three hundred and fifty acres, situated between St. Mary's and Nassau rivers, and bounded as follows: beginning at a cypress, thence running south 60° east, 60 chains, to a stake; thence north 30° east, 59 chains, to a poplar; thence north 60° west, 60 chains, to a pine; thence south 30° west, 59 chains, to the first bound, as appears by the survey and plat made by Pedro Marrot and Samuel Eastlake, by order of the Spanish government; which survey and plat is herewith presented, and is dated February 24, 1792; which title your memorialists derive from a survey and plat made to John Lofton, their father, who is since dead, by order of the Spanish government. And your memorialists further show that they are now and were at the cession in actual possession of said land; that they are citizens of the United States and residents of Florida. St. Augustine, September, 18, 1823.

JOHN B. STRONG, *Attorney for Claimants.*

[Here follows the translation of the certificate of survey and plat of the land by Pedro Marrot and Samuel Eastlake, dated February 24, 1792, surveyed and laid off for John Lofton.]

## DECREE BY THE BOARD.

In this case the claimants produced a certificate and plat of survey made by Pedro Marrot, dated February 24, 1792, to John Lofton, from whom they inherited the land. The board referred to the depositions exhibited in the claim of Messrs. Lofton for two hundred acres, and find that the original grantee, John Lofton, father of the claimants, had occupied for many years the tract now claimed. Being of the opinion that this would have been a valid grant had Florida remained a Spanish province, we do therefore confirm it to claimants. September 28.

*William and John Lofton vs. The United States. For three hundred acres of land.*

Charles W. Clarke, being duly sworn, doth depose and say that, at the time the survey in this case bears date, the Loftons, the claimants, were residing on the land embraced by this survey, had been residing there three or four years before, and still reside there, or did last year.

CHARLES W. CLARKE.

Before me, this 21st of September, 1825.

D. FLOYD.

## No. 88.—REPORT No. 1.—1824.

*Pedro Trope vs. The United States. For one hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Pedro Trope, native and resident of St. Augustine and citizen of the United States, respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and fifty acres of land, situated at the Mosquitos, and boundary unknown, not having been surveyed; the title is in the office of the archives in this city, a certificate of which is herewith presented; which title your memorialist derives from his mother, Maria Ortega, he being the only surviving heir; which grant was made to him by the Spanish government March 15, 1803. Your memorialist further states that his father occupied the said lands for nine years previous to the making the said grant, but that the trouble of the times and the want of protection from the Spanish government have prevented him from taking possession since the grant was made.

All which is respectfully submitted.

JOHN B. STRONG, *Attorney for Claimant.*

[Here follows the translation of the certified copy of concession by Governor White to Maria Ortega of the 150 acres, dated March 15, 1803.]

## DECREE BY THE BOARD.

The claimant in this case exhibited a certified copy of concession made to his mother by Governor White, dated March 15, 1815. It was proven that the land was occupied by the parents of the claimant for nine years.—(See testimony of Jos. Hernandez.) This being, in the opinion of the board, a valid Spanish grant, the same is hereby confirmed to Trope and his heirs.

[NOTE.—No. 89 was not returned to the General Land Office by the commissioners.]

## No. 90.—REPORT No. 1.—1824.

*George F. and Oliver Palmes vs. The United States. For two hundred and forty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George F. and Oliver Palmes respectfully sheweth: That your memorialists claim title to a tract of land consisting of two hundred and forty-five acres, situated in St. Domingo plains, bounded on the north by the lands of Francisco Sanchez, on the south by the lands of John Andres, on the east by the tract of Santa Lucia, and on the west by vacant pine lands, beginning thence south 60° west, 49 chains 55 links, to an oak; thence south 10° east, 49 chains 55 links, to a pine; thence north 60° east, 49 chains 55 links, to the beginning, as will be seen by the plat herewith exhibited, marked A, dated September 12, 1816; which title your memorialists derive from a royal title made to Francisco Medicis by Governor Coppinger, in virtue of the royal order of March 29, 1815; who sold the same to Joseph Delespin, by conveyance dated —; who sold the same to Gabriel W. Perpall, by deed dated December 23, 1816; who sold the same to Joseph Wales, by deed dated October 3, 1817; who sold the same to Paul Dupon, by deed dated May 27, 1818; who sold the same in trust for memorialists as will appear by bond of Dupon herewith exhibited, all other intermediate conveyance being in the office of the archives in St. Augustine; and your memorialists further show that they are legally seized of said lands; that they and those under whom they claim are all citizens of the United States, and were so, or were citizens of Florida, at the time of cession of said Florida, in the year 1821; that they are citizens of the United States and residents of Savannah, in Georgia. They pray confirmation of title, &c.

All of which is respectfully submitted, &amp;c.

GEORGE F. PALMES.  
OLIVER PALMES.

[Here follows the translation of the royal title made by Governor Coppinger to Francisco Medicis for the 245 acres of land, dated February 15, 1816, in virtue of the royal order of 1815.]

[Here follows an abstract from the keeper of the public archives, showing conveyances from Medicis to Joseph Delespin, from him to G. W. Perpall, from him to Joseph Wales, and from him to Paul Dupon, in trust for claimants.]

[Here follows a plat of the 245 acres.]

## DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm to claimants.

## No. 91.—REPORT No. 1.—1824.

*A. E. Ferguson's heirs vs. The United States. For five hundred and seven acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the widow and heirs of Artemas Elliot Ferguson respectfully sheweth: That your memorialists claim title to a tract of land consisting of five hundred and seven acres, situated in East Florida, on St. John's river, being a plantation known by the name of Sansouces, beginning at an oak, on the margin of St. John's river, marked with a cross; thence west, 120 chains, to a stake, bounded by lands known by the name of St. Andrew's Point, on that line; thence north, 42 chains 50 links, to a stake; thence east, 120 chains, to a stake on the margin of the river; thence with the meanders of the river to the beginning, as appears by survey of Pedro Marrot, dated February 26, 1793, in the office of the archives; which title your memorialists derive from a royal title made to them October 5, 1811, by Governor Estrada, in virtue of the royal order of October 29, 1790. And your memorialists further show that they are in legal possession of said lands; that they are citizens of the United States and residents of Georgia. They pray a confirmation of their title, &c.

SUSAN SLUGH,  
Widow of A. E. Ferguson, for herself and his heirs.

[Here follows the translation of the royal title made by Governor Estrada to Artemas Elliot Ferguson for the land, dated October 5, 1811, in virtue of the royal order of 1790.]

## DECREE BY THE BOARD.

We ascertain this claim to be a valid one by claimants exhibiting the royal title in absolute property made by Governor Estrada to Artemas E. Ferguson, from whom the above claimants inherit the land, dated October 5, 1811. In consideration whereof, we confirm the title to the claimants.

## No. 92.—REPORT No. 1.—1824.

*A. E. Ferguson's heirs vs. The United States. For forty-three and one-third acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the widow and heirs of Artemas Elliot Ferguson respectfully sheweth: That your memorialists claim title to a tract of land consisting of forty-three and one-third acres, situated on Doctor's creek, adjoining the plantation of Armonica, belonging to memorialists, beginning at a laurel, marked with a cross, upon the bank of Doctor's creek; thence north 20° east, 15 chains, to a stake; thence north 45°



west, 35 chains, to a pine marked with a cross; thence south 80° west, 13 chains to a laurel on the bank of Doctor's creek, marked with a cross; thence along the bank of Doctor's creek to the beginning, as appears by survey made by Pedro Marrot, dated February 27, 1793, filed in the archives office, which title your memorialists derive from a royal title made to memorialists October 7, 1811, by Governor Estrada, in virtue of the royal order of October 29, 1790; a certified copy of said royal title is herewith exhibited, marked B. And your memorialists further show that they are in legal possession of said lands; that they are citizens of the United States and residents of Georgia. They pray a confirmation of their title, &c.

SUSAN SLUGH,

Widow of A. E. Ferguson, for herself and heirs.

[Here follows the translation of the royal title made by Governor Estrada to Artemas E. Ferguson for the land, dated October 7, 1811, in virtue of the royal order of 1790.]

DECREE BY THE BOARD.

We ascertain this grant to be a valid one by claimants exhibiting the royal title in absolute property made by Governor Estrada to Artemas E. Ferguson, from whom the above claimants inherit the land, dated October 7, 1811. In consideration whereof, we confirm the title to them. September 29.

No. 93.—REPORT No. 1.—1824.

*John Gianopoly vs. The United States. For five hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John Gianopoly respectfully sheweth: That your memorialist claims title to a tract of land consisting of five hundred acres, situated at the place west of the lagoon of St. Marcos, distance twelve miles from the city of St. Augustine, and is bounded as follows: commencing at a pine tree, marked C; thence running west, 60 chains, to a sweet laurel, marked X; thence north 17° west, 113 chains, to a pine tree, marked with a cross; thence parallel to the first line, 58 chains, all which appears by the plat and survey herewith presented; which title your memorialist derives from a grant made to himself by Governor White, in virtue of the royal order of 1790, dated in July, 1799, as appears by the certificate of the government secretary herewith presented. And your memorialist further sheweth that he is in actual possession of said lands, and has been ever since the grant, except having been driven therefrom three different times by the Indians and patriots; that he is a citizen of the United States and resident of Florida.

JOHN B. STRONG, *Attorney for Claimant.*

[Here follows the translation of the certified copy of concession by Governor White to claimant, dated July 6, 1799.]

[Here follows the translation of certificate and plat of survey by Andres Burgevin of the 500 acres of land.]

DECREE BY THE BOARD.

In this case the claimant exhibited to the board a certified copy of concession made by Governor White to him, dated July 6, 1799, together with a survey. It was proven by Bennet and Segur that claimant occupied and cultivated the 500 acres for many years. We deem this to be a valid Spanish grant, and confirm it to Gianopoly and his heirs. September 30.

No. 94.—REPORT No. 1.—1824.

*John Gianopoly vs. The United States. Claim for ten acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John Gianopoly respectfully sheweth: That your memorialist claims title to a tract of land consisting of ten acres, situated without the 1,500 yards, and is bounded as follows: beginning at a stake on the public road, thence running N. 22° W., 11 chains 12 links, to a stone; thence N. 68° E., 9 chains; thence S. 22° E., 11 chains 12 links; thence to the first beginning, as appears by the survey and plat herewith presented; which title your memorialist derives from a grant made to himself by Governor White, in virtue of the royal order of 1790, which will appear by the copy of the memorial and decree herewith presented, dated June 1, 1807. And your memorialist further sheweth that he is in actual possession of said lands, and has been cultivating them since 1807 to this time; that he is a citizen of the United States and resident of Florida. St. Augustine, October 7, 1823.

JOHN B. STRONG, *Attorney for Claimant.*

[Here follows the translation of the concession made by Governor White to claimant of the ten acres, dated June 1, 1807.]

[Here follows a plat and certificate of survey by G. Darling of the ten acres.]

DECREE BY THE BOARD.

We find in this case that Governor White conceded the ten acres to claimant on June 1, 1807; that he has been in the cultivation of it ever since it was granted, and that it was surveyed. We do hereby confirm the title to him. September 30.

## No. 95.—REPORT No. 1.—1824.

*A. Montero vs. The United States. For twenty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The heirs of Antonio Montero, deceased, respectfully show: That your memorialists claim title to a tract of land, consisting of twenty-five acres of land, situated on the road to Capuaca, and adjoining the lands of John Gianopoly, bounded as follows: beginning at a stake in the line of said road; thence 22° west, 27 chains 78 links, to a stone; thence north 60° east, 9 chains, to a stake; thence south 22° east, 27 chains 78 links; thence to the place of beginning, as appears by the survey herewith presented; which title your memorialists derive from a grant made to the said Antonio Montero by Governor White, in virtue of the royal order of 1790, as appears by the grant herewith presented, dated January 23, 1808. And your memorialists further show that the said Montero's son-in-law, John Gianopoly, is in actual possession of said lands, and has been ever since the grant to this time, cultivating the same by consent of the said Montero in his lifetime, and who, by a verbal conveyance, had transferred the same to the said John Gianopoly, who had married his daughter, and, with the knowledge of the Spanish government, had cultivated the same; that his said son-in-law, John Gianopoly, is a citizen of the United States and resident of Florida. St. Augustine, October 7, 1823.

JOHN B. STRONG, *Attorney for Claimant.*

[Here follows the translation of the concession made by Governor White to claimant of the twenty-five acres of land, dated January 23, 1808.]

[Here follows a plat and certificate of survey by G. Darling of the twenty-five acres.]

## DECREE BY THE BOARD.

We find in this case that the twenty-five acres were conceded to Antonio Montero January 23, 1808, by Governor White; that the same was cultivated by one of Montero's family for many years. We do hereby confirm the title to claimants. September 30.

## No. 96.—REPORT No. 1.—1824.

*Reuben Charles vs. The United States. For one hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Reuben Charles respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated at the Nine-mile spring, on the King's road, adjoining the lands of Marshal and Hindsman, and has not been surveyed; which title your memorialist derives from a grant made to Lewis Schofield and family by Governor White, in virtue of the royal order of 1790. The said Schofield, who had no children, took possession, and cultivated it some time, after which he absconded with a woman not his wife, leaving his family; that his wife, Margaret Schofield, June 2, 1823, sold the said property to this claimant by deed herewith presented. And your memorialist further sheweth that he is now in actual possession of said lands, and has built a house upon the same; that the grant to Lewis Schofield is herewith presented, dated June 16, 1796; that the said Schofield absconded in 1812, and has not returned since; that your memorialist is a citizen of the United States and resident of Florida.

JOHN B. STRONG, *Attorney for Claimant.*

[Here follows the translation of the concession by Governor White to Lewis Schofield of the land, dated June 16, 1796.]

[Here follows the conveyance from Margaret Schofield to claimant, dated June 2, 1822.]

## DECREE BY THE BOARD.

In this case we find that Governor White conceded the hundred acres to Lewis Schofield, without condition, on June 16, 1796. Margaret, wife of said Lewis Schofield, on June 16, 1822, sold and conveyed the land to claimant. It further appeared that the grantee occupied and cultivated the place for many years, (as per parol testimony of Capo.) This, in opinion of the board, being a valid Spanish grant, they confirm it to claimant and his heirs. October 1.

## No. 97.—REPORT No. 1.—1824.

*Bartolome de Castro y Ferrer vs. The United States. Claim to thirty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Bartolome de Castro y Ferrer respectfully sheweth: That your memorialist claims title to a tract of land consisting of thirty-five acres, situated at San Pablo, in the county of St. John's, bounded on the north by lands of Catharine Baker, and pine barren, and has not been surveyed; which title your memorialist derives from a grant made to him, in absolute property, by Governor Coppinger, in virtue of the royal order of 1790, on April 16, 1817, and which royal grant or title is in the

archives, and a copy herewith presented. And your memorialist further sheweth that he is now, and was at the time of the cession, in actual possession of said lands; that he is a citizen of the United States and resident of East Florida.

JOHN B. STRONG, *Attorney for Claimant.*

[Translation.]

*Title of property to thirty-five acres of land in favor of Don Bartolome de Castro y Ferrer, at the place named St. Pablo.*

Don José Coppinger, colonel of the royal armies, governor, political and military, *pro tem.*, and chief of the royal revenue of this place and province, &c.:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, among other things, that foreigners who offer themselves, of their own free will, to swear allegiance to our sovereign, shall have lands measured to them gratis, in proportion to the number of workers which each family may have; and Don Bartolome de Castro y Ferrer having presented himself, soliciting thirty-five acres of land which are vacant, to the north of those of his property at the plantation known as St. Pablo, being bounded by those of Donna Catharina Baker, and on the east and west by Pablo creek and pine lands, to the end that he may add them to his above-mentioned possession on account of the increased number of negroes he has for their cultivation, I have thought proper to accede to the said solicitation by my decree of this date, placed in the process which exists in the archives of the present notary: Wherefore, I have granted, and in the name of his Majesty do grant, unto the said Don Bartolome de Castro y Ferrer the before-mentioned thirty-five acres of land, for himself, his heirs and successors, without prejudice to a third person, in absolute property, and despatch to him, as I do, by these presents, the corresponding title, and do therefore separate from the royal domain all right and dominion it has in said lands, and do cede and transfer it unto the said Don Bartolome de Castro y Ferrer, his heirs and successors, that they may possess it as their own, use and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, and customs, which it has had, has, and by fact or law belongs to it, and can affect it; and, at their pleasure, sell, cede, transfer, and alienate it as shall best suit them. To all which I interpose my authority, as I can and of right ought to do, in virtue of the sovereign will.

Given under my hand, being countersigned by the undersigned notary of the government and royal domain, in this city of St. Augustine, Florida, April 10, 1817.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, *Notary of Government, &c.*

This is conformable to the original which is on the archives in my charge, to which I refer; and in compliance with command, and the desire of the party, I sign and seal this present testimonial on two leaves of common paper, the stamp not being used. St. Augustine, April 10, 1817.

JUAN DE ENTRALGO.

I certify the foregoing is a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

#### DECREE BY THE BOARD.

We ascertain this is a valid Spanish grant by claimant producing a royal title in absolute property made to him April 10, 1817, by Governor Coppinger. We therefore confirm the same to him and his heirs. May 1, 1824.

No. 98.—REPORT No. 1.—1824.

*Francis P. Sanchez vs. The United States. For twenty-five acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francisco P. Sanchez respectfully sheweth: That he claims title to a certain lot or tract of land containing 25 acres, situated and being in East Florida aforesaid; that the said land was originally granted March 10, 1807, by Governor White, then the governor of East Florida, it then being a province of the crown of Spain, to Bartolome Figueras; that the said Bartolome Figueras, with the permission of Governor Kindelan, sold and conveyed the said land to one Fernando de la Maza Arredondo, jr., August 20, 1813, which said original grant and the said conveyance are of record in the office of the keeper of the public archives of East Florida, as will fully and at large appear, reference being thereto had; that the said land is situated in the county of St. John's, at Moultrie, and is bounded on the north by lands of Lewis Turnbas, on the east by the marsh of the river Matanzas, and on the west by public lands; that the said land was conveyed by the said Fernando de la Maza Arredondo to Samuel Cook in fee simple, by deed bearing date March 29, 1822, which is recorded in the office of the clerk of the county court for St. John's county, and that the said Samuel Cook, for a valuable consideration paid by your memorialist to him, conveyed the said land and its appurtenances to your memorialist by deed bearing date September 29, 1823, which said deed is also recorded in the office of the said clerk of the said county court. Your memorialist avers and shows that the said Bartolome Figueras was, when the said land was so granted to him as aforesaid, a Spanish subject, and an inhabitant and settler of East Florida at the time of the cession of this territory to the United States, and is now, and has been ever since the said cession, such an inhabitant and settler. Wherefore, your memorialist prays a confirmation of his title to the said land and its appurtenances.

FRANCIS P. SANCHEZ,

By his attorney, JNO. DRYSDALE.



[Here follows the translation of the royal concession by Governor White to Bartolome Figueras of the 25 acres of land, dated March 10, 1817.]

[Here follows the translation of the permission given by the Spanish government to Figueras to convey away this land to Fernando de la Maza Arredondo.]

DECREE BY THE BOARD.

We find in this case that Governor White conceded the 25 acres to Bartolome Figueras on March 10, 1807; that Figueras, by permission of the government, conveyed the land to Fernando de la Maza Arredondo, jr. In consideration whereof, we confirm the title to claimant. October 4.

No. 99.—REPORT No. 1.—1824.

*Sarah Petty vs. The United States. For two hundred and sixty-eight and two-thirds acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Sarah Petty respectfully sheweth: That your memorialist claims title to a tract of land consisting of eight caballerias and two acres, situated on Julington creek, and is bounded as follows: the first line runs north 55° east, at a stake marked with a cross, on the margin of Julington creek, and terminates at a poplar with the same mark, 76 chains, and partly joins the lands of Alexander Creighton; the second, south 45° east from said poplar, to a cypress with the same mark, 40 chains, and fronts on the margin of Julington creek: all which will appear by the survey and plat herewith presented; which title your memorialist derives from a survey and plat to George Long, by Marrot and Eastlake, in virtue of the royal order of 1790, by order of the Spanish government, said survey and plat April 9, 1793; said George Long having died, left the same to his heirs, Christiana Long, Matthew Long, Joseph Long, and Jane Long, who sold the same to your memorialist November 26, 1821, as per deed herewith presented and attached to the survey aforesaid. And your memorialist further sheweth that she is now in actual possession of said lands, and the heirs of the said George Long were at the time of the cession; and the said George Long was in possession from the time of the survey aforesaid till his death, and his heirs after him till the said sale; that she is a citizen of the United States and resident of Florida. St. Augustine, September 17, 1823.

JOHN B. STRONG, *Attorney for Claimant.*

[Here follows the translation of the certificate and plat of survey by Pedro Marrot to George Long of the land, dated April 9, 1793.]

[Here follows a deed of conveyance from the heirs of George Long to claimant, dated November 6, 1821.]

Joseph Summerall, being duly sworn, doth depose and say, that Sarah Petty, the claimant, is the only heir-at-law of John Houston, deceased, and was his daughter, &c., &c. This deponent also well knows a tract of land of about 250 acres or 260 acres, more or less, which the said Sarah Petty now resides upon, with her family and negroes; this tract she bought of the heirs of George Long in 1821; that she has occupied the same ever since the purchase; that the said George Long, to whom the same had been granted, and his heirs after his death, had possession of the said land, and lived upon and cultivated it, for most of the time, for 20 or 30 years before the said Sarah Petty bought the same; that the children of the said George Long were four in number, and, as well as this deponent can recollect, were Matthew, Joseph, Margaret, and Jane; further this deponent saith not.

JOSEPH SUMMERALL.

Sworn before me this 23d December, 1823.

JOHN B. STRONG, *Judge of the County Court.*

DECREE BY THE BOARD.

The board find in this case that the Spanish government had the land surveyed and laid off for George Long, as per certified plat of the same by Marrot, dated April 9, 1793; that the heirs of Long sold and conveyed the tract to claimant, and that the grantee and his heirs occupied and cultivated it between twenty and thirty years. We deem this to be a valid Spanish grant, and confirm it to claimant. October 11.

No. 100.—REPORT No. 1.—1824.

*William Travers vs. The United States. For one thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Travers and the other heirs of Thomas Travers, deceased, respectfully sheweth: That your memorialists claim title to a tract of land consisting of one thousand acres, situated at a place called Santa Thomas, on St. John's river, and is bounded as follows: beginning at a live oak\*, running south 70° west, 100 chains, to a pine tree on the bank of the river; thence south 20° east, 110 chains, to a pine tree marked †; thence north 70° east, 42 chains, to a laurel on the margin of the creek Santa Thomas; which title your memorialists derive from a grant made to them by Governor White, in virtue of the royal order of 1790; and your memorialists further sheweth that they are in actual possession of said lands; they reside in St. Augustine, and did so at the exchange of flags.

WILLIAM TRAVERS,  
By GEORGE MURRAY.

[Here follows the translation of the royal title made by Governor White to the heirs of Charles Travers, deceased, of the land, dated September 27, 1808, in virtue of the royal order of 1790.]

## DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant by claimant exhibiting the royal title made by Governor White to the heirs of Thomas Travers, deceased, dated September 27, 1808. In consideration whereof, we confirm the thousand acres to claimant. October 11.

No. 101.—REPORT No. 1.—1824.

*William Travers vs. The United States. For one hundred and seventy-two acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Travers, administrator of the estate of Thomas Travers, deceased, respectfully sheweth: That your memorialist claims title to a tract of land containing one hundred and seventy-two acres, situated on the river St. John's, at a place called St. Patricio, bounded as follows: beginning at a cypress tree marked with a cross, running north 30°, 35 chains, to a stake on the bank of St. John's river; thence south 53° east, 49 chains, to a pine tree; thence south 30° west, 35 chains, to a cypress tree with the same mark, on the bank of said river; which title your memorialist derives from an absolute grant made to Thomas Travers, deceased, by Governor White, in virtue of the royal order of 1790. Your memorialist and heirs of Thomas Travers claim title to the said tract of land. And your memorialist further sheweth that he is in possession of said lands; that your memorialist was here at the change of flags, and still resides in St. Augustine; that he is a citizen of East Florida and resident of the same.

All which is respectfully submitted.

WILLIAM TRAVERS.

[Here follows the translation of the royal title made by Governor White to Thomas Travers of the land, dated September 27, 1808, in virtue of the royal order of 1790.]

## DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant by claimant exhibiting the royal title made by Governor White to the heirs of Thomas Travers, deceased, September 27, 1808. We confirm the title to claimant. October 11.

No. 102.—REPORT No. 1.—1824.

*John Gianoply vs. The United States. For fifteen acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John Gianoply respectfully sheweth: That your memorialist claims title to a tract of land consisting of fifteen acres, more or less, without the gates, and 1,500 yards, and is bounded as follows: beginning at a stake on the line of John Gianoply's lands; thence running north 22° west, 20 chains, to an oak tree; thence north 68° east, 5 chains; thence south 46° east, 12 chains and 40 links, to a stake; thence south 8° west, 10 chains; thence to the first bounds, as appears by the plat and survey herewith presented; which title your memorialist derives from a grant made to Domingo Segui, dated January 19, 1805, by Governor White, in virtue of the royal order of 1790, who sold the same to your memorialist about the year 1815, but did not convey until January 25, 1821, which deed is herewith presented. And your memorialist further states that the said lands were granted for ten acres, and have been occupied, with the knowledge and acquiescence of the Spanish government, for more than thirty years by your memorialist and those under whom he holds. And your memorialist further sheweth that he is in actual possession of said lands, and was at the cession; and he further states that the said lands were never surveyed regularly till recently, but marked out by affixing stakes; and that, on recent survey, they are found to contain fifteen acres, as appears by the plat and survey aforesaid, and have been cultivated and improved with the knowledge of the government aforesaid; that he is a citizen of the United States and resident of Florida. St. Augustine, October 7, 1823.

JOHN B. STRONG, *Attorney of Claimant.*

[Here follows the translation of the concession of the land by Governor White to Domingo Segui, dated January 14, 1805.]

[Here follows the translation of the conveyance from Domingo Segui to claimant of ten acres, dated June 25, 1821.]

[Here follows a plat and certificate of survey by G. Darling.]

## DECREE BY THE BOARD.

This claimant in this case exhibited a concession made by Governor White to Domingo Segui for ten acres, dated January 19, 1805. Segui, June 25, 1821, sold and conveyed the same to claimant. It was proven that he lived on and cultivated this tract for at least thirty years. In consideration whereof, we confirm the title to Gianoply. October 12.

## TESTIMONY.

*John Gianoply vs. The United States. For fifteen acres of land.*

Gamaliel Darling, being sworn, says that he knows the original grantee, who lived on the said tract previous to his having sold it to the present claimant. Witness says that the present owner has cultivated the same ever since the purchase. Witness says he has resided in the province about six years; says that he had nothing to guide him in the survey but the words of the owner, and that the lines were pointed out by the said owner, and there were old ditches that guided him in the survey.

Philip Solana, being sworn, says that Mr. Segui lived on the tract till his death, and that his son lived on the said tract until the same was sold; does not know what quantity was contained in the grant.

No. 103.—REPORT No. 1.—1824.

*Seymour Pickett vs. The United States. Claim for three hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Seymour Pickett, resident of this Territory of Florida and citizen of the United States, respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and fifty acres, situated on the Mosquito river, at a place called Smyrna, bounded by the canal or marsh, and thence to run north in front till the complement is made up, but has not been surveyed; which title your memorialist derives from a grant made to himself by the Spanish government September 3, 1803, and herewith presented by copy, with its translation, which grant was made by virtue of the royal order of 1790. And your memorialist further states that he took possession of the said lands immediately after receiving the grant, and continued in possession and cultivated the same till 1808, when the Indians burnt his house and the houses of the whole settlement, and committed such depredations that all the settlers were obliged to abandon their settlement for want of *government protection*. And your memorialist says that immediately after the cession, he again took possession of his property by placing Jeremiah Ives, his tenant, upon the same, who has cultivated it ever since, and built houses upon the same.

All which is respectfully submitted, &c.

JOHN B. STRONG, *Attorney for Claimant.*

Since making the above memorial a survey has been found, and is bounded on the north by lands of Robert Sheppard, on the east by Mosquito river, on the south by lands of John Addison, and on the west by vacant lands.

JOHN B. STRONG, *for Claimant.*

[Here follows the translation of the concession by George White to the claimant of the land, dated September 3, 1803.]

[Here follows the translation of the certificate of survey by John Purcell of the three hundred and fifty acres, dated May 20, 1803.]

DECREE BY THE BOARD.

We find in this case that Governor White conceded the three hundred and fifty acres to claimant by concession, dated September 3, 1803. Deeming this to be a valid Spanish grant, the same is hereby confirmed to claimant and his heirs. November 25.

No. 104.—REPORT No. 1.—1824.

*Henry Martin's heirs vs. The United States. Claim for four hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of the heirs of Henry Martin, deceased, resident in Charleston, South Carolina, and citizens of the United States, respectfully sheweth: That they claim title to a tract of land of four hundred acres, situated at the Mosquito, and bounded on the north by Ladd's lands, not having been surveyed, remainder not known; which title your memorialists derive from a grant made to the said Henry Martin, September 3, 1803, copy of which is herewith presented, and the translation by the Spanish government in virtue of the royal order of 1790. And your memorialists further state that the said Henry Martin took possession of the same, with his family, the moment after he obtained the grant, and continued in possession till 1808, when his house was burned, and his whole plantation was destroyed by the Indians, and he was obliged to abandon the same for a time on account of the continued depredations of the Indians, and the want of protection from the Spanish government; that soon after he procured his wife's father to again take possession of the said lands, who, with uncommon patience and suffering, continued in possession till 1812, when, from the commotions in the province and the famine experienced in that part, he was again obliged to abandon it; that immediately after the cession your memorialists put a tenant on the premises, who still occupies the same and cultivates it. All which is respectfully submitted, &c. St. Augustine, September 19, 1823.

JOHN B. STRONG, *Claimants' Attorney.*

The memorialists are uncertain whether the lands claimed by them join Ladd's or Hull's; or if they have been surveyed, the survey is lost.

STRONG, *for Claimants.*

[Here follows the translation of the concession by Governor White to Henry B. Martin of the land, dated September 3, 1803.]

DECREE BY THE BOARD.

We find in this case that Governor White conceded the four hundred acres to Henry Martin by concession, dated September 3, 1803. Deeming this to be a valid Spanish grant, we confirm it to the heirs of the aforesaid Martin. November 25.



## No. 105.—REPORT No. 1.—1824.

*Robert Shepherd vs. The United States. For one hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Robert Shepherd respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated on the Mosquito river, and has been surveyed; which title your memorialist derives from a grant made to him by Governor White, in virtue of the royal order of 1790, dated December 30, 1803; and your memorialist further sheweth that he occupied and improved said lands a considerable time, but was compelled to leave them on account of the troubles of the times; that he is a citizen of the United States and resident of the United States. St. Augustine, November 28, 1823.

JOHN B. STRONG, *Attorney for Claimant.*

[Here follows the translation of the concession by Governor White of the hundred acres to claimant, dated December 30, 1803.]

## DECREE BY THE BOARD.

We find in this case that Governor White conceded the hundred acres to claimant December 30, 1803. Deeming this to be a valid Spanish grant, we confirm it to claimant and his heirs. November 25.

## No. 106.—REPORT No. 1.—1824.

*Robert Walker vs. The United States. Claim for one hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Robert Walker respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated on the river Mosquito, and has not been surveyed; which title your memorialist derives from a grant made to him by Governor White, in virtue of the royal order of 1790, July 14, 1803, as appears by said grant herewith presented; and your memorialist further sheweth that he is not now in actual possession of said lands, but that he took possession according to the tenure of the grant, and remained in possession for a long time, till the savages became so troublesome that he was obliged to leave the same; that he is a citizen of the United States and a resident of the United States. St. Augustine, November 28, 1823.

JOHN B. STRONG, *for Claimant.*

[Here follows the translation of the concession by Governor White of the one hundred acres to claimant, dated July 14, 1803.]

## DECREE BY THE BOARD.

We find in this case that Governor White granted the hundred acres to claimant July 14, 1803. Deeming this to be a valid Spanish grant, we confirm it to claimant and his heirs. November 26.

## No. 107.—REPORT No. 1.—1824.

*Pedro Cocifacio vs. The United States. Claim to five hundred and twenty-two acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Pedro Cocifacio respectfully sheweth: That your memorialist claims title to a tract of land consisting of five hundred and twenty-two acres, situated on the river Guana, bounded as follows: on the south by lands of Don José Peso de Burgos, on the east by the river Guana, on the north by the lands of Miguel Acosta, and on the west by North river; which title your memorialist derives from a grant filed herewith, and marked A, made to him by Governor Estrada, in virtue of the royal order of 1790. And your memorialist further sheweth that he has actual possession of said lands; that he was, at the cession of the Floridas, a Spanish subject; that he still is, and resides in the Island of Cuba. Your memorialist, in consideration of the premises, prays to have his title to the said land confirmed. And, as in duty bound, he will, &c.

PETER COCIFACIO, *by George Murray, his Attorney.*

F. M. Arredondo to pay fees.

[Here follows the translation of the royal title made by Governor Estrada to claimant for the land, dated October 12, 1815, in virtue of the royal order of 1790.]

## DECREE BY THE BOARD.

The claimant establishes his title by producing the royal title to the land made to him by Governor Estrada, dated October 12, 1815. The same is hereby confirmed to him and his heirs. December 1.

## No. 108.—REPORT No. 1.—1824.

*Gabriel Priest vs. The United States. Claim for five hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Gabriel Priest respectfully sheweth: That your memorialist claims title to a tract of land consisting of five hundred acres, situated on Black creek; on the west, with lands of Henry Yonge; first line runs S. 70 chains, to a pine tree  $\times$ ; thence N. 55° W., 105 chains, to a black jack; thence S., 40 chains, to a pine, 30 M.; thence S. 30° E., 15 chains, to a stake; and on the north with the creek; which title your memorialist derives from an absolute grant made to John M. Fontané by Governor Estrada, in virtue of the royal order of 1815, who sold the same to Gabriel Priest; a certified copy of which sale, dated May 21, 1823, and your petitioner will file when required the plats and certificate of survey by Governor Clark and Andrew Burgevin; and your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of East Florida and resident of the same. Your memorialist will, as in duty bound, ever pray, &c.

JOHN M. FONTANÉ,  
For G. PRIEST.

[Here follows the translation of the concession made by Governor Estrada to John M. Fontané of the five hundred acres, dated January 5, 1816, in virtue of the royal order of 1825.]

## DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

## No. 109.—REPORT No. 1.—1824.

*Edward M. Wanton vs. The United States. For three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Edward M. Wanton respectfully sheweth: That your memorialist claims title to a tract of land consisting of 300 acres, situated on the head of the creek called Coleson's Bank, on the east of the river St. John's, and known by the name of Old Cowpen, bounded on all sides by public pine lands. The first line runs south 55° east, 49 chains, to a pine; the second line, south 35° west, 62 chains, to another pine; the third line, north 55° west, 49 chains, to another pine; and the fourth line, north 35° east, 62 chains, to another pine, as will more fully appear by referring to the certificate of survey of George J. F. Clarke, dated November 17, 1819, herewith presented; which title your memorialist derives from a grant made to your memorialist by Governor Coppinger, in virtue of the royal order of March 29, 1815. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of Florida.

In confirmation of the title of your memorialist, he begs leave to refer this honorable board to the memorial and decree thereon, dated November 25, 1817, and on file in the office of the public archives of this city, and to the certificate of survey of George J. F. Clarke, public surveyor, dated November 17, 1819, herewith presented, marked C.

All which is respectfully submitted.

EDWARD M. WANTON,  
By his attorney, THOMAS F. CORNELL.

St. AUGUSTINE, November 28, 1823.

[Here follows the translation of the concession by Governor Coppinger of the land to claimant, dated November 25, 1817, in virtue of the royal order of 1815.]

[Here follows the translation of the certificate and plat of survey by George J. F. Clarke of the 300 acres, dated November 17, 1819.]

## DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

## No. 110.—REPORT No. 1.—1824.

*Edward M. Wanton vs. The United States. For three hundred and fifty acres.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Edward M. Wanton respectfully sheweth: That your memorialist claims title to a tract of land consisting of 350 acres, situated on the east of the river St. John's, and known by the name of Picolata ferry, bounded on the north and east by public lands, on the south by lands belonging to your memorialist, and on the west by the said river St. John's. The first line runs north 60° east, 58 chains, to a pine; the second line, north, 61 chains, to a cypress; the north formed by a creek called Bayley's cove; and the west the natural boundary of the said river, as will more particularly appear by the accompanying certificate of survey; which title your memorialist derives from a grant made to your memorialist by Governor Coppinger, in virtue of the royal order of March 29, 1815. And your memorialist further sheweth that he is legally in actual possession of said lands; that he is a citizen of the United States and resident of Florida.

In confirmation of the title of your memorialist, he begs leave to refer this honorable board to the memorial and decree dated November 25, 1818, on file in the office of the public archives of this city, and to the certificate of survey of George J. F. Clarke, public surveyor, dated November 17, 1819, herewith presented, marked D.

All of which is respectfully submitted.

EDWARD M. WANTON,

By his attorney, THOMAS F. CORNELL.

The concession in the claim of Mr. Wanton for 300 acres applies in this case, this being part of the concession dated November 25, 1817.

[Here follows the translation of the certificate and plat of survey of 350 acres by George J. F. Clarke, dated December 17, 1819.]

#### DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

#### No. 111.—REPORT No. 1.—1824.

*Bernardo Segui vs. The United States. For three hundred acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Bernardo Segui respectfully sheweth: That your memorialist claims title to a tract of land containing 300 acres, situated in the territory of Mosquito, on the river Halifax, near Pelican island, bounded on the north by lands of Farquhar Bethune, on the east by the river Halifax, and on the south and west by vacant lands; which title your memorialist derives from a grant made Estevan Arnau from the Spanish government by his excellency Governor Estrada, for services, November 17, 1815, and which grant and a survey thereof are herewith filed, marked A and B; as also a conveyance of the same from the grantee to your memorialist, marked C, and dated March 29, 1822. And your memorialist further sheweth that he is actually legally seized and possessed of said land; that he is a citizen of the United States and resident of the city of St. Augustine. All of which is respectfully submitted, &c.

BERNARDO SEGUI.

[Here follows the translation of a concession by Governor Estrada to Estevan Arnau of the 300 acres, dated November 17, 1815, in virtue of the royal order of 1815.]

[Here follows the translation of the certificate and plat of survey by Robert McHardy, dated October 7, 1818.]

[Here follows a deed of conveyance from Arnau to claimant, dated March 9, 1822.]

#### DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

NOTE.—No. 112 was not returned to the General Land Office by the commissioners.

#### No. 113.—REPORT No. 1.—1824.

*Joseph S. Sanchez vs. The United States. For twenty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Joseph S. Sanchez, for himself and the other heirs of Francis J. Sanchez, respectfully sheweth: That your memorialist claims title to a tract of land consisting of twenty acres, situated on Anastacia island, which has not been surveyed, but is situated west of the town, bounded as appears by the memorial and grant herewith presented, dated July 3, 1802; which title your memorialist derives from a grant made to Francis X. Sanchez by Governor White, in virtue of the royal order of 1790, (which said Sanchez was father to your memorialist,) and is dated —, and which said land was, by the heirs of said estate, set apart to your memorialist as part of his portion of said Sanchez's estate. And your memorialist further sheweth that his said father was in actual possession of said lands at the time of his death, and had been from the date of the grant; and had built houses upon the same, and had cultivated it; and your memorialist is now in the actual possession of the same; that he is a citizen of the United States and a resident of Florida. St. Augustine, November 24, 1823.

JOHN B. STRONG, *Attorney for Claimant.*

[Here follows the translation of the concession by Governor White of the land to Francisco X. Sanchez, dated July 8, 1802.]

#### DECREE BY THE BOARD.

The claimant, as one of the heirs of Francis X. Sanchez, exhibited to the board a concession by Governor White for twenty acres, dated July 8, 1802.

We deem this to be a valid Spanish grant, and confirm it to claimant. December 11.



## No. 114.—REPORT No. 1.—1824.

*John B. Entralgo vs. The United States. Claim to one thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John B. Entralgo respectfully sheweth: That your memorialist claims title to a tract of land consisting of one thousand acres, situated about thirty miles west of the post of Buena Vista, at a place called *Corral de Agua*, and is bounded as follows: beginning at a gum, and running S. 12° E., 70 chains and 71 links, to a pine tree marked with a cross; thence S. 78° E., 141 chains and 42 links, to a *noel* marked with a cross; thence N. 12° E., 70 chains 71 links, to a white oak marked with a cross; thence in a straight line to the beginning; which title your memorialist derives from a grant made to said John B. Entralgo by Governor Coppinger, in virtue of the royal order of March 29, 1815.—(See the grant and plat, marked A, filed herewith.) And your memorialist further sheweth that he has possession of said lands, that he lived in St. Augustine at the change of flags, and now resides in Cuba.

JOHN B. ENTRALGO,  
By GEO. MURRAY.

[Translation.]

Don José Coppinger, colonel of the royal armies, civil and military governor *pro tem.* of this city and province, and chief of the royal domain of St. Augustine, Florida, by his Majesty:

Whereas, by a royal order of March 29, 1815, his Majesty has deigned to approve the favors and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, both regular and militia, of this province, who assisted in its defence at the time of the rebellion, one of the said favors being a distribution of land in proportion to the number of the family each individual might have; that having offered himself, Don Juan de Entralgo, notary of government and the royal domain, the only one in this city and province, soliciting, in virtue of said favors, as former commandant of the company of mulattoes and negroes of said city, and an old settler of it, in consequence of the royal order communicated to this government by the captain general of the Havana October 29, 1790, the concession of one thousand acres of land were granted to him in vacant land, which is about thirty miles to the west of the post of Buena Vista, on the river St. John's, at a place known as the Water Pen, its survey beginning to the east of a great lake which is in the said place, bounded on all sides by vacant lands, as is accredited by my decree of the 20th day of May last, made on the proceedings moved for by the said Don Juan de Entralgo, the above-mentioned one thousand acres of land at the place mentioned, for himself, his heirs and successors, in absolute property; and in expediting to him, as by these presents I do, the corresponding title by which I separate from the royal domain all the rights and dominion which it had to said land; and I cede and transfer to the said Don Juan de Entralgo, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatsoever, with all its entrances, outlets, customs, rights, and services which it has had, has, and in fact and law belong or pertain to it, and at their will sell, cede, transfer, and alienate it as may best suit them. In all which I interpose my authority, as I can and of right ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the secretary of this government, Brevet Second Lieutenant Don Tomas de Aguilar, and by the officer of the secretary's department, Don Antonio Alvarez, whom I have named for assistant witnesses for this purpose, the said notary of government and the royal domain being interested. St. Augustine, November 15, 1817.

JOSÉ COPPINGER.

By command of his lordship:

TOMAS DE AGUILAR.  
ANTONIO ALVAREZ.

This is conformable to the original, which remains in the archives of the notary of this government and of the royal domain; and at his desire I sign these presents, with the assistant witnesses, on common paper, the stamped not being used. St. Augustine, November 15, 1817.

JOSÉ COPPINGER.

TOMAS DE AGUILAR.  
ANTONIO ALVAREZ.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

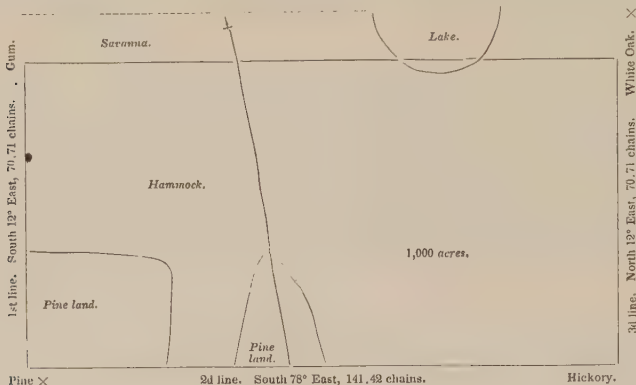
[Translation.]

Don Andres Burgevin, as surveyor named by a decree of this government made the 11th of June of the present year: I certify that I have measured and laid off for Don Juan Entralgo, notary of government and the royal domain in this city, a piece of land which contains one thousand acres of land, and which is situated to the southeast of the savanna of the deceased chief of the Seminoles, known as Bowlegs, and part at a lake, by the side of which the said Bowlegs had a cowpen. The first line of the said land begins with a ——— marked X, and runs south 12° west, 70 chains 71 links, and ends with a pine marked X; the second line begins with the said pine, runs south 78° east, 141 chains 42 links, and ends with a hickory marked +; the third line runs from thence north 12° east, 70 chains 71 links, and ends with a white oak also marked +, some distance on the east side of the lake, and being in other circumstances conformable to the following plan; to confirm which I give these presents, which I sign in St. Augustine, Florida, September 9, 1819.

ANDRES BURGEVIN.

A copy from the original, to which I refer.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*



DECREE BY THE BOARD.

In this case we ascertain that the land was granted to claimant in absolute property by a royal title, bearing date November 15, 1817, which was afterwards surveyed. We therefore confirm the same to him and his heirs. June 30, 1824.

No. 115.—REPORT No. 1.—1824.

*John D. Vaughan vs. The United States. For nine hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John D. Vaughan respectfully sheweth: That your memorialist claims title to a tract of land consisting of 950 acres, situated and lying on Lofton creek, near Nassau river, and by the accompanying survey and certificate, marked B, is of the following metes and bounds, to wit: north 10° east, 97 chains; thence north 80° west, 98 chains; thence south 10° east, 97 chains; then south 80° east, 98 chains, and bounded on the south by lands of Mr. Walker; which title your memorialist claims in virtue of a survey made for him by Mr. George Clarke, the surveyor general for East Florida, as is more fully shown by the survey and certificate, marked B, and by the deposition of Mr. George Clarke, marked C, which documents accompany this memorial. Your memorialist begs leave further to state to your honorable board that he is now living on the said land, and that he has had it in occupation and cultivation for several years. Your memorialist is now, and has been for many years, a resident of Florida, and was such at the cession of the Territory to the United States. He prays that your honorable board will confirm his title to the said tract of land.

JOHN D. VAUGHAN,  
By his agent, EDWARD R. GIBSON.

[Here follows the translation of the certificate and plat of survey by George J. E. Clarke of the 950 acres, dated December 8, 1816.]

TERRITORY OF FLORIDA, *County of St. Johns:*

On July—, 1824, in the city of St. Augustine, before E. R. Gibson, justice of the peace for said county, and in the presence of Edgar Macon, esq., attorney of the United States for East Florida, personally appeared George J. F. Clarke, who, being duly sworn, doth depose and say, that early in the year 1816 he, the deponent, was employed by John D. Vaughan, planter, of Amelia island, to procure for him, from the government of East Florida, through the process usually had in such cases, a grant to a tract of land lying on Lofton's creek, Nassau river, pursuant to a royal order of March, 1815, granting bounties of land for services, to which bounty the said Vaughan had an unquestionable claim, as was well known to this deponent, as an officer of government; that this deponent presented a petition in the name of the said Vaughan, which he handed to the commandant at Fernandina, who transmitted the same to the governor of the province, and the said petition was decreed and returned to the commandant for his report; that this deponent knows that the same was favorably reported on by said commandant, which was all that was required in such cases to make the grant sure; and it was again transmitted by him, officially, to the governor at St. Augustine—the usual course of such claims; and this deponent paid the said commandant, for J. D. Vaughan, the usual fees in such cases; that some short time after this the escrivano, at whose office such papers are deposited, was at Fernandina, and this deponent, on inquiring of him respecting said grant, was told, in the presence of Mr. Vaughan, by the escrivano, that the grant was finally decreed. In consequence of that information, this deponent, as surveyor general of the province, did survey and deliver to said Vaughan 950 acres of land at the place above mentioned, which he now cultivates; and this deponent believes and has generally understood that Vaughan began to make improvements on it in the year 1816, and has cultivated it from that time to the present.

GEORGE J. F. CLARKE.

Sworn to before me July 14, 1804.

E. R. GIBSON.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

## No. 116.—REPORT No. 1.—1824.

*William Barden vs. The United States. For six lots.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Barden, in right of his wife and other heirs of Uriah Bowden, respectfully sheweth: That your memorialist claims title to a tract of land consisting of six lots, situated on St. John's river, at a place called St. Anthony, commencing at the edge of said river at a post marked with a cross; thence running south 20° east, 50 chains, to a cypress with the same mark, bounded by lands of Robert Gilbert; thence south 70° east, 32 chains, to a pine of the same mark; thence north 20° west, 70 chains, to a pine of the same mark, at Point St. Anthony, on St. John's river; thence the courses of said river to the place of beginning, as will appear by a survey made by Don Samuel Eastlake, authorized surveyor, dated December 22, 1791, now on file in the office of the keeper of the public archives; which title your memorialist derives from a royal grant made to Uriah Bowden by Governor Sebastian Kindelan, dated April 17, 1815, a certified copy of which is herewith presented, by virtue of the royal order of October 29, 1790. And your memorialist further sheweth that he claims title through his wife, Mary, who, as the widow of Uriah Bowden and the wife of your memorialist, has occupied the lands ever since the year 1787, and is still in possession; that your memorialist is a citizen of the United States and resident of East Florida. All which is respectfully submitted.

WILLIAM BARDEN,

By attorney, WATERS SMITH.

[Here follows the translation of the royal title made by Governor Kindelan to Uriah Bowden of the land, dated April 17, 1815, in virtue of the royal order of 1790.]

## DECREE BY THE BOARD.

In this case we find that the land was granted in absolute property to Uriah Bowden, as per royal title by Governor Kindelan, dated April 17, 1815. In consideration whereof, we confirm the title to the widow and other heirs of the aforesaid Bowden. December 18.

## No. 117.—REPORT No. 1.—1824.

*William Travers vs. The United States. For seven hundred and fifty and one-third acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of William Travers, son of Thomas Travers, for himself and the other heirs of Thomas Travers, deceased, respectfully sheweth: That your memorialist claims title to a tract of land consisting of 750 $\frac{1}{3}$  acres, situated on the St. John's river, at a place called Glorat, and is bounded by lands of Isaac Wickes, Juan McQueen, and others, and has the following lines: beginning at a gum marked +, running west, 64 chains, to a pine +; thence north 22° east, 40 chains, to a pine marked +, on the bank of St. John's river; thence up said river, with its course, to a live-oak marked +; thence south 30° west, 65 chains, to a live-oak +, on the river; thence to the beginning; which title your memorialist derives from a grant made to Thomas Travers by governor White, in virtue of the royal order of 1790. And your memorialist further sheweth that he is in actual possession of said lands. He resides in St. Augustine, and did so at the change of flags.

WILLIAM TRAVERS, *for the heirs of Thomas Travers.*  
GEORGE MURRAY.

[Here follows various proceedings, by which is seen that Thomas Travers obtained permission from Governor White to take possession of the land formerly granted to Thomas Sterling, on account of the liabilities which he incurred for said Sterling to the government. The permission of Governor White is dated October 11, 1803.]

[Here follows the translation of the certificate and plat of survey of Pedro Marrot, commissioned judge for the distribution of lands, of the land, (22 caballerias and 17 acres,) dated January 9, 1792, laid off for Thomas Sterling.]

## DECREE BY THE BOARD.

We find in this case that Thomas Travers petitioned the government to have the land in question transferred to him for the reasons set forth in his memorial, which, after various proceedings had, was finally acceded to by Governor White October 11, 1803. The board being of opinion that this would have been a valid grant had Florida remained a dominion of the King of Spain, they confirm it to claimants and their heirs. December 28.

## TESTIMONY.

*William Travers, for himself and the other heirs of Thomas Travers, vs. The United States. For seven hundred and fifty and one-third acres of land.*

A. Bellamy, being sworn, states that he has always understood that said tract belongs to Mr. Travers, and that the family of the Augers have resided and now reside on said tract; and that Dr. Hall informed witness that he was agent for said Travers, and that he placed them there.

A BELLAMY.

Francis J. Fatio, being duly sworn, states that he knew Dr. Thomas Travers, and that he has always understood that William Travers, the memorialist in this case, is the reported son of Thomas Travers, deceased.

FRANCIS J. FATIO.  
FRANCIS J. FATIO

Before the board in session July 13, 1824.



## No. 118.—REPORT No. 1.—1824.

*Shadrick Stanley vs. The United States. For three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Shadrick Stanley respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated at the St. Mary's river; first line runs south from the river, commencing at a pine on its banks, 75 chains, to a pine; second line, thence south, 40 chains, to a pine; third line, thence north, 75 chains, to a pine on the river; bounded east by the lands of Charles Love, south and west by vacant lands; all of which will be seen by the survey which is herewith presented; which title your memorialist claims from a survey of George Clarke, December 10, 1817, in conformity of the royal order of March 29, 1815. Your memorialist further sheweth that he is in actual possession of said lands, and was at the time of the cession; and that he is a citizen of the United States and resident of the Territory of Florida. All of which is respectfully submitted, &c.

A. BELLAMY, *Attorney.*

[Here follows the translation of the certificate and plat of survey by George J. F. Clarke, dated December 10, 1817.]

## DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

## TESTIMONY.

*Shadrick Stanley vs. The United States. For three hundred acres of land.*

G. J. F. Clarke, being sworn, states that Governor Coppinger gave him an order to distribute lands to all those who contributed to the defence of Fernandina in 1817. Witness states that the order was verbal, and that Stanley has been living on the said tract since that year.

## No. 119.—REPORT No. 1.—1824.

*Francis P. Sanchez vs. The United States. For two hundred and fifty acres.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain the claims and titles to lands in East Florida:*

The memorial of Francis P. Sanchez respectfully sheweth: That memorialist claims title in and to a certain tract or parcel of land consisting of two hundred and fifty acres, situated and being in East Florida aforesaid, on the south side of the river St. John's, at a place called Wills' Swamp, about nine miles southwest of the late military post of St. Nicholas, and having the following lines and dimensions, and, at the time of the survey thereof, having had the following boundaries, that is to say: the first line begins at the gum tree, and runs west, 50 chains, to a pine tree, and was bounded by vacant lands; the second line runs from the said pine tree north, 50 chains, to an ash tree, and was bounded by vacant land; the third line runs from the said ash tree east, 50 chains, to a pine tree, and was bounded by vacant land; and the fourth line runs from the said pine tree south, 50 chains, to the place of beginning, and was bounded by vacant land, as will more fully and distinctly appear by a reference to the original plat of the survey thereof by George J. F. Clarke, the surveyor general of East Florida, bearing date May 3, 1817, now here submitted and filed, and marked exhibit A. And your memorialist further sheweth that the said tract or parcel of land was originally granted to one David S. Miller, without condition, and in absolute property, March 18, 1817, by Don José Coppinger, the governor of East Florida, as will and at large appear by a reference to a certified copy of the grant thereof to the said David S. Miller, now here submitted, and marked exhibit B; and that the said David S. Miller afterwards, that is to say, on January 25, 1822, bargained and sold the said tract of land to your memorialist for a valuable consideration paid to him by your memorialist, and agreed, by articles of agreement under his hand, bearing date the day and year last aforesaid, to convey, by a regular and sufficient conveyance, the said tract of land to your memorialist whenever he should be thereto required, which will more fully and at large appear by a reference to the original articles of agreement between your memorialist and the said David S. Miller, now here submitted and filed, and marked "exhibit C;" and memorialist further sheweth that the said David S. Miller was at the time of the cession of this Territory to the United States an inhabitant of East Florida, and a subject of the King of Spain; and that your memorialist was, before and at the time he so purchased the said land as aforesaid from the said David S. Miller, an inhabitant and settler of East Florida, and that he has continued ever since to be, and now is, such an inhabitant and settler; wherefore, he prays confirmation of his title to the said tract of land and its appurtenances, conformably to the acts of Congress in such case made and provided; and he will, as in duty bound, ever pray, &c., &c.

FRANCISCO P. SANCHEZ,

By his attorney, JOHN DRYSDALE.

[Here follows the translation of the concession made by Governor Coppinger to David S. Miller of the two hundred and fifty acres, dated March 18, 1817.]

[Here follows the translation of the certificate and plat of survey by George J. F. Clarke of the two hundred and fifty acres, dated May 3, 1817.]

[Here follows a conveyance from Miller to claimant, dated January 25, 1822.]

## DECREE BY THE BOARD.

The claimant in this case produced to the board an unconditional concession made by Governor Coppinger to David S. Miller, dated March 18, 1817, for the two hundred and fifty acres, together with a survey thereof. The grantee, on January 25, 1822, sold and conveyed the land to claimant. In consideration whereof, we confirm the title to Sanchez and his heirs. December 20.

No. 120.—REPORT No. 1.—1824.

*Francis Julian Avice vs. The United States. For one hundred and fifteen acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francis Julian Avice respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and fifteen acres, situated on the river Matanzas, bounded north by lands of Hippolite Carter, west by vacant lands, and east by the river Matanzas; which title your memorialist derives from a grant and survey filed herewith, marked A and B, made to Aysick Travers, a free black, by the Spanish government, November 10, in the year 1803, in virtue of the royal order of the King of Spain dated October 29, 1790; which title is acquired through a purchase made by said F. J. Avice from Lewis Salomon July 30, 1821, who purchased said land from said Aysick Travers. And your memorialist further sheweth that he is actually legally seized and possessed of said land; that he is a citizen of the United States and resident of the city of St. Augustine. He also exhibits the conveyance from Aysick to said Lewis Salomon, marked P, and the conveyance from said Lewis Salomon to your memorialist, marked Q. All of which is respectfully submitted.

F. J. AVICE.

[Here follows a concession from Governor White to Aysick, a free black, of the hundred and fifteen acres, (translated,) dated November 10, 1803.]

[Here follows a royal title in confirmation of the concession made by Governor Coppinger to Aysick Travers, and dated June 18, 1821.]

[Here follows a translation of the certificate and plat of survey of the hundred and fifteen acres made by Andres Burgevin, and dated June 14, 1821.]

[Here follows a translation of the conveyance from Aysick Travers to Lewis Salomon, dated June 20, 1821.]

[Here follows a translation of the conveyance from Lewis Salomon to claimant, dated July 30, 1821.]

## DECREE BY THE BOARD.

In this case the claimant produced a concession from Governor White to Aysick, a free black, dated November 10, 1803, for the land; likewise a plat of the same. Although the confirmation of the grant by a royal title, which was also exhibited, bears date subsequent to January 24, 1818, the board deem the grant a valid one, and confirm it to claimant and his heirs. September 3, 1824.

*Francis J. Avice vs. The United States. Claim for one hundred and fifteen acres of land.*

Francis Ferreira, being duly sworn, states that he knew Aysick Travers to have possession of the said tract, and lived on the same. Witness states that he was at the house of said Travers about the year 1808 or 1809, and that the claimant had made considerable improvements on the land; that the said Travers was obliged to abandon the same in the year 1812, on account of the revolution, and returned thereon when the province was pacified, and remained until the change of flags. Witness further states that said Travers had dwelling-houses on said land.

FRANCISCO FERREIRA.

Before the board in session September 3, 1824.

FRANCIS J. FATIO.

No. 121.—REPORT No. 1.—1824.

*Joseph M. Hernandez vs. The United States. Claim for four hundred and fifty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain the claims and titles to lands in East Florida:*

The memorial of Joseph M. Hernandez, of St. Augustine, East Florida, respectfully sheweth: That your memorialist claims title to a tract of land of four hundred and fifty-five acres, situated at the North-west creek, a branch of the river Matanzas, otherwise called Pelisser's creek, bounded on the south by said creek, and on the other sides by pine barren. The first line begins at a pine marked H, and runs north 20° west, 95 chains 48 links, to another pine marked H; the second line runs thence south 35° west, 47 chains 47 links, to another pine marked H; the third line runs thence south 20° east, 108 chains, to another pine marked H; fourth line runs north 35° east, 47 chains 74 links, to the pine whence the first line began. The aforesaid tract of land was originally granted to McHenry McHenry, who, having abandoned, and his right therein forfeited, it was then granted to your memorialist, December 12, 1815, by the then acting governor, Don Juan José de Estrada; and by a decree of December 12, 1817, a royal title was granted to your memorialist by Governor Coppinger to the said tract of land, by virtue of the royal order of March 29, 1815, as will appear by said royal title, dated April 23, 1817, recorded in the office of public records kept by Mr. William Reynolds, of this place, as well as by the survey of said tract of land made by Robert McHardy, dated September 4, 1818, also in same office. And your

memorialist further sheweth that he has been in uninterrupted possession since December 12, 1815, aforementioned. St. Augustine, November 25, 1823.

JOSEPH M. HERNANDEZ.

[Here follows a royal title (translated) made by Governor Coppinger to claimant for the four hundred and fifty-five acres, dated April 23, 1815, in virtue of the royal order of 1815.]

DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore confirm it to claimant.

No. 122.—REPORT No. 1.—1824.

*J. and Emanuel Ormand vs. The United States. Claim for two thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of James and Emanuel Ormand respectfully sheweth: That your memorialists claim title to a tract of land, consisting of two thousand acres, situated at a place called Damatta, on the Halifax river, and bounded on the south by lands of Robert McHardy, on the east by vacant lands, on the north by lands of Robert Bennett, and on the west by the public road, (see a plat thereof filed herewith;) which title your memorialists derive from a royal title made to them as heirs of James Ormand, deceased, by Governor Coppinger, in virtue of the royal order of 1790. And your memorialists further show that they are in actual possession of said lands, and have been since 1807; they reside on said lands, and did so at the change of flags.

J. & EMANUEL ORMAND,  
By GEO. MURRAY.

[Here follows the translation of the royal title made by Governor Coppinger to James Ormand, deceased, of the two thousand acres, dated April 18, 1816, in virtue of the royal order of 1790.]

[Here follows the translation of the plat and certificate of survey by R. McHardy of the land, dated February 19, 1816.]

DECREE BY THE BOARD.

The claimants, as heirs at law of James Ormand, deceased, exhibit to the board a royal title for the two thousand acres, made by Governor Coppinger, dated April 18, 1816, together with a survey thereof. In consideration whereof, we confirm the title to claimants and their heirs. December 20.

No. 123.—REPORT No. 1.—1824.

*Mary Ann Davis vs. The United States. For one hundred and seventy-five acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Mary Ann Davis respectfully sheweth: That your memorialist claims title to a tract of land containing one hundred and seventy-five acres, situated, lying, and being in an island called Key Buskun; which title your memorialist derived from a grant made to Peter Fornills by Governor White on the eighteenth day of January, eighteen hundred and five, who settled the same agreeable to the conditions of the grant, and was compelled to abandon the settlement on account of the war between Great Britain and Spain; and your memorialist further states that Peter Fornills died shortly after, and that his widow was not able to continue the settlement until her death, which took place about the year 1820, and that the said tract of land has always been claimed by Raphael Andrews, her son and legal heir, as his property, ever since; and that your memorialist purchased the same from the said Raphael Andrews, as will appear from a certified copy of the conveyance herewith presented, and dated July 12, 1824. And your memorialist further sheweth that she is legally in possession of the said land; that she is a citizen of the United States and resident of this city. All which is respectfully submitted. St. Augustine, July 23, 1824.

MARY ANN DAVIS.

[Here follows the translation of the concession by Governor White of the one hundred and seventy-five acres to Peter Fornills, dated January 18, 1805.]

[Here follows a deed of conveyance from Raphael Andrews and Francisca Andrews, heirs at law of Peter Fornills, to Mary Ann Davis, dated July 12, 1824.]

TERRITORY OF FLORIDA, *County of St. John's:*

The deposition of Peter Miranda, taken before Elias B. Gould, a justice of the peace for the county of St. John's aforesaid, September 29, 1824:

Peter Miranda, being sworn, says that he was acquainted with Peter Fornills, and knows he obtained a grant for Key Buskun from Governor White about twenty years ago, and that he bought a schooner in St. Augustine for the purpose of taking possession of said key; that deponent was afterwards told by the said Fornills that he had been on said key, and had taken possession thereof; that he purchased the schooner about the time he (Fornills) obtained the grant from Governor White. And deponent further says that Peter Fornills has been dead a number of years; that after his death the property descended



to the wife of him, (the said Fornills,) and after her death it went into the possession of Raphael Andrews, her son and legal heir, who transferred it to the present claimant.

Sworn to before me this 29th day of September, 1824.

PEDRO MIRANDA.

E. B. GOULD, *Justice of the Peace.*

TERRITORY OF FLORIDA, *County of St. John's:*

The deposition of Bartolo Pounce, taken before Elias B. Gould, a justice of the peace for the county aforesaid, October 1, 1824:

Bartolo Pounce, being sworn, says that he recollects that his (deponent's) father and one Peter Fornills left St. Augustine about twenty years ago to settle Key Buskun. Deponent thinks he was about ten years old; when deponent's father and Peter Fornills had returned deponent heard his father say that they had settled Key Buskun, and had remained there some time, but that they were obliged to abandon the island in consequence of the war between Great Britain and Spain; deponent says his father has been dead about twelve years, and that Pedro Fornills is also dead; deponent has always understood that Key Buskun was Peter Fornills' property; that when he died the property went to his wife, and after the death of Mrs. Fornills it went to her son, Raphael Andrews, and the said Andrews sold the said island to the present claimant.

BARTOLO + POUNCE.  
his  
mark.

Sworn to before me this 1st day of October, 1824.

E. B. GOULD, *Justice of the Peace.*

TERRITORY OF FLORIDA, *County of St. John's:*

The deposition of John Pounce, of the city of St. Augustine, taken October 2, 1824, before Elias B. Gould, a justice of the peace for the county aforesaid:

John Pounce, being sworn, says that he knows the island called Key Buskun, near Cape Florida, and does not think it contains more than 175 acres fit for cultivation; deponent was on the island of Key Buskun about 20 years ago, and saw Guinea corn and coffee growing on it. There was a man named Vincent living on the island, but deponent does not know who settled him there; but he always understood that Key Buskun belonged to Peter Fornills. And further this deponent says not.

JOHN + POUNCE.  
his  
mark.

Sworn to before me October 2, 1824.

E. B. GOULD, *Justice of the Peace.*

#### DECREE BY THE BOARD.

The claimant in this case exhibited a concession from Governor White to Peter Fornills for 175 acres, dated January 18, 1818. Fornills and his wife, having said the land descended to Andrews, who sold and conveyed the same to claimant, we deem the grant a valid one, and confirm it to Mrs. Davis. December 21.

No. 124.—REPORT No. 1.—1824.

*John D. Vaughan vs. The United States. Claim to two hundred and fifty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John D. Vaughan respectfully sheweth: That your memorialist claims title to a tract of land situated and being in Amelia island, and containing two hundred and fifty acres, which, by the survey of Don John Purcell, has the following metes and bounds, to wit: north 47° east, 90 chains, then north 80° east, 55 chains, and bounded on the west by marsh, and on the north by lands of Antonio Suarez, on the south by lands of John Edwards, and on the east by vacant lands; which title your memorialist derives from a grant made to your memorialist by the Spanish government, March 4, 1797, in virtue of the royal order of the year 1790, and by your memorialist having resided on the said land the number of years required by the government of Florida, obtained, June 18, 1821, from Governor Coppinger complete titles for said land; all which matters, as above stated, being fully shown by the accompanying document, marked A. Your memorialist further states that he is now, and has been for many years, a resident of Florida, and was such at the cession of the Territory to the government of the United States. And your memorialist prays that your honorable board will confirm his title to the said tract of land.

JNO. D. VAUGHAN,  
By his agent, E. R. GIBSON.

[Translation.]

ST. AUGUSTINE DE LA FLORIDA, *March 1, 1797.*

John Daniel Vaughan supplicates your excellency that you would grant to him the number of acres of land that may correspond to the number of his family, on Amelia island, on vacant land to the north of the lands solicited by Don John Edwards; which favor he hopes to obtain from the goodness of your excellency.

JUAN D. VAUGHAN.

The GOVERNOR and COMMANDER-IN-CHIEF.

ST. AUGUSTINE, *March 2, 1797.*

Let the commandant of engineers report.

WHITE.

SEÑOR GOVERNOR AND COMMANDER-IN-CHIEF: There is no objection to the petitioner establishing himself on the land which he solicits on the island of Amelia, if it meets the approbation of your excellency; but, as there may hereafter be reasons why the government should wish to remove the inhabitants from the island to the land on the river St. John's, it ought to be on condition that the petitioner should have no claim on the royal treasury for damages on account of such removal. This is what I have to inform your excellency, that you may act as is agreeable to you. St. Augustine, March 3, 1797.

PEDRO DIAS BERRIO.

St. Augustine, March 4, 1797.

Let there be granted to the petitioner the land which he solicits, without prejudice to a third person, according to the number of his family, and to the precise condition of conforming himself to the foregoing exposition of not claiming any damages if the service of the King should require that he leave the island and retire to land on the St. John's.

WHITE.

The certificate was given. "RENGILE."

I certify that the above is a true translation of the accompanying document, marked A, purporting to be a copy of the memorial and concession of a tract of land in Amelia island to John D. Vaughan.

F. J. FATIO, S. B. L. C.

[Translation.]

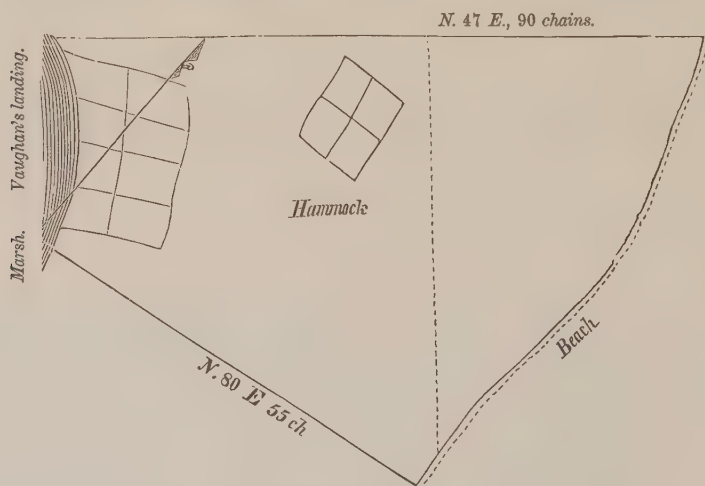
In virtue of the commission conferred on me by Don Henry White, political and military governor of this province, October 7, 1803, I certify that I have, in the presence of the Captains Don Ferdinand de la Puente and Don Santiago Cashen, surveyed and laid off for Don John D. Vaughan a tract of land containing two hundred and fifty acres, and situated on Amelia island, and bounded on the west by marsh, on the north by lands of Antonio Suarez, on the south by lands of John Edwards, and on the east by vacant lands, whose figure and boundaries are as shown in the accompanying plat; and in confirmation thereof I sign the above in the island of Amelia, December 14, 1807.

JOHN PURCELL.

FERNANDINA DE LA PUNTA.

I certify the above to be a correct translation of the certificate of survey by J. Purcell of two hundred and fifty acres of land for Don John D. Vaughan.

F. J. FATIO, S. B. L. C.



DECREE BY THE BOARD.

The claimant exhibited to the board a concession without condition for the land by Governor White, dated March 4, 1797; likewise a survey; in consideration whereof, we confirm the same to him and his heirs. July 14, 1824.

No. 125.—REPORT No. 1.—1824.

*Gabriel W. Perpall vs. The United States. Claim for sixteen acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of G. W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of sixteen acres, situated about one mile to the north of the gate of this town, bounded on the north by the lands formerly of Peter Triay, and on the west by St. Nicholas road; the first line runs north  $75^{\circ}$  east, 12 chains, to a stake; the second line, thence south  $21^{\circ}$  east,  $15\frac{1}{2}$  chains, to another stake; third line, thence south  $75^{\circ}$  west, 9 chains, to another stake; fourth line, thence north  $31^{\circ}$  west,  $15\frac{1}{2}$  chains, to another stake, where the first line began; which title your memorialist derives from a concession made

to Diego Carreras by Governor White, dated February 6, 1815, in virtue of the royal order of October 29, 1790, who obtained a royal title from Governor Coppinger June 19, 1818, and who conveyed the same to your memorialist by bill of sale dated April 23, 1819. And your memorialist further sheweth that he is in actual possession of said land; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL,  
By his attorney, WILLIAM REYNOLDS.

[Here follows the translation of the concession by Governor White to Diego Carreras of the sixteen acres of land, dated February 6, 1805.]

[Here follows the translation of the certificate and plat of survey of the sixteen acres by Andres Burgevin, dated February 15, 1819.]

[Here follows the translation of the conveyance from Carreras to Perpall, dated April 23, 1819.]

#### DECREE BY THE BOARD.

The claimant produced in evidence a concession for the sixteen acres of land made by Governor White to Diego Carreras February 6, 1805, and a survey thereof; Carreras, April 23, 1819, sold and conveyed the land to Mr. Perpall. It appeared also that Carreras improved and cultivated the land for some time. The same is hereby confirmed to claimant and his heirs. September 17.

#### No. 126.—REPORT No. 1.—1824.

*Bartolome de Castro y Ferrer vs. The United States. Claim for two thousand two hundred and sixty-six and a third acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Bartolome de Castro y Ferrer respectfully sheweth: That your memorialist claims title to a tract of land consisting of sixty-eight caballerias, or about 2,266½ acres of land, situated at St. Pablo, on a creek by the same name, near the mouth of the river St. John's, about forty miles to the north of St. Augustine, bounded on the north, south, and east by vacant lands, and on the west by the St. Pablo creek; the first line commences at a pine on the margin of said creek, marked with a cross, and runs east, eighty-six chains, to another pine with the same mark; the second line begins at the last-mentioned pine, and runs south 12° east, 300 chains, to a stake with the same mark; the third line begins at said stake, and runs west, 40 chains, to a pine with the same mark; the fourth line begins at the last-mentioned pine, and runs north 40° west, 80 chains, and ends at a pine with the same mark; and thence along the meanders of said creek to the beginning, as is seen by a plat and certificate herewith filed, made by Pedro Marrot in favor of Juan McQueen, and dated February 3, 1792, and marked exhibit A; which title your memorialist derives from a royal title made to Juan McQueen, dated February 29, 1804, by Governor White, in virtue of the royal order of October 20, 1790, who sold the same to memorialist, as is seen by the certified copy of conveyance dated February 9, 1809, and marked exhibit B. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of Florida. All of which is respectfully submitted, &c.

BARTOLOME DE CASTRO Y FERRER.

[Here follows the translation of a certificate and plat of survey by Pedro Marrot and Samuel Eastlake of seventy caballerias of land, dated February 3, 1792, surveyed for Juan McQueen.]

[Here follows the translation of a royal title made by Governor White to Juan McQueen for sixty-eight caballerias, (equal to 2,266½ acres,) dated February 27, 1804, in virtue of the royal order of 1790.]

[Here follows the translation of the conveyance from John McQueen to claimant of sixty-eight caballerias, dated February 9, 1809.]

#### DECREE BY THE BOARD.

The claimant exhibited to the board a certified plat of survey made by Marrot to Juan McQueen, dated February 3, 1792; also a royal title for the land by Governor White to said McQueen, dated February 27, 1804, for headrights; also, a deed of conveyance from grantee to claimant. All which being satisfactory to the board, they confirm his title for the land. December 24.



## REPORT No. 2.

*Register of claims to land not exceeding thirty-five thousand acres, which have not been confirmed by the commissioners for East Florida, but which are recommended by them for confirmation by Congress.*

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.	Occupation or cultivation.	
												From—	To—
1	George Atkinson.....	George Atkinson.....	Mar. 8, 1816		<i>Acres.</i> 1,000.00	Coppinger.....	1815	None.....	Oct. 30, 1818	G. J. F. Clarke.....	Spill's swamp.....	.....	.....
2	Francis P. Sanchez.....	Thomas Aguilera.....	Dec. 7, 1817		2,000.00	do.....	1815	do.....	Sept. 9, 1819	A. Burgevin.....	Olatuella.....	.....	.....
3	do.....	P. M. Arredondo, sr.....	Dec. 13, 1817		2,700.00	do.....	1815	do.....	April, 1818	G. J. F. Clarke.....	Dum's lake.....	.....	.....
4	Philip R. Yonge.....	Philip R. Yonge.....	Jan. 26, 1816	Feb. 25, 1815	2,000.00	do.....	1790	do.....	Nov. 4, 1815	do.....	Twelve-mile swamp.....	.....	.....
5	John Forbes & Co.....	Catamaia Chicken.....	May 4, 1804		1,809.00	White.....	1790	do.....	do.....	do.....	Pablo creek.....	.....	.....
6	John Forbes.....	John Forbes.....	July 28, 1814		2,000.00	Kindelan.....	1790	do.....	Oct. 20, 1816	G. J. F. Clarke.....	Cabbage swamp.....	.....	.....
7	Th. Briggs and J. Robinson.....	Frances Kerr.....	Feb. 5, 1815		1,800.00	Coppinger.....	1790	do.....	April 10, 1818	G. J. F. Clarke.....	Halfax river.....	.....	.....
8	John B. Entralgo.....	John B. Entralgo.....	Nov. 15, 1817		2,400.00	do.....	1815	do.....	April 5, 1821	A. Burgevin.....	West of St. John's river.....	.....	.....
9	do.....	Pedro Miranda.....	Sept. 16, 1817		1,200.00	do.....	1790	do.....	Jan. 8, 1819	do.....	5 miles south of Live George.....	.....	.....
10	Aguila Septi, ex.....	Heirs of Ber. Segul.....	July 20, 1816		1,200.00	do.....	1790	do.....	do.....	do.....	Near Pablo.....	.....	.....
11	Heirs of A. Ferguson.....	Heirs of A. Ferguson.....	Oct. 5, 1811		1,150.33½	Extrada.....	1790	do.....	do.....	do.....	Doctor's creek.....	.....	.....
12	Pedro Coeficacio.....	Pedro Coeficacio.....	Oct. 12, 1815		2,000.00	do.....	1790	do.....	do.....	do.....	20 miles north of St. Augustine.....	.....	.....
13	do.....	do.....	do.....		2,000.00	do.....	1790	do.....	do.....	do.....	Ro Hondo.....	.....	.....
14	G. W. Perpat.....	Gib. W. Perpat.....	Feb. 22, 1817		1,340.00	Coppinger.....	1815	do.....	Apr. 115, 1818	do.....	Opposite Rollstown.....	.....	.....
15	G. F. and Oliver Palmes.....	Robert McHardy.....	July 3, 1815		890.56½	Extrada.....	1790	do.....	do.....	do.....	Turnbull's swamp.....	.....	.....
16	Robert Gilbert.....	Robert Gilbert.....	Mar. 1, 1798		100.00	White.....	1790	do.....	do.....	do.....	Matanzas.....	.....	.....
17	Joseph Wales.....	Joseph Wales.....	Oct. 8, 1817		2,375.00	Coppinger.....	1790	do.....	July 25, 1818	do.....	McDougall's swamp.....	.....	.....
18	Henry Eskford.....	Sam. Betts.....	July 8, 1803		1,000.00	White.....	1790	Completed with.....	do.....	do.....	Mc-quito river.....	.....	.....
19	Joseph F. White.....	do.....	July 3, 1815		\$ of 1,800	Extrada.....	1790	None.....	do.....	R. McHardy.....	River Matanzas.....	.....	.....
20	do.....	do.....	do.....		\$ of 2,000	do.....	1790	do.....	do.....	do.....	New Shoyria.....	.....	.....

\* These cases were omitted at the time of writing the certificate, though it applies equally to them.

The board are unanimously of the opinion that the cases herewith reported were valid Spanish grants, made previous to January 24, 1818, and therefore recommend the same to Congress for confirmation in favor of claimants.

DAVIS FLOYD.  
GEORGE MURRAY.  
W. H. ALLEN.

St. Augustine, December 29, 1834.

## No. 1.—REPORT No. 2.—1824.

*George Atkinson vs. The United States. Claim to one thousand six hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George Atkinson, by his attorney, George Gibbs, sheweth: That your memorialist claims title to a tract of land consisting of one thousand and sixty acres, situated on the river Nassau, and known by the name of Spell's Swamp, on the north side of the river, bounded by vacant lands, as follows: first line runs north 45° west, 135 chains; second line runs south 45° west, 80 chains; third line runs south 45° east, 135 chains; fourth line runs north 45° east, 80 chains, as will appear by plat marked A; which title your memorialist derives from a grant made to him March 8, 1816, by Governor Coppinger, in virtue of the royal order of March 29, 1815, as per deed marked B. And your memorialist further sheweth that he was, at the exchange of flags, and now is, legally seized and possessed of the said lands; that he is a citizen of the United States and resident of Darien, in the State of Georgia. All of which is respectfully submitted.

GEORGE ATKINSON,  
By GEORGE GIBBS, Attorney in fact

[Translation.]

*Title of property for one thousand and sixty acres of land in favor of Don George Atkinson.*

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of the city and province, &c., &c:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the donations and rewards proposed by my predecessor, Brigadier Sebastian Kindelan, for the officers and soldiers, both of the line as well as militia, of this province, who contributed to the defence thereof during the period of the rebellion, being one of said rewards the distribution of lands in proportion to the number of family each individual may have; that Don George Atkinson, lieutenant of the local militia of the town of Fernandina, having presented himself, soliciting the quantity corresponding to himself, his family, and slaves, there were granted him one thousand and sixty acres of land on the north creek of the Nassau, in a vacant place known as Spell's Swamp, under the following boundaries and dimensions: the first line runs northwest, measuring 130 chains, commences at a pine marked with a cross, at the north end of an old field called Woodland's old field, and ends at a pine with the same mark; the second line runs southwest, measuring 80 chains, commences at the said pine and ends at a stake with the same mark of the cross; the third line runs southeast, measuring 130 chains, begins at said stake and ends at another with the same mark; the fourth line runs northeast, measuring 80 chains, commencing at said stake, and ends at the pine of the beginning; which concession was made him by my decree of the 16th of February last, agreeably to the regulations established by this government for the distribution of lands, and according to the number of persons and slaves each family consists of, as appears by the proceeding instituted for that purpose by the said Atkinson, on file in the archives of the present notary: Wherefore, I have thought proper to grant, as in the name of his Majesty I do grant, to the aforesaid Don George Atkinson the above-mentioned one thousand and sixty acres, without injury to a third, in the place already pointed out, for himself, his heirs and successors, in absolute property; and in granting him, as by these presents I do grant him, the corresponding title by which I separate the royal domain from the right and dominion it had to said land; and I cede and transfer it to the said Don George Atkinson, his heirs and successors, that, in consequence thereof, they may possess it as their own, use and enjoy it, without any encumbrance, with all its entrances, outlets, uses, customs, rights, and appurtenances, which it had, has, or by right may belong or pertain thereto; and, being their will, they may sell, cede, transfer, and alienate as may best suit them. To all of which I interpose my authority, and by right ought to, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in the city of St. Augustine, Florida, March 8, 1816.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, &amp;c., &amp;c.

Conformable to its original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, March 8, 1816.

JUAN DE ENTRALGO.

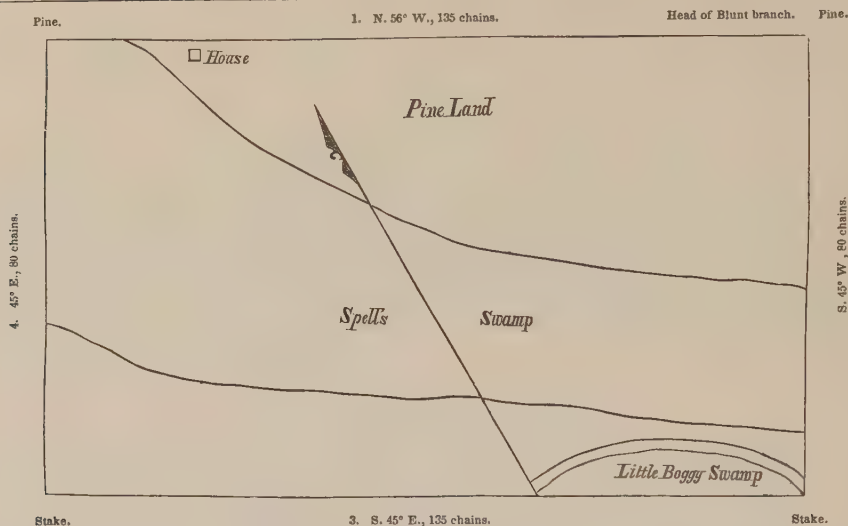
I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

[Translation.]

Don George J. F. Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor general, appointed by the government of the same city and province: I certify that, October 30, 1816, I measured and laid off for Don George Atkinson, merchant, of the town of Fernandina, one thousand and sixty acres, in a place called Spell's Swamp, near the river Nassau, which were granted him by the government in absolute property, as appears by documentary title, which the interested has shown me, and which he is in possession of; which land is conformable in all its parts to the following plat and its copy in the book of surveys under my charge. Fernandina, Amelia island.

GEORGE J. F. CLARKE.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.



DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant previous to January 24, 1818, by claimant producing a royal title made to him by Governor Coppinger, dated March 8, 1818. The land was surveyed by the regular officer. We recommend this claim to Congress for confirmation, the claimant being a non-resident. June 11, 1824.

No. 2.—REPORT No. 2.—1824.

*Francis P. Sanchez vs. The United States. Claim to two thousand acres of land.*

MEMORIAL.

*To the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francis P. Sanchez respectfully sheweth: That your memorialist claims title in and to a certain tract or parcel of land consisting of 2,000 acres, situated and being in East Florida aforesaid, at a place called the Big Hammock, about forty miles to the westward of Buena Vista, on a creek to the westward of St. John's river, commencing on the north of said place; that the said tract of land has the following lines and dimensions, and had, at the time of the survey thereof, the following boundaries, that is to say: the first line begins at a stake, and runs S. 55° W., 100 chains, to another stake, and was bounded by lands belonging to Antonio Alvarez; the second line runs from the said mentioned stake N. 55° W., 200 chains, to another stake; the third line runs from the said last-mentioned stake N. 55° E., 100 chains, to another stake, and was bounded by lands of Donna Catalina Hijuelos; and the fourth line runs from the said last-mentioned stake S. 35° E., 200 chains, to the place of beginning; all which will more distinctly appear by a reference to the original plat of the survey of the said land, bearing date September 9, 1819, herewith submitted and filed, and marked exhibit A, which said survey was made by one Andres Burgevin, in virtue of an order thereof of the government of April 5, 1819. And your memorialist further shows that the said tract of land was originally granted to one Tomas de Aguilar, without condition, and in absolute property, on December 7, 1817, a decree of the same having been issued therefor on May 29, of the same year; that the decree and grant for the said land were made by Don José Coppinger, then the governor of East Florida, under and in virtue of a royal order of the King of Spain, bearing date March 29, 1815, as will more fully and at large appear by a reference to a certified copy of the said grant now here submitted and filed, and marked exhibit B; and that the said Tomas de Aguilar afterwards, that is to say, on February 22, 1822, for a valuable consideration paid to him by your memorialist, conveyed to your memorialist the said tract or parcel of land and its appurtenances, as will fully and at large appear by a reference to the original conveyance of the said land by the said Tomas de Aguilar to your memorialist, now here submitted and filed, and marked C. And your memorialist further avers and shows that the said Tomas de Aguilar was, before and at the time the said land was so granted to him as aforesaid, and at the time of the cession of this Territory to the United States, an inhabitant and settler of East Florida, and a subject of the King of Spain; and that your memorialist was, at the time of the said cession, and before it, and has ever since continued to be, and now is, an inhabitant and settler of East Florida. Wherefore, he prays a confirmation of his title in and to the said land and its appurtenances, in conformity to the act of Congress in such case made and provided. And he will ever pray, &c.

FRANCISCO P. SANCHEZ,  
By his attorney, JOHN DRYSDALE.

[Translation]

*Title of property for two thousand acres of land in favor of Don Tomas de Aguilar.*

Don José Coppinger, colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of this city of St. Augustine, Florida, and its province, by his Majesty:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the donations and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers,



both of the line as well as militia, of this province, who contributed to its defence at the time of the rebellion, being one of said rewards the distribution of lands in proportion to the number of family each person may have; that Don Tomas de Aguilar, ensign of the army and secretary of this government, having presented himself, soliciting, in virtue of said donations, the concession of 2,000 acres of land, they were granted him, in vacant land, on the place known by the name of Big Hammock, about forty miles, more or less, distant to the west of the post of Buena Vista, on the west side of the river St. John's, its measurement commencing on the north side of said place, and following the boundaries of those granted to Don Antonio Alvarez, as is proven by my decree of the 29th May last, placed on the proceedings instituted by the said Don Tomas de Aguilar, on file in the government notary's office: Wherefore, I have thought proper to grant, as in the name of his Majesty I do grant, to the aforesaid Don Tomas de Aguilar the above-mentioned 2,000 acres of land, in the place pointed out, without injury to a third, for himself, his heirs and successors, in absolute property; and in granting him, as by the presents I do grant him, the corresponding title by which I separate the royal domain from the right and dominion it had to said land; and I cede and transfer the same to the aforesaid Don Tomas de Aguilar, his heirs and successors, that, in consequence thereof, they may possess it as their own, use and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and appurtenances which it had or may have, and of right may belong or pertain thereto; and, being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority as far as I can, and by right ought to, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in this city of St. Augustine, Florida, December 7, 1817.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, *Notary of Government and Royal Finance*

Conformable to its original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, December 7, 1817.

[L. s.]

JUAN DE ENTRALGO, &c., &c., &c.

I certify the foregoing to be a true and correct translation from a document in the Spanish language

F. J. FATIO, *S. B. L. C.*

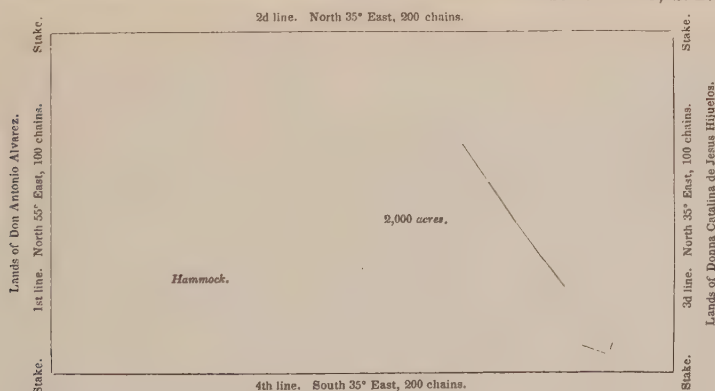
[Translation.]

Don Andres Burgevin, surveyor, appointed by decree of this government, made the 15th of April of the present year, in favor of the interested: I certify that I have measured and laid off for Don Tomas de Aguilar a tract of land containing 2,000 acres, situated in a big hammock which goes from the river *Ocklawaha* towards the Indian village named *Alachua*, said land being about two miles and a half distant from the said river of *Okelevaka*; bounded on its south side by the lands of Don Antonio Alvarez, and on its north side by the lands of Donna Catalina de Jesus Hijuelos, and being in all its other circumstances conformable to the accompanying plat; and that it may be made known, I give the present, which I sign at St. Augustine, Florida, September 9, 1819.

ANDRES BURGEVIN.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*



[Here follows a conveyance by deed from Don Pedro Miranda, attorney of Tomas de Aguilar, to claimant, dated February 22, 1822.]

DECREE BY THE BOARD.

We find in this case that the land was granted in absolute property to Thomas de Aguilar, December 7, 1817, by Governor Coppinger, who conveyed the same, by his attorney, to claimant. In consideration whereof, we recommend the same to claimant. July 6, 1824.

TESTIMONY.

*Francis P. Sanchez vs. The United States. Claim for two thousand acres of land.*

Pedro Miranda, being sworn, says that the signature to a deed conveying the two thousand acres of land to Francis P. Sanchez is the signature of the witness, who was the attorney of Thomas de Aguilar.

And witness further says that the power of attorney from Aguilar to witness has been lost, so that at present it cannot be found.

PEDRO MIRANDA.

Before the board in session, July 7, 1824.

No. 3.—REPORT No. 2.—1824.

*Francis P. Sanchez vs. The United States. Claim to two thousand seven hundred acres of land.*

MEMORIAL.

TERRITORY OF FLORIDA, *East Florida*:

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francisco P. Sanchez respectfully sheweth: That your memorialist claims title to a certain tract or parcel of land containing two thousand seven hundred acres, situated and being in East Florida aforesaid, on the river St. John's, at a place known, at the time the British occupied this Territory, by the name of Dunn's Lake, and has the following lines and dimensions, and at the time of the survey thereof had the following boundaries, that is to say: the first line commences at a cypress tree and runs north 33° east, 170 chains, to a pine, and is bounded by lands of Santes Rodriguez; the second line, commencing at the said pine tree, runs south 67° east, 160 chains, to a cypress, and was bounded by vacant lands; and the said lands were bounded on all sides by Dunn's lake, as will more fully and distinctly appear by the plat of the said tract of land made by George J. F. Clarke, the surveyor general of East Florida, from the survey thereof by him, bearing date April 2, 1818, herewith submitted and filed, and marked exhibit A. And your memorialist further shows that the said tract of land was originally granted to Fernando M. Arredondo, jr., April 17, 1806, and was afterwards, to wit, December 13, 1817, confirmed to him by a grant in absolute property by Don José Coppinger, then the governor of East Florida, as will appear by a certified copy of the said last-mentioned grant, hereto annexed and marked B, reference thereto being had; that the said Fernando de la Maza Arredondo, sen., conveyed the said land, according to the formalities of the Spanish law, to one Pedro Miranda, December 15, 1817, as will appear by exhibit C, hereto annexed, reference being thereto had; and the said Pedro Miranda afterwards, that is to say, January 11, 1821, for a valuable consideration paid to him by your memorialist, conveyed, according to the formalities of the Spanish law, to your memorialist the said tract or parcel of land in fee simple absolute, as will fully and at large appear by a certified copy of the said conveyance, herewith submitted and filed, marked exhibit D. Your memorialist further avers and shows that the said Fernando de la Maza Arredondo, sen., was, at the time the said two grants were made to him as aforesaid, an inhabitant and settler of East Florida, and a subject of the King of Spain; and that your memorialist was, at the time the conveyance of the said tract of land was made to him as aforesaid, and at the time of the cession of this Territory to the United States, an inhabitant and settler of East Florida, and a subject of the King of Spain; and that he has continued since the said cession to be, and now is, an inhabitant and settler of East Florida.

Wherefore, your memorialist prays confirmation of his title in and to the said tract of land and its appurtenances, conformably to the acts of Congress in such cases made and provided; and, as in duty bound, &c.

FRANCISCO P. SANCHEZ,

By his attorney, J. DRYSDALE.

[Translation]

*Title for two thousand seven hundred acres of land in favor of Don Fernando de la Maza Arredondo, sen.*

Don José Coppinger, colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of this city of St. Augustine, Florida, and its province, by his Majesty:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the donations and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, both of the line as well as militia, and other individuals of this province, who contributed to its defence at the time of the rebellion, being one of said rewards the distribution of lands; that Don Fernando de la Maza Arredondo, sen., having presented himself, he solicited of this government, and there were granted to him, April 17, 1806, two thousand seven hundred acres of land on those vacant on the south bank of the river St. John's, at a place known, at the time of the British dominion, by the name of *Danor Sleek*, bounded on the four sides by vacant lands, as is proven by the certificate given by the secretary of the government, dated October 9, 1814, for which said lands Don Fernando de la Maza Arredondo, jr., as attorney in fact for his said father, has solicited that there be given him the title of property, in virtue of said donations and of the merits and services rendered which make him entitled to it, to which I have thought proper to accede, by my decree of the 11th of the present month, placed in the proceeding on the subject on file in the archives of the present notary: Wherefore I have thought proper to grant, as in the name of his Majesty I do grant, to the aforesaid Don Fernando de la Maza Arredondo, sen., the above-mentioned two thousand seven hundred acres of land in the place already pointed out, without injury to a third, for himself, his heirs and successors, in absolute property; and in granting him, as by these presents I do grant him, the corresponding title by which I separate it from the royal domain, from the right and dominion it had to said land; and I cede and transfer it to the aforesaid Don Fernando de la Maza Arredondo, his heirs and successors, that, in consequence thereof, they may possess it as their own, use and enjoy it, without any hindrance, with all its entrances, outlets, uses, customs, rights, and appurtenances which it had or may have, and of right may belong or pertain thereto; and, it being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority as far as I can, and by right ought to do, by virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in the city of St. Augustine, Florida, December 13, 1817.

JOSÉ COPPINGER.

By order of his excellency: JUAN DE ENTRALGO, &c.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

J. F. FATIO, S. B. L. C.

[Translation.]

## GENERAL POWER OF ATTORNEY.

Know ye that I, Don Fernando de la Maza Arredondo, of this city, hereby give and grant my full and ample power of attorney, as may be necessary and required in law, to my son, Don Fernando de la Maza Arredondo, also an inhabitant, that he may, in my name, and representing my person, rights, and actions, have, demand, receive, and recover, judicially and extra-judicially, all and whatever sums of money, gold, silver, jewels, merchandise, and effects, that now are or may be owing, or that may be due to me hereafter, by deeds, notes, accounts, balances, inheritance, donations, consignments, invoices, or by any other title or reason whatever, although the said sums or effects are not herein specified, nor the persons owing the same to me, of whom he may demand and receive, approving or disapproving of the various items that may be just, and, in case doubts or differences should arise, to name unpires and others to determine the same, and of the amount of balances that may be due me, to give receipts acknowledging the conclusion thereof, attesting the delivery, and renouncing the laws, and all other proofs in the case; that he may administrate and administer all and any part of my property, real and personal, sell the same and purchase others, rent and mortgage them for the prices and credits which have been adjusted or settled for, giving the deeds, receipts, and discharges necessary, which I hereby approve of and confirm the same as if I had been present at the signing; and that he may defend me in all my lawsuits and affairs, civil and criminal, ordinary and executive, commenced or to be commenced with any person, entering and defending actions, presenting petitions, deeds, witnesses, testimonies, certificates, proofs, bonds, accounts, balances, and other documents, to see presented, sworn, and identified those of the opponent, to find objections and defects, to stand responsible for sayings and persons, hear the pleadings and interlocutory and definitive sentences, to consent to what is favorable, and from what is adverse to appeal and petition, when he can or may in justice, or abstain therefrom, as he may think most fit; make objections to the judges, lawyers, notaries, and other officers, proving the cause of his objections or withdrawing the same, as may be most convenient; and, finally, to prosecute, act, and do everything possible in my favor, it being to be understood that he should not be prevented from acting for want of sufficient powers, clauses, requisites, or other precise circumstances, as for all these I do hereby give him full power, without limitation, with free will and general administration of all incidents and occurrences, power to prepare, swear, and settle, to appoint substitutes, to revoke the same, and appoint others in due form; and for the ratification of whatever he shall do, I hereby bind myself, my present and future property, with power and submission to the tribunals of his Majesty, that they may compel me to the fulfilment thereof as by sentence agreed to, passed in authority of an adjudged cause, in which I renounce all laws, customs, rights, and privileges in my favor, and everything in form which prohibits it. In testimony whereof, it is dated in the city of St. Augustine, Florida, January 5, 1812. I, the notary, do attest and I know the grantor who signed, being witnesses, Don Juan de Entralgo, Don Bernardino Sanchez, and Francisco Rovira.

FERNANDO DE LA MAZA ARREDONDO.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, S. B. L. C.

[Translation.]

## CONVEYANCE.

Know ye that I, Don Fernando de la Maza Arredondo, jr., inhabitant of this city and attorney in fact for my father, of the same name, agreeably to that which he has conferred on me in this archive, before the notary, Don José de Zubizarreta, January 5, 1812, which has not been revoked, and is sufficient for what follows, do really sell to Don Pedro Miranda, also an inhabitant, two thousand seven hundred acres of land, the property of my said father, situated on the south bank of the river St. John's, at a place known, at the time of the British dominion, by the name of *Dunn Sleek*, bounded on the four sides by vacant lands; which land was granted to my said father by the government, and there was given him a title of absolute property the 13th of the present month, on file in the archives of the present notary; and I sell him the said two thousand seven hundred acres of land in the place pointed out, with all its entrances, outlets, uses, customs, rights, and appurtenances which it has or may belong to it, free from any encumbrance, (as I, the notary, do certify as results from the register of mortgages under my charge, which to that effect I examined,) for the sum of \$1,500, which the purchaser has paid me in cash, of which sum I acknowledge the receipt, of my free will, renouncing the proof, laws of delivery, exception for pecuniary misreckoning, fraud, and other circumstances of the case, whereof I acknowledge a formal receipt; in virtue of which I separate myself from the right of property, possession, use, seignior, and whatever other right, real and personal, I had or may have to said land, which I cede, renounce, and transfer to the purchaser, and whomsoever may represent his right, that he may, as his own, possess, sell, and alienate the same at his will, in virtue of these writings, which I make in his favor as a sign of real delivery, with which will be proven his having acquired possession, without the necessity of further proof, from which I relieve him; and I bind myself to the eviction and goodness of this sale in sufficient form, and in the most favorable manner, in favor of the purchaser, with my present and future property, with power and submission to the tribunals of his Majesty, that they may compel me to the fulfilment, as by sentence agreed to and passed by virtue of an adjudged cause, upon which I renounce all laws, customs, rights, and privileges in my favor, and the general in form which prohibits it. And I, the said Don Pedro Miranda, being present, do accept in my favor this indenture, and by it receive as purchased the above-mentioned two thousand seven hundred acres, in the price and manner it has been sold me, which I acknowledge as delivered to my will, renouncing the proof, laws of delivery, of the thing not seen nor received, fraud, and everything else in the matter, of which I give a receipt in form. In testimony whereof, it is dated in this city of St. Augustine, Florida, December 15, 1817.

I, the notary, do attest and know the parties who signed, being witnesses, Don Thomas de Aguilar, Don José Bernardo Reyes, and Don Antonio Alvarez, inhabitants present.

FERNANDO DE LA MAZA ARREDONDO, JR.  
PEDRO MIRANDA.

Before me—

JUAN DE ENTRALGO, &amp;c.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

[Translation.]

CONVEYANCE.

Know ye that I, Don Pedro Miranda, inhabitant of this city, do really sell to Don Francisco Pascual Sanchez, also an inhabitant, two thousand seven hundred acres of land, which I possess as my property in this province, situated on the south bank of the river St. John's, at a place known, at the time of the British dominion, by the name of Dunn's Lake, bounded on the four sides by vacant lands; which said land I obtained and purchased from Don Fernando de la Maza Arredondo, jr., as attorney in fact of his father, of the same name, to whom it belonged, of which he acknowledged a deed in my favor before the present notary, in his archives, December 15, 1817; and I sell to the said Don Francisco Pascual Sanchez the above-mentioned two thousand seven hundred acres of land, with all its entrances, outlets, uses, customs, rights and appurtenances which it has or may belong to it, free from any encumbrance, (as I, the notary, do certify as results from the register of mortgages under my charge, which to that effect I examined,) for the sum of \$2,700, which the purchaser has paid me in cash, of which sum I acknowledge the receipt of my free will, renouncing the proof, laws of delivery, exception for pecuniary misreckoning, fraud, and other circumstances of the case, whereof I acknowledge a formal receipt; in virtue of which I separate myself from the right of property, possession, use, seignior, and whatever other right, real and personal, I had or may have to said land, which I cede, renounce, and transfer to the purchaser, and whomsoever may represent his right, that he may, as his own, possess, sell, and alienate the same at his will, in virtue of these writings, which I make in his favor as a sign of real delivery, with which will be proven his having acquired possession, without the necessity of further proof, from which I relieve him; and I bind myself to the eviction and goodness of this sale in sufficient form, and in the most favorable manner, in favor of the purchaser, with my present and future property, with power and submission to the tribunals of his Majesty, that they may compel me to the fulfilment thereof, as by sentence agreed to and passed by virtue of an adjudged case, upon which I renounce all laws, customs, rights, and privileges in my favor, and the general in form which prohibits it. And I, the said purchaser, being present, do accept in my favor this indenture, and by it receive as purchased the above-mentioned two thousand seven hundred acres of land in the price and manner it has been sold me, which I acknowledge as delivered to my will, renouncing the proof, laws of delivery, those of a thing not seen nor received, fraud, and all other things, of all other things in the matter of which I give a receipt in favor. In testimony whereof, it is dated in the city of St. Augustine, Florida, January 11, 1812.

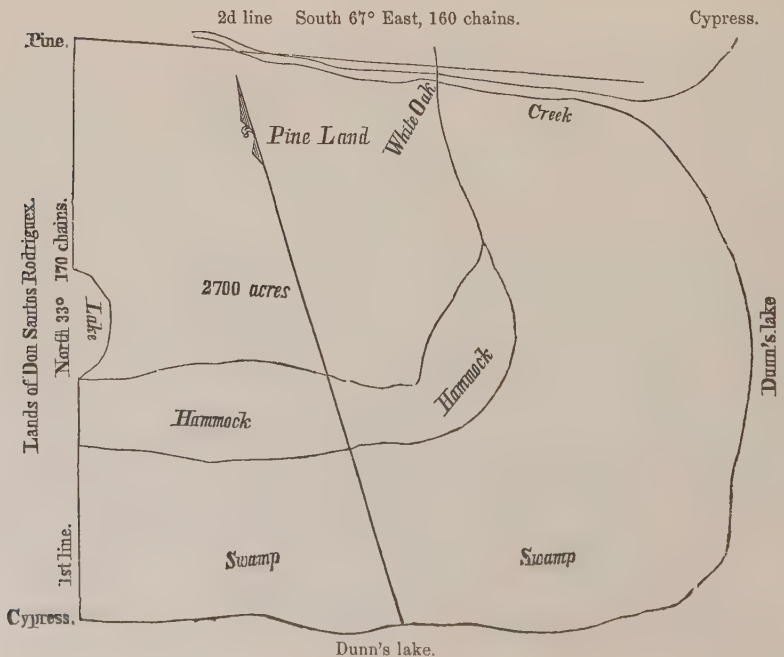
I, the notary, do attest, and I know the parties who signed, being witnesses, Don José Mariano Hernandez, Don Bernardo Segui, and Don Francisco Medicis, inhabitants present.

FRANCISCO P. SANCHEZ.  
PEDRO MIRANDA.

Before me—

JUAN DE ENTRALGO, Notary of Government.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.



[Translation.]

Don George Clarke, lieutenant of militia, in the city of St. Augustine, Florida, captain of the district of St. Mary's, and surveyor general: I certify that I have measured and laid off for Don Fernando de la Maza Arredondo, sen., two thousand seven hundred acres of land in the north part of Dunn's Lake, which were granted to him in absolute property December 13, 1817, as appears by document which his son and attorney, Don Fernando de la Maza Arredondo, has shown me, and are in its circumstances conformable to the preceding plat and its copy in my possession. St. Augustine, April 2, 1818.

GEORGE J. F. CLARKE.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

DECREE.

The board having ascertained the above to be a valid Spanish grant, do therefore recommend it to Congress for confirmation.

No. 4.—REPORT No. 2.—1824.

*Philip R. Yonge vs. The United States. Claim to two thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Philip R. Yonge, by his attorney, George Gibbs, sheweth: That your memorialist claims title to a tract of land consisting of two thousand acres, situated in Twelve-mile Swamp, bounded on the south by lands of Z. Kingsly, on the east by a line running south 160 chains, on the north by a line running east 128 chains, on the west by a line running north 160 chains, as per plat marked A; which title your memorialist derives from a grant made to your memorialist January 26, 1816, by Governor Coppinger, in virtue of the royal order of October 29, 1790, as per title marked B. And your memorialist further sheweth that he was, at the exchange of flags, and now is, legally seized and possessed of said lands; that he is a native of St. Augustine, East Florida, and at present in Great Britain. All of which is respectfully submitted.

PHILIP R. YONGE,

By his attorney in fact, GEORGE GIBBS.

[Translation.]

FLORIDA, February 16, 1815.

Don Philip R. Yonge, a native inhabitant and merchant of this province, in the town of Fernandina, respectfully appears before your excellency and states, that as he never aspired to apply himself with his slaves to agriculture, his old employment of commerce being well known, which business, useful as well to the State as to his interests, has drawn away his attention from availing himself of the privilege of taking up lands, which the other inhabitants had enjoyed, which are had by ancient concession and compliance with the conditions which establish the right of property; already this would have been done by your memorialist, but now, confiding that your excellency will take into consideration the circumstances favorable to the memorialist as to his continued application to the commerce of the province, much benefit must have resulted to the royal treasury; the many services, contributions, and supplies which he has made in this place of Fernandina, as well as having had the good fortune to enjoy some appointment, and having been favored with the confidence of your excellency on various occasions interesting to the royal service, and because at present, in the decay of the commerce of this island, your memorialist finds himself with 38 slaves fit for field labor, and he wants lands on which to place them; desiring, also, to secure the subsistence of these, as well as of his family, composed of six persons, he desires with them to establish himself at a secure point of the province and convenient to this city; he has chosen that of the Twelve-mile swamp, which lies to the north of St. Augustine; to which effect, and with the laudable end of completing the same, he prays your excellency that, out of the vacant lands in said swamp, you will be pleased to grant him, in absolute property, 2,000 acres of land, in order that he may undertake on them the plan he has pointed out; but if this should not be agreeable to your excellency, you will at least be pleased to grant them on the same footing as to the other subjects admitted in this province. This your petitioner hopes from the goodness of your excellency.

PHILIP R. YONGE.

The GOVERNOR.

DECREE.

ST. AUGUSTINE, February 23, 1815.

Taking into consideration what is represented by Don Philip Robert Yonge, and the good services he has done the government being manifest and certain, let there be granted to him the two thousand acres of land in the place which he solicits, without injury to a third person, it being understood that as soon as the survey and plat are presented by him and that he proves he has taken possession of the lands and made improvements on them, such as building fences, &c., the corresponding title in absolute property shall be expedited to him, without his being obliged to pass more time on other circumstances; this decree in the meantime being sufficient to accredit the concession from which, and the memorial on which, it is given. The copy shall be delivered by the present notary, in whose office the proceedings shall be placed in the archives.

KINDELAN.

Before me—

JUAN DE ENTRALGO, *Notary of Government pro tem.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language in the office of the public archives of St. Augustine.

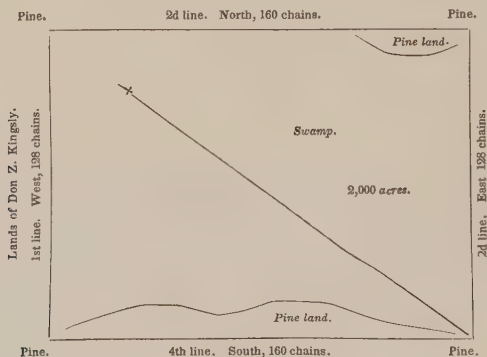
F. J. FATIO, *S. B. L. C.*

[Here follows a royal title in confirmation of the concession made by Governor Coppinger to claimant, dated January 26, 1816.]

[Translation.]

Don George Clarke, lieutenant of militia of the city of St. Augustine, Florida, and surveyor general, appointed by the government of this city and province: I certify that I have measured and marked the boundaries for Don Philip R. Yonge of two thousand acres of land, in the place known as the Twelve-mile Swamp, which were granted him by the government; which land is distinguished by the following boundaries and dimensions, and in its other circumstances agrees with the present plat and its copy which I keep in the book of surveys under my charge. Fernandina, November 4, 1815.

G. J. F. CLARKE.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

DECREE BY THE BOARD.

The claimant produced to the board a concession for the land, dated February 23, 1815, by Governor Kindelan; also, a confirmation of the same, by a royal title of absolute property by Governor Coppinger, dated January 26, 1816. It appearing that the claimant was not a resident in the province at the time of the cession, and the quantity claimed being over one thousand acres, we cannot, by the provisions of the acts of Congress organizing this board, confirm to him the quantity he claims, but, conceiving he has made out an equitable title to the land, it is therefore recommended to Congress for confirmation. July 8, 1824.

No. 5.—REPORT No. 2.—1824.

*John Forbes & Co. vs. The United States. Claim to eighteen hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Forbes & Co. respectfully sheweth: That your memorialist claims title to a tract of land consisting of eighteen hundred acres and twenty-five perches on St. Pablo creek, bounded as follows: beginning at a stake on the sea beach, south  $11^{\circ}$  west, 53 chains and 50 links, to another stake marked "thirteen" with Roman numbers; thence north  $18^{\circ}$ , 103 chains and 90 links, to another stake with the same mark; thence running west, 37 chains, to a palmetto tree marked III & X; which title your memorialist derives from an absolute grant made to Catalina Chicken by Governor White, in virtue of the royal order of 1790, who sold the same to your memorialist. A certified copy of the grant, which was made May 4, 1804, is filed herewith, as is also the deed from Mrs. Chicken. And your memorialist further sheweth that he is in actual possession of said lands; that he resides in St. Augustine, and did so at the change of flags.

GEO. MURRAY, *for Memorialist.*

[Translation.]

*Title in favor of Donna Catalina Chicken, widow of Don Andrew Dèvees, and of his other heirs, of the plantation named the Orange Grove.*

Don Enrique White, colonel of the royal armies, political and military governor of this city of St. Augustine, Florida, and its province, by his Majesty:

Whereas, by a royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and both Floridas, it is provided, among other things, that to those foreigners who, of their own free will, offer themselves to swear allegiance to our sovereign, lands shall be granted and



surveyed gratis, in proportion to the workers which each family may have; that Don Andrew Dewees having presented himself as one of them, he solicited from the government, and there were granted to him, measured and delivered, seventy-nine caballerias of land at the plantation named the Orange Grove, corresponding to the number of his family, which he declared upon oath; which land is known and distinguished under the following boundaries and dimensions: the first line runs south, begins at the edge of a marsh of the river St. John's, and ends with a stake marked with a sign of a cross, on the edge of the sea beach; its measurement consists of one hundred and ninety-five chains; the second runs west, begins with the said stake and ends with a pine marked with a mark of a cross, on the border of a marsh on Pablo creek, bounding the lands of Don John McQueen, and measured one hundred and thirty chains; the third and fourth lines, which form its front, run, the one the edge of a marsh of the river St. John's, as results from a certificate given by the Captain Don Pedro Marrot, judge commissioned for said distribution and survey of lands, dated February 8, 1792, and its corresponding plat, authenticated by Don Samuel Eastlake, who was surveyor of said survey; and as there has been no title issued to him for the security and confirmation of his dominion to the said lands in the form in which it has been granted to others; that they have already passed more than ten years of uninterrupted possession, to obtain an useful and direct dominion to said lands, made buildings on them, cultivated them, and finally complied with the other conditions established by the government for grants and concessions of this nature seen in the titles delivered to other settlers, as appears from the proceedings moved by Donna Catharine Chicken, widow of the said Don Andrew Dewees, moved for soliciting that there should be issued to him the corresponding one for the land which he has already surveyed and laid off, and of which he is in possession: Wherefore, and in consideration of everything, and acquainted with the opinion of my lieutenant, auditor of war, and assessor general, I have granted, and in the name of his Majesty and his royal justice, which I administer, I do grant, to the said Donna Catharine Chicken, as widow of the said Don Andrew Dewees, and his other heirs, children and successors, the said *seventy-nine* caballerias of land of which the said plantation consists, in absolute property; and so expedite to them, as by these presents I do, the corresponding title by which I separate the royal domain from the right and dominion it had to said lands; and I cede and transfer it to the said widow of Don Andrew Dewees, her children, heirs, and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and services which it has had, has, and in fact and law belong and appertain to it, and, at their will, sell, cede, and transfer and alien it as may best suit them. In all which I interpose my authority, as I can and am of right ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government of the royal domain, in this said city of St. Augustine, Florida, May 4, 1804.

ENRIQUE WHITE.

By command of his excellency:

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Here follows a conveyance by deed from Catharine Chicken to claimants, dated June 5, 1811.]

#### DECREE BY THE BOARD.

The claimants, by their attorney, produced to the board a royal title of absolute property by Governor White to the widow and heirs of Andrew Dewees, deceased, dated May 4, 1804; also, a conveyance from said widow to claimant. It appearing that the claimants were not residents in the province at the time of the cession, and the quantity claimed being over one thousand acres, we cannot, by the provisions of the acts of Congress organizing this board, confirm to them the quantity claimed, but we recommend the same for confirmation. July 13, 1824.

[NOTE.—No. 6 was not returned by the commissioners to the General Land Office.]

#### NO. 7.—REPORT NO. 2.—1824.

*Thomas Brigs and John Robinson vs. The United States. For eighteen hundred acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Thomas Brigs and John Robertson, otherwise John Robinson, respectfully sheweth: That your memorialists claim title to a certain tract of land situated on Halifax river, and containing one thousand eight hundred acres, and which has the following metes and bounds: on the south by lands belonging to the estate of Samuel Williams, on the east by the river Halifax, on the north by lands of F. M. Arredondo, and on the west by vacant lands; which lands your memorialists claim by virtue of a grant made to Frances Ker by the Spanish government February 5, 1816, and by virtue of a conveyance made by the said Frances Ker to John Addison August 29, 1820—all which will fully appear on reference to documents filed in the office of public archives in the city of St. Augustine; and your memorialists further represent that the said John Addison, September 21, 1820, sold the said tract of land to your memorialists, as may be seen on reference to the public records of St. John's county; and your memorialists further represent that they are citizens of the United States and inhabitants of the State of South Carolina, and they wish your honorable board to confirm their claim to the said tract of land.

THOMAS BRIGS and  
JOHN ROBINSON,

(Otherwise JOHN ROBERTSON.)

By their agent, EDWARD R. GIBSON.

[Here follows the translation of the royal title made by Governor Coppinger to Mrs. Frances Ker, widow of James Ker, deceased, of the one thousand eight hundred acres of land, dated February 5, 1816, in virtue of the royal order of 1790.]

[Here follows an abstract from the keeper of the public archives, showing a sale and conveyance of the 1,800 acres of land from Mrs. Frances Ker to John Addison, under date of August 29, 1820.]

[Here follows a deed of conveyance from John Addison of the 1,800 acres to claimants, dated September 1, 1820.]

DECREE BY THE BOARD.

The claimants offered in evidence a complete title, made for headrights, to Frances Ker, for the lands described in their memorial by Governor Coppinger, on February 5, 1816, together with an office abstract of a conveyance for the same from Frances Ker to John Addison, and a deed from Addison to claimants. It being the opinion of the commissioners that this title would have been valid had the territory remained in possession of the King of Spain, they therefore recommend the claim to be confirmed. September 3.

No. 8.—REPORT No. 2.—1824.

*Juan B. Entralgo vs. The United States. For two thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Juan Blas Entralgo respectfully sheweth: That your memorialist claims title to a tract of land consisting of two thousand acres, situated on the western bank of St. John's river, and is bounded as follows: beginning at a cypress upon the western margin of the said river, and running west towards the south, 100 chains, to a pine; thence north towards the east, 200 chains, to a cypress upon the western shore of Cedar Swamp creek; thence down said creek to its junction with St. John's river; thence up said river to the beginning; (see survey and certificate of George J. F. Clarke, marked B, and filed herewith;) which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of March 29, 1815—the said grant, bearing date November 15, 1815, is filed herewith. Your memorialist further shows that he has legal possession of the said 2,000 acres of land; that, at the change of flags in 1821, he was a Spanish subject, residing in St. Augustine, and that he now lives in Cuba. Your memorialist therefore prays his title may be confirmed.

JUAN B. ENTRALGO,  
By GEORGE MURRAY, Attorney.

A.

[Translation.]

Don José Coppinger, colonel of the royal armies, governor, political and military, *pro tempore*, and chief of the royal domain of this city of St. Augustine, Florida, and its province, for his Majesty:

Whereas, by a royal order of March 29, 1815, his Majesty has deigned to approve the favors and rewards proposed by my predecessor, Señor Brigadier Don Sebastian Kindelan, for the officers and soldiers, both regulars and militia, of this province, who concurred in the defence of it at the time of the rebellion, one of the said favors being the distribution of lands in proportion to the number of the family each individual may have; that Don Juan de Entralgo, the only notary of the government and the royal domain in this place and province, having presented himself, soliciting, in virtue of the said favors, as former commandant of the company of mulattoes and blacks of this city, and an old settler in it, in consequence of the royal order communicated to this government by the captain general of Havana, on October 29, 1790, the concession of two thousand acres of land were made to him on vacant land which is on the west bank of the river St. John's, and south side of the creek named Cedar Swamp creek, as is proved by my decree of the 20th of May last, made to the proceedings moved by the said Don Juan de Entralgo, which is in the archives in his charge: Wherefore, I have granted, as in the name of his Majesty I do grant, unto the said Don Juan de Entralgo the above-mentioned 2,000 acres of land at the place which is expressed, for himself, his heirs and successors, in absolute property, and expedite to him, as by these presents I do, the corresponding title, whereby I separate from the royal domain the right and dominion it had to said lands; and I cede and transfer it to the said Don Juan de Entralgo, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrances whatever, with all its entrances, outlets, uses, customs, rights, and services which it has had, and in fact and by law belong or appertain unto it, and at their will sell, cede, transfer, and alienate it as may best suit them. In all which I interpose my authority, as I can and of right ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the secretary of this government, the brevet lieutenant in the army, Don Tomas de Aguilar, and the officer of the secretary's office, Don Antonio Alvarez, whom I have named as assistant witnesses for this purpose, the said notary of government and the domain being interested. St. Augustine, Florida, November 15, 1817.

JOSE COPPINGER.

By command of his excellency:  
TOMAS DE AGUILAR.  
ANTONIO ALVAREZ.

This is conformable to the original which exists in the archives of the said notary of government, to which I refer; and at the request of the party, sign and seal this present copy, with the assisting witnesses, on two leaves of common paper, the stamp not being in use. St. Augustine, Florida, November 15, 1817.

TOMAS DE AGUILAR.  
ANTONIO ALVAREZ.

JOSÉ COPPINGER.

B.

[Translation.]

Don George Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor general, named by the government of the same place and province: I certify that I have measured and laid off for Don Juan de Entralgo 2,000 acres of land on the west side of the river St. John's, and to the south of the creek named Cedar creek, which were granted to him in absolute property on November 15, 1817, according to the document presented by said interested, which land is circumstanced agreeable to the following plat and its copy preserved in book of surveys in my charge. St. Augustine, Florida, April 10, 1818.

[Here follows the plat.]

G. J. F. CLARKE.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives at St. Augustine.

F. J. FATIO, *S. B. L. C.*

DECREE.

*Juan B. Entralgo vs. The United States. For two thousand acres of land.*

This being a valid Spanish title, made previous to January 24, 1818, it is therefore recommended to Congress for confirmation. June 29, 1824.

No. 9.—REPORT No. 2.—1824.

*Juan B. Entralgo vs. The United States. For three thousand four hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Juan B. Entralgo respectfully sheweth: That your memorialist claims title to a tract of land consisting of three thousand four hundred acres, situated at the Big Spring, twenty-five miles south of Lake George, and is bounded as follows: beginning at a cypress marked —, running south, 162½ chains, to a pine marked —; thence north, 162½ chains, to a cypress tree; thence with Big Spring creek to the beginning point, (see plat filed herewith;) which title your memorialist derives from a royal title made to Pedro Miranda by Governor Coppinger, in virtue of the royal order of 1815, who sold the same to your memorialist, (see grant and deed marked A, filed herewith,) the said 3,400 acres being part of a grant of 10,000 acres made September 16, 1817.—(See document A.) And your memorialist further sheweth that he has possession of said lands; he was here at the change of flags, and now lives in Cuba.

JUAN B. ENTRALGO,  
By GEORGE MURRAY.

[See the concession made by Governor Coppinger to Pedro Miranda for 10,000 acres, this claim being a part of that concession.]

[Translation.]

I cede and renounce in favor of Don Juan Blas de Entralgo all the right, title, and dominion I have to the three thousand four hundred acres of land which this document of property contains, from having sold them to him for the sum of \$1,400, for which I deliver a receipt in form.

PEDRO MIRANDA.

Witnesses present:

FRANS. J. FATIO.

RAFO. SAAVEDRA.

ST. AUGUSTINE, December 5, 1821.

NOTE.—This is at foot of a royal title to Pedro Miranda for the said lands.

TRANSLATOR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don Andres Burgevin, inhabitant of this city and private surveyor: I certify that, agreeable to the power conferred upon me by a decree of December 12, 1820, made at the instance of Don Pedro Miranda, I have measured for this individual various tracts of land which, to the number of ten thousand acres of land, were granted him as a reward for services, on a creek which comes from the west, and joins the run St. John's, called in English Big Spring, about 25 miles to the south of St. George, the land being divided into two parts by said creek, having one of its fronts on said river St. John's; one of the said pieces of land being of three thousand four hundred acres, which are bounded on the east by another of four thousand, on the west, another of two thousand acres, and on the south by vacant lands, and on the north by said four thousand acres; and, for its confirmation, I sign these presents at St. Augustine, Florida, April 5, 1821.

ANDRES BURGEVIN.

(Here follows the plat.)



I certify the foregoing to be a true translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

DECREE.

The board having ascertained the foregoing to be a valid Spanish grant made previous to January 24, 1818, do therefore recommend it to Congress for confirmation. July 12, 1824.

No. 10.—REPORT No. 2.—1824.

*Aguida Segui vs. The United States. For one thousand two hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of Aguida Segui, widow and executrix of B. Segui, deceased, respectfully sheweth: That your memorialist claims title to a tract of land consisting of one thousand two hundred acres, situated at a place known by the name of the Three Runs, on the road to San Vincente Ferrer, in St. John's river, bounded on the south by the lands of Bartolome de Castro y Ferrer, and on the northeast and west by vacant lands; first line runs north 45° west, 150 chains; second line runs south 45° west, 48 chains; third line runs south 70° east, 55 chains; fourth line runs south 22° east, 35 chains; fifth line runs south, 70 chains; sixth line runs south 70° east, 55 chains; seventh line runs east, 55 chains; eighth line runs north 22° west, 39 chains; a survey of the same was made by Andres Burgevin, bearing date January 8, 1819, as herewith exhibited, and marked A; which title your memorialist derives from a royal title made to the memorialist and heirs of B. Segui by Coppinger, in virtue of the royal order of October 29, 1790, an official copy of which said royal title is herewith filed and exhibited, marked B, bearing date July 20, 1816; and your memorialist further sheweth that a concession of said land was made to said B. Segui, deceased, January 14, 1811, as is fully seen in said royal title; and your memorialist further sheweth that she is legally ——— and possessed of said lands for herself and the heirs of the said B. Segui, deceased; that she is a citizen of the Floridas, and resident of St. Augustine, East Florida.

All of which is respectfully submitted, &c.

AGUIDA SEGUI.

[Translation.]

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finances of this city and its province:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the Floridas, it is provided, among other things, that to those foreigners who, of their free will, shall present themselves and swear allegiance to our sovereign, land should be measured them gratis, in proportion to the laborers each family may have; that Don Bernardo Segui, of this city, having presented himself, there were granted to him, January 14, 1801, one thousand two hundred acres of land for the rearing of horned cattle, to the south of Deep river, (Rio Hondo,) bounded on the same side by those which were latterly granted to Don Bartolome de Castro y Ferrer, going east from the road of San Vincente Ferrer towards San Sablo creek, as appears by the certificate given from the secretary's office of this government, dated the 17th of said month and year, which is attached to the proceedings moved by the said Donna Aguida Villalounga, widow of the said Don Bernardo Segui, which is on file in the archives of the present notary; and as no title whatever had been given him for the security and evidence of his dominion to the said land in the form it has been executed to others, that more than the ten years of uninterrupted possession here have elapsed, to obtain direct and useful title to the said land, built houses, cultivated them, and complied with all the conditions which the government have established for the concessions and donations of this nature, as is seen in the titles given to other settlers, and is set forth in the same proceedings which have been formed at the solicitations of this person: Wherefore, and in consideration thereof, I have thought proper to grant to the said widow and heirs of the above-mentioned Don Bernardo Segui, deceased, the aforesaid one thousand two hundred acres of land in absolute property; and in expediting to him, as by these presents I do, the corresponding title by which I separate it from the royal domain, from the right and dominion which it had to said lands; and I cede and transfer it to the said widow, children, and heirs of the said Don Bernardo Segui, and those who may succeed him, that, in consequence thereof, they may possess it as their own, use and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and services which it had, has, and in fact and by law belong or appertain to it; and, being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my judicial authority, as far as I can and by law ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary *pro tempore* of government and royal finance, in the city of St. Augustine, Florida, July 20, 1816.

By order of his excellency:

JUAN DE ENTRALGO.

JOSE COPPINGER.

Conformable to its original on file in the archives under my charge, to which I refer; and at the request of the party, do sign and seal the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, July 20, 1816.

JUAN DE ENTRALGO, &c.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

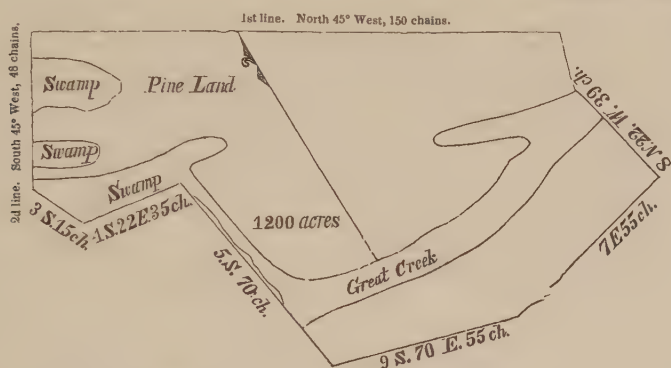
F. J. FATIO, *S. B. L. C.*

[Translation.]

In virtue of the order which, under date of June 2, 1818, was communicated to me by Don José Coppinger, colonel of the royal army, civil and military governor of this city and its province, I certify

that I have measured and laid off for Donna Aguida Villalonga, widow of the captain of local militia, Don Bernardo Segui, a tract of land bounded on the north side by the lands of Don Bartolome de Castro, y Ferrer, at a place known by the name of the Three Runs, on the road of St. Vincent Ferrer, and which contains one thousand two hundred acres, whose figure and dimensions are set forth in the following plat; and that it may be made known, I give the present certificate, which I sign in St. Augustine, Florida, January 8, 1819.

ANDRES BURGEVIN



Copy from the original, to which I refer. I certify the foregoing to be a true and correct translation from a document in the Spanish language.

A. BURGEVIN.

DECREE BY THE BOARD.

The claimant, in behalf of herself and other heirs of Bernardo Segui, deceased, produced in evidence a royal title of absolute property for the land made by Governor Coppinger, dated July 20, 1816, to her as widow, and for the heirs of the said B. Segui, together with a survey thereof. The board ascertain the above grant to be a valid one; they therefore recommend it for confirmation. August 27, 1824.

No. 11.—REPORT No. 2.—1824.

*A. E. Ferguson's heirs vs. The United States. For one thousand one hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the widow and heirs of Artemas E. Ferguson respectfully sheweth: That your memorialists claim title to a tract of land consisting of thirty-four caballerias and seventeen acres, situated in East Florida, adjoining Doctor's creek and Negro creek, and being the plantation called Armonia; bounded and beginning at a gum on the banks of Doctor's creek, thence south 45° east, 112 chains, to a pine marked with a cross; thence south 45° east, 80 chains, to a cypress on the bank of Negro creek, marked with a cross; thence north 65° east, 126 chains, to a stake; thence along the bank of the aforementioned creek to the beginning, as appears by documents, dated December 15, 1791, in the archives office, presented in the name of Charles Hardy and Susan Slugh; which title your memorialists derive from a royal title made to them October 5, 1811, by Governor Estrada, in virtue of the royal order of October, 1790, a certified copy of which said royal title is herewith exhibited, and marked A. And your memorialists further show that they are in legal possession of said lands; that they are citizens of the United States and residents of Georgia. They pray confirmation of their titles.

SUSAN SLUGH, widow of A. E. Ferguson.

[Translation.]

*Titles in favor of the widow and heirs of Don Artemas Elliott Ferguson to the plantation named Harmony Hall.*

Don Juan José de Estrada y Toro, lieutenant colonel of the royal army, commandant of the third battalion of Cuba, which garrisons this city, and civil and military governor *pro tem.* of the said city and province:

Whereas, by a royal order communicated to this government October, 29, 1790, it is provided that land shall be granted and surveyed gratis to those foreigners who, of their own free will, offer themselves to swear allegiance to our sovereign, in proportion to the number of laborers each family may have; that Don Artemas Elliott Ferguson having presented himself as one of them, he solicited from the government, and had granted, measured, and delivered unto him, thirty-four caballerias and seventeen acres of land in the plantation named Harmony Hall, in part of that which corresponds to him agreeably to the number in family which he declared under oath; which land is known and distinguished under the following dimensions and boundaries: the first line runs to the south 45° west, begins with a gum tree on the bank of Doctor's creek, and ends with a pine tree with a cross; its measurement consists of 112 chains. The second line runs south 45° east, begins with said pine, and ends with a cypress of the same mark; its measurement consists of 80 chains. The third line runs north 65° east, begins by said cypress on the bank of Black creek, and ends with a stake, with a cross, on the bank of Doctor's creek; its

measurement consists of 126 chains. Its front runs on the bank of said creek, as appears from the document expedited by this government December 15, 1796, which is found annexed to the proceedings moved by Don Carlos Hardy, husband, and united to Donna Susanna Slugh, soliciting that there should be despatched in her favor, as formerly wife of the said Ferguson, deceased, and of his son, Don Enrique, the corresponding title to this land, and others already surveyed and laid off, and of which she is in possession. And as no title has been delivered for the security and confirmation of her dominion to said lands in the form in which it has been granted to others who have already passed more than ten years of uninterrupted possession, to obtain the useful and direct dominion to the said lands, made buildings on them, cultivated them, and finally complied with all the other conditions established by the government for grants and concessions of this nature existing in the titles delivered to other settlers, as the same proceeding sets forth: Wherefore, and in consideration of everything, I have granted, as in the name of his Majesty and his royal justice, which I administer, I do grant, unto the said widow and son of the deceased Don Artemas Elliott Ferguson, the said thirty-four caballerias and seventeen acres of land of which the said plantation consists in absolute property, and expedite to them, as by these presents I do, the corresponding title by which I separate the royal domain from the right and dominion it had to said lands; and I cede and transfer it to the said widow and son, and to their heirs, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and services which it has had, and in fact and law belong or appertain to it, and, at their will, sell, cede, transfer, and alienate it as may best suit them. To all which I interpose my authority, as I can and of right ought to do, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government of Majesty and royal domain of this said city of St. Augustine, Florida, October 5, 1811.

JUAN JOSÉ DE ESTRADA.

By command of his excellency:

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

#### DECREE BY THE BOARD.

The claimant exhibited to us the royal title made by Governor Estrada for the land to them, as heirs of Artemas E. Ferguson, deceased, dated October 5, 1811. Ascertaining this grant to be a valid Spanish one, the same is hereby recommended to Congress for their confirmation. September 24.

#### No. 12.—REPORT No. 2.—1824.

*Pedro Cocifacio vs. The United States. For two thousand acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Pedro Cocifacio respectfully sheweth: That your memorialist claims title to a tract of land consisting of two thousand acres, five hundred of which are situated about a mile distant to the north from the house of the dragoons, twenty miles distant from the city of St. Augustine, on the road from said city to St. John's, bounded on all sides by public lands, the remaining fifteen hundred on the west of the same, bounded on all sides by public lands; which title your memorialist derives from a royal title made to your memorialist by Governor Estrada, in virtue of the royal order of 1790, which title is dated October 12, 1815. And your memorialist further sheweth that he is legally seized of said lands; that he is a citizen and resident of the United States.

Papers filed, certificate, copy of royal title marked A.

ISAAC N. COX, *Attorney.*

[Translation.]

*Title of property to two thousand acres of land to Don Pedro Cocifacio.*

Don Juan José de Estrada y Toro, lieutenant colonel of the royal armies, commandant of the third battalion, &c.:

Whereas, by a royal order communicated to this government on October 29, 1790, by the captain general of the Island of Cuba and both Floridas, it is provided, amongst other things, that lands shall be surveyed gratis to those foreigners who, of their own free will, offer themselves to swear allegiance to our sovereign, in proportion to the laborers which each family may have; that Don Pedro Cocifacio, of this place, having presented himself, he solicited of the government, and there were granted to him, under date of August 31, 1801, two thousand acres, to wit: five hundred acres of them about a mile distant to the north from the house of the dragoons, twenty miles from this city, situated on the road to St. John's, and on the west of this fifteen hundred more, as appears from the certificate given by the secretary of this government, issued on the same date, which is found added to the proceedings moved by the interested, soliciting that there should be issued to him the corresponding title to the said lands, which are bounded by vacant lands on the four sides; and as no title has been delivered to him for the security and confirmation of his dominion to the said lands in the form in which it has been executed to others who have already passed more than ten years of uninterrupted possession, to obtain the useful and direct dominion to the said lands, made buildings on them, cultivated them, and complied with all the other conditions which the government established for concessions and grants of this nature seen in the titles delivered to other settlers, as the said proceedings set forth: Wherefore, and in consideration of everything, I have granted, as in the name of his Majesty I do grant, to Don Pedro Cocifacio the two thousand acres of land for himself, his heirs, and successors; and in expediting to him, as by these presents I do, the corresponding title by which I separate from the royal domain all the right and dominion it had to said lands; and I cede and transfer it to the said Don Pedro Cocifacio, his heirs and successors, that, in con-



sequence, they may possess it as their own, use and enjoy it, without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and services which it has had, has, and in fact and law belong or appertain to it, and, at their will, sell, cede, transfer, and alienate it as may best suit them. To all which I interpose my authority, as I can and of right ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and the royal domain, in this city of St. Augustine, October 12, 1815.

JUAN JOSÉ DE ESTRADA.

By command of his excellency:

JUAN DE ENTRALGO, *Notary of Government, &c.*

This is conformable to the original, which exists in the archives in my charge, to which I refer; and at the request of the party, sign and seal this present copy on two leaves of common paper, the stamped not being in use. St. Augustine, Florida, October 12, 1815.

JUAN DE ENTRALGO, *&c., &c.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant by claimant exhibiting the royal title made to him for the two thousand acres by Governor Estrada, dated October 12, 1815. We commend the same for confirmation, the claimant being a non-resident. December 1.

No. 13.—REPORT No. 2.—1824.

*Pedro Cocifacio vs. The United States. For two hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Pedro Cocifacio respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated north of the post of Buena Vista; running from said post to the creek called Rio Hondo, or Deep river; bounded on the west by St. John's river, on the north by the Rio Hondo, on the south and east by vacant lands; which title your memorialist derives from a royal title made to him by Governor Estrada, in virtue of the royal order of 1790. A certified copy of the said grant is herewith filed. And your memorialist further sheweth he is in actual possession of said lands; that he is resident in Cuba, and was so in 1821.

GEO. MURRAY, *for Memorialist.*

[Translation.]

*Title of property.*

Don Juan José de Estrada y Toro, lieutenant colonel of the royal army, &c.:

Whereas, by a royal order communicated to the government on October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, amongst other things, that to those foreigners who, of their own free will, present themselves to swear allegiance to our sovereign, lands shall be surveyed gratis, in proportion to the laborers each family may have; that Don Pedro Cocifacio, of this place, having presented himself, he selected from the government, and there were granted to him, under date of August 2, 1802, two thousand acres of land to the north of the block-house of Buena Vista, from the bounds of said block-house, by the bank of the river St. John's, to that known as Deep creek or river, as appears from the certificate given by the secretary of this government, issued on the same date, which is found annexed to the proceedings moved for by the interested, soliciting that the corresponding title to the said lands should be despatched to him, which are bounded to the west by the river St. John's, on the north by said Deep creek, and on the south and east by vacant lands; and as no title had been delivered to him for the security and confirmation of his dominion to the said lands in the form in which it has been executed to others who have already passed more than ten years of uninterrupted possession, with all the other conditions which the government has established for concessions and grants of this nature, seen to obtain a useful and direct dominion to the said lands, made buildings on them, cultivated them, and complied in the titles delivered to other settlers, as the said proceedings set forth: Wherefore, and in consideration of everything, I have granted, as in the name of his Majesty I do grant, to Don Pedro Cocifacio the two thousand acres of land, for himself, his heirs, and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatsoever, with all its entrances, outlets, uses, customs, rights, and services which it has had, has, and in fact and law belong and appertain to it, and, at their will, sell, cede, transfer, and alienate it as may best suit them. To all which I interpose my authority, as I can and of right ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal domain, in this said city of St. Augustine, Florida, October 12, 1815.

JUAN JOSÉ DE ESTRADA.

By command of his excellency:

JUAN DE ENTRALGO, *Notary pro tem. of Government, &c., &c.*

This is conformable to its original in the archives in my charge, to which I refer; and at the request of the party, sign and seal this present copy on two leaves of common paper, the stamped not being in use.

JUAN DE ENTRALGO, *&c., &c.*

ST. AUGUSTINE, FLORIDA, October 12, 1815.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

DECREE BY THE BOARD.

In this case we find that Governor Estrada made a royal title to claimant for two thousand acres, dated October 12, 1815. We ascertain this to be a valid Spanish grant, and recommend the same for confirmation, the claimant being a non-resident. October 11.

No. 14.—REPORT No. 2.—1824.

*Gabriel W. Perpall vs. The United States. For one thousand three hundred and forty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Gabriel W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of thirteen hundred and forty acres, situated on the west side of the river St. John's, at a place called —, opposite Rowlestown, bounded on the north and east by the river St. John's, and on the south and west by unclaimed lands; the first line of which begins at a cypress tree, and runs south 22° east, 108 chains, to a pine tree; the second line from hence runs north 67° east to a cypress, whence it is surrounded by the river St. John's, to the commencement of the first line; which title your memorialist derives from a royal title made to him by Governor Coppinger, in virtue of the royal order of March 29, 1815; and your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[Translation.]

*Title of property to one thousand three hundred and forty acres of land in favor of Don Gabriel W. Perpall, on the river St. John's, on the west side, and in front of Rowlestown.*

Don José Coppinger, lieutenant colonel of the royal armies, political and military governor *pro tem.*, and chief of the royal domain of this city and province:

Whereas, by a royal order of March 29, 1815, his Majesty has deigned to approve of the favors and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, as well regulars as militia, who have assisted in its defence at the time of the rebellion, one of the said favors being the distribution of lands in proportion to the number of the family which each individual may have; that Don Gabriel W. Perpall having presented himself, stating his well-known services in said defence, and soliciting the portion corresponding to himself, his family, and slaves, there were granted to him one thousand three hundred and forty acres of land on the river St. John's, at the west side, in front of Rowlestown, there being in the middle of said lands a small creek which is in a swamp, bounded on all sides by vacant lands—all agreeable to the regulations established by this government for the distribution of said lands, and to the number of persons and slaves he has proved his said family to consist of, and what is set forth in my decree of this date, made to the proceeding moved for by the said Perpall, which is lodged in the notary's office of the government: Wherefore, I have granted, as in the name of his Majesty I do grant, unto the said Don Gabriel W. Perpall the said one thousand three hundred and forty acres of land, without injury to a third person, at the place which he points out, for himself, his heirs, and successors, in absolute property; and in expediting to him, as by these presents I do, the corresponding title by which I separate the royal domain from the right and dominion it had to said lands, and I cede and transfer it to the said Don G. W. Perpall, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatsoever, with all its entrances, outlets, uses, customs, rights, and services which they have had, have, and in fact and law belong or appertain to them, and, at their will, sell, cede, transfer, and alienate it as may best suit them. In all which I interpose my authority, as I can and of right ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and the royal domain, in this said city of St. Augustine, Florida, February 22, 1817.

JOSÉ COPPINGER.

By command of his excellency:

JUAN DE ENTRALGO, *Notary of Government, &c.*

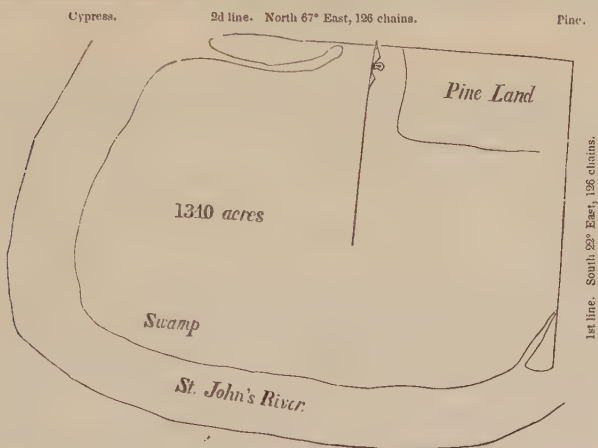
I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don George Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor general, appointed by the government of said city and province: I certify that I have measured and laid off for Don Gabriel W. Perpall one thousand three hundred and forty acres of land on the west side of the river St. John's, and opposite the place called Rowlestown, which were granted him, in absolute property, February 22, 1817, which appears from the documents produced by the said interested, and is circumstanced agreeable to the following plat and its copy preserved in the book of surveys in my charge. St. Augustine, Florida, February 15, 1818.

G. J. F. CLARKE.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

DECREE BY THE BOARD.

The board having ascertained the above to be a valid Spanish grant, do therefore recommend it to Congress for confirmation.

[Nos. 15 and 16 were not returned by the commissioner to the General Land Office.]

No. 17.—REPORT No. 2.—1824.

*Joseph Wales vs. The United States. For two thousand three hundred and seventy-five acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The memorial of Joseph Wales respectfully sheweth: That your memorialist claims title to a tract of land consisting of two thousand three hundred and seventy-five acres, situated in McDougall's back swamp, and is bounded as follows: first line runs south 33° east, 154 chains and 12 links, to a pine; second line, south 65° west, 154 chains 12 links, to a pine; third line runs north 35° west, 154 chains and 12 links, to a pine; fourth line runs north 65° east, 154 chains 12 links, to a pine, as appears by the survey and plat herewith presented; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790. This grant was made, as appears by date of the decree to the memorial, (herewith presented,) October 8, 1817, for two thousand three hundred and seventy-five acres at Spring Garden; but the surveyor not finding good lands unappropriated at that place, this memorialist had leave of Governor Coppinger to change the location to the above-described plat, as appears by the memorial and decree herewith presented, dated April 1, 1818. And your memorialist further sheweth that he is in actual possession of said lands, and has been since the survey, and that he built a house upon the same, and cultivated them for some time; but a considerable number of Indians, showing hostile disposition, came and settled on said lands, and your memorialist was obliged to cease the cultivation on that account; he further says that the negroes which he was to bring into the province were not all brought on account of the danger of the patriot privateers, and on account of a decree of the King of Spain prohibiting the importation of slaves from Africa soon after the grant was made. Your memorialist says that he is an American citizen and a resident in Florida. St. Augustine, November 28, 1823.

JOHN B. STRONG, for Claimant.

[Translation.]

ST. AUGUSTINE, FLORIDA, October 8, 1817.

Don Joseph Wales, new settler of this province, to your excellency respectfully sheweth: That he is owner of ninety African negroes, which he intends bringing into the province as soon as circumstances will permit him, and the present risks of the insurgents are less, as, when he took the oath of allegiance, it was always his intention to dedicate himself to agriculture, to enjoy the gifts and privileges conceded by royal orders to the new settlers, according to which object he has endeavored to find vacant lands; and knowing that different settlers have determined to form their establishment on the river St. John's, at the place known as Spring Garden, the petitioner has thought proper to situate himself on said place; he therefore prays your excellency may be pleased to grant him, to the southward of the lands petitioned for by Don Pedro Gorgim, the number of acres that correspond to him according to the number of said slaves, his wife, and one child, with the proviso that, as soon as he has an opportunity of bringing into the province his slaves free of the well-known danger existing, he will do so without delay, to commence improving his establishment; for which reason he is desirous of obtaining the concession of said lands on said place, known more particularly as Berresford, which he hopes from the goodness of your excellency.

JOSEPH WALES.

The GOVERNOR.



## DECREE.

ST. AUGUSTINE, *October 8, 1817.*

Grant to the petitioner two thousand three hundred and seventy-five acres of land at the place which he solicits, without injury to a third, being understood that, as soon as he makes known his being in possession of the same, which are those that correspond to the number of his family and slaves which he is to bring in, and that he cultivate the same without intermission, there will be given to him the title of property regulated by the survey and plat he presents from the surveyor; serving him in the meantime, as security for this grant, a certified copy of this proceeding, which will be given by the secretary.

COPPINGER.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*ST. AUGUSTINE, *February 5, 1818.*

Don Joseph Wales, new settler in this province, respectfully sheweth to your excellency: That, as by annexed certificate will appear, your excellency having granted to him at the place named Berresford two thousand three hundred and seventy-five acres of land for the purposes, the same expressed, as by the same proceeding appears annexed to the superior order of your excellency, having first undergone the necessary formalities and citation of the persons having lands adjoining to appear, the said land will be surveyed and measured by the surveyor, Don Robert McHardy; but having lately arrived in the city, and informed that, after having made the surveys ordered to be made with a prior date, and at said place, there did not result a sufficient quantity for this petitioner; adding, also, that there would be a sufficient quantity at another place known by the name of McDougall's back swamp, to the southward of lands belonging to the said surveyor: Wherefore, he prays your excellency will please order said McHardy to execute said survey on the last-mentioned place, for which place he will be eternally obligated.

JOSEPH WALES.

The GOVERNOR.

## DECREE.

ST. AUGUSTINE, *April 1, 1818.*

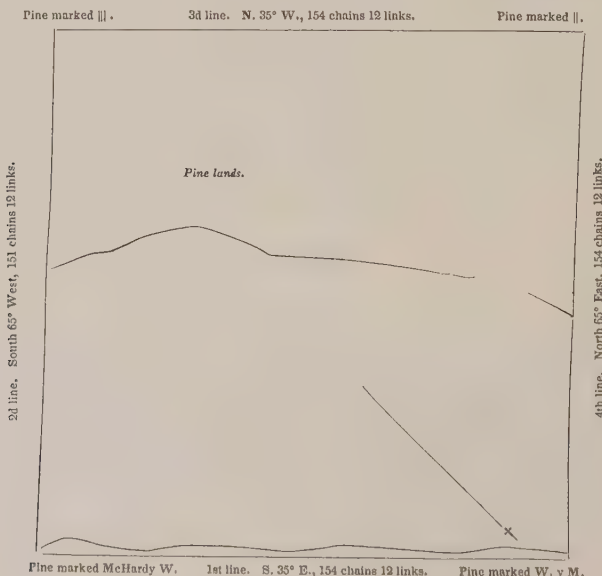
I accede to the cession which the memorialist makes of the two thousand three hundred and seventy-five acres of land, which was granted to him the 8th October ultimo, and in place thereof there is granted to him an equal number at the place he mentions in this memorial, under the same conditions that, after he makes known he is in possession of the land, and cultivated the same without intermission, and built the necessary houses and fences, there will be granted to him the title of property according to the survey and plat he presents from the surveyor serving him in the meantime; a certified copy of this proceeding will be given him by the secretary.

COPPINGER.

Don Tomas de Aguilar, ensign of the army, and secretary to his Majesty of this city and its province: I certify the present copy to be truly and faithfully made from the original remaining on file in the archives under my charge, at the request of the party. In virtue of the order given me by the above decree, I give the present in St. Augustine, Florida, April 1, 1818.

TOMAS DE AGUILAR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

## DECREE BY THE BOARD.

The claimant in this case produced to the board a concession for the land from Governor Coppinger to him, dated October 8, 1817; he obtained permission afterwards to change the location. The board being of opinion, after examining a number of witnesses, that the grant would have been valid had Florida remained a Spanish province, they therefore recommend it for confirmation. October 13.

*Joseph Wales vs. The United States. For two thousand three hundred and seventy-five acres of land.*

Horatio S. Dexter, being sworn, states that a number of negroes were placed in his hands about the latter part of the year 1817, by Messrs. Arredondo & Son, and their directions were to account to the owners of the vessel which imported them, of which Captain Wales, the claimant, was one; states that Captain Wales arrived in St. Augustine, from Havana, before the property, and stated at that time that he had negroes coming to this province from the Havana, which he (Wales) had introduced there from Africa. They were, as near as witness recollects, forty-eight in number, which were placed in witness' hands as soon as they arrived in Amelia island, and were, in two or three days afterwards, taken possession of by McGregor's forces at that place. Witness always understood from one of the house of Arredondo & Son that Wales, the claimant, had an interest in said negroes.

By UNITED STATES ATTORNEY.

Witness states that he had orders to receive the negroes at Amelia, and that he was consignee for the vessel and slaves; and that the vessel, which was worth seventeen or eighteen thousand dollars, and in which Wales was interested, was entirely lost at Amelia at that time, and that her armament and sails were saved; that the house of Kelly & Droughan and Captain Wales were the only persons interested in the vessel and cargo.

HIORATIO S. DEXTER.

Before the board in session, October 16, 1824.

## No. 18.—REPORT No. 2.—1824.

*Henry Eckford vs. The United States. Claim for one thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to land in East Florida:*

The petition of Henry Eckford respectfully sheweth: That your memorialist claims title to one undivided half of a tract of land containing two thousand acres, situated on Mosquito river, and to the westward of where stood the village of New Smyrna—by survey is of the following metes and bounds, to wit: north 25° west, one hundred and forty-one chains and three links; and south 65° west, one hundred and forty-three links; and is bounded on the north by lands of Ambrose Hull, and on all other sides by vacant lands; which title your memorialist derives from a grant of two thousand acres of land, made July 8, 1803, to Samuel Betts, by Governor White, in virtue of the royal order of 1790, as is fully shown in the accompanying document marked C; and your memorialist further sheweth that the aforesaid Samuel Betts was for many years an inhabitant of Florida, and in actual possession of said land; and the said Samuel Betts, by deed of conveyance bearing date April 13, 1816, did convey the said land to Joseph F. White, of the city of New York, as is shown by the accompanying document marked A; and, further, that the said Joseph H. White, by deeds of conveyance bearing date January 22, 1823, did convey the same to your memorialist, as is fully shown in the accompanying document marked B. Your memorialist further states that he is a citizen of the United States and a resident of the city of New York; and he prays that his title to the above-mentioned tract of land may be confirmed to him by your honorable board.

HENRY ECKFORD, of the City of New York,

By his agent, EDWARD R. GIBSON.

[Translation.]

Samuel Betts, a new settler admitted under the protection of his Catholic Majesty, to your excellency presents himself, and says that he intends dedicating himself to the cultivation of the land, with a number of workers which he expects in a short time from the United States, and negroes which he intends purchasing: Wherefore, he prays your excellency will be pleased to grant him two thousand acres of land in the territory of Mosquito, bounded on the south part by the land granted to Don Ambrose Hull, which is situated to the west of the place where the town of New Smyrna stood.

SAMUEL BETTS.

The GOVERNOR.

## No. 19.—REPORT No. 2.—1824.

*Joseph F. White vs. The United States. For one thousand two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain titles and claims to lands in East Florida:*

The memorial of Joseph F. White sheweth: That your memorialist claims title to two undivided third parts of a tract of land containing one thousand eight hundred acres, and is bounded as follows: north 80° east, 77 chains 47 links; north 10° west, 288 chains; bounded at the south and in front by Northwest creek, on the east by a marsh, and on the north by lands of the heirs of Don Henry McHenry; which title your memorialist derives from a royal title made to Samuel Betts by Governor Estrada, by virtue of a royal order of December 29, 1790, who sold the same to your memorialist

by deed bearing date April 13, 1815. Your memorialist is an American citizen, resident in New York, and was so at the change of flags. He prays that his title to said land may be confirmed.

JOSEPH F. WHITE.

[Translation.]

*Title of property.*

Don Juan José de Estrada, lieutenant colonel of the royal armies, &c.:

Whereas, by a royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, among other things, that lands shall be surveyed gratis to the foreigners who, of their own free will, presented themselves to swear allegiance to our sovereign, in proportion to the number of laborers each family might have; that Don Hepworth Carter having presented himself as one of them, he solicited from the government, and there were granted to him, October 1, 1791, and January 20, 1792, two pieces of land situated on the banks of the river Matanzas, which, with the improvements he had made on them, he ceded to Don Samuel Betts, also a new settler, July 28, 1803, which lands, an intelligent person named for that purpose in default of a public surveyor, were found to contain one thousand eight hundred acres embraced in this form: north 80° east, 77 chains 47 links; and north 10° west, 228 chains; bounded at the south and in front with Northwest creek, on the east by a marsh, on the west by the heirs of Don Henry McHenry, all of which appears more particularly from the certificates, documents, and plat annexed to the proceedings moved by the said Don Samuel Betts, soliciting that the corresponding title of property should be issued to him; and as that had not been delivered, for the security and confirmation of his dominion to the said land, in the form in which it has been expedited to others who have already passed more than ten years of uninterrupted possession, to obtain the useful and direct dominion to the said lands, made buildings on them, cultivated them, and complied with all the other conditions which the government has established for the concession and grants of this nature existing in the titles delivered to other settlers, as the said proceedings set forth: Wherefore, in consideration of everything, I have granted, as in the name of his Majesty I do grant, to the said Don Samuel Betts, the one thousand eight hundred acres of land, for himself, his heirs and successors, in absolute property, and expedite to him, as by these presents I do, the corresponding title by which I separate from the royal domain the right and dominion which it had to said lands; and I cede and transfer it to the said Betts, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance, with all its entrances, outlets, customs, rights, and services which it has had, has, and in fact belong or appertain to it; and, at their will, to sell, cede, transfer, and alienate it as may best suit them. To all which I interpose my authority as I can, and of right ought to do, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary *pro tem.* of government and the royal domain, in this city of St. Augustine, Florida, July 3, 1815.

JUAN JOSÉ DE ESTRADA.

By command of his excellency:

JUAN DE ENTRALGO, *Notary pro tem. of the Government and Royal Domain.*

This is conformable to the original, which exists in the archives in my charge, to which I refer; and at the request of the party, I sign and seal this present copy on two leaves of common paper, the stamped not being in use. St. Augustine, Florida, July 3, 1815.

JUAN DE ENTRALGO, *Notary pro tem. of the Government and Royal Domain.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

[Here follows a quit claim from Samuel Betts of the two undivided third parts of the one thousand eight hundred acres in favor of claimant, dated April 13, 1816.]

DECREE BY THE BOARD.

The claimant in this case produced to the board a royal title made by Governor Estrada to Samuel Betts for one thousand eight hundred acres of land, dated July 3, 1815; also, a conveyance from Betts for two undivided third parts thereof to claimant. In consideration whereof, we recommend the title to Congress for confirmation, the claimant being a non-resident. December 28.

No. 20.—REPORT No. 2.—1824.

*Joseph F. White vs. The United States. For one thousand three hundred and thirty-three and a third acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain titles and claims to lands in East Florida:*

The memorial of Joseph F. White sheweth: That he claims title to two undivided third parts of a tract of land containing two thousand acres, situated in the territory of Mosquito, west of New Smyrna, and bounded as follows: beginning at a pine tree marked B, and running thence north 25° west, 141 chains 43 links, to another pine tree with the same mark; thence south 65° west, 141 chains 43 links, to another pine tree, same mark; thence south 25° east, 141 chains 41 links, to another pine with the same mark; thence north 65° east, 141 chains 43 links, to the beginning; which title your memorialist derives from a royal title made to Samuel Betts by Governor Estrada, in virtue of the order of October 29, 1790, who sold the same to your memorialist, as will be seen by his deed, dated April 13, 1816. Your memorialist further sheweth that he has possession of said lands; that he is an American citizen residing in New York; he therefore prays that his title to the said lands may be confirmed.

J. F. WHITE.



[Translation.]

*Title to property.*

Don Juan José de Estrada, lieutenant colonel of the royal armies, &amp;c., &amp;c.:

Whereas, by a royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and both Floridas, it is provided, among other things, that lands should be granted and surveyed gratis to the foreigners who, of their own free will, present themselves to swear allegiance to our sovereign, in proportion to the workers each family may have; that Don Samuel Betts having presented himself as one of them, he solicited from the government, and there were granted to him, July 8, 1803, two thousand acres of land in the territory of Mosquitos, which was situated on the west of the place where the town of New Smyrna was situated, as appears from the certificate which was issued under the same date from the secretary's office, and is annexed to the proceedings moved in order that the corresponding title of property should be delivered to him for the said lands; which measure north 25° west, 141 chains 43 links, and south 65° west, 141 chains 43 links; bounded on the north by lands of Don Ambrose Hull, and on the other points of the compass by vacant lands, as results from the certificate and plat of the surveyor, Don Robert McHardy, which is also added to the said proceedings; and as there has not been delivered to the said Samuel Betts any title for the security and confirmation of his dominion to the said lands in the form in which it has been executed to others who have already passed more than ten years of uninterrupted possession, to obtain an useful and direct dominion to the said land, made buildings on them, cultivated them, and complied with all the other conditions which the government established for grants and concessions of this nature, existing in the titles delivered to other settlers, as the said proceedings set forth: Wherefore, and in consideration of everything, I have granted, as in the name of his Majesty I do grant, unto the said Don Samuel Betts the two thousand acres of land, for himself, his heirs and successors, in absolute property, and expedite to him, as by these presents I do, the corresponding title by which I separate from the royal domain all the right and dominion it had to said land; and I cede and transfer it to the said Betts, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatsoever, with all the entrances, outlets, customs, rights, and services which it has had, has, and in fact and law belong and appertain to it; and, at their will, sell, cede, transfer, and alienate it as may best suit them. To all which I interpose my authority as I can, and of right ought to do, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and the royal domain, in this city of St. Augustine, Florida, July 3, 1815.

JUAN JOSÉ DE ESTRADA.

By command of his excellency:

JUAN DE ENTRALGO, &amp;c., &amp;c.

This is conformable to the original, which exists in the archives in my charge, to which I refer; and by request of the party, do seal and sign the present copy on two leaves of common paper, the stamps not being used. St. Augustine, Florida, July 3, 1815.

JUAN DE ENTRALGO.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, S. B. L. C.

[Here follows a quit-claim from Samuel Betts of the two undivided third parts of two thousand acres in favor of claimant, dated April 13, 1816.]

## DECREE BY THE BOARD.

The claimant in this case produced to the board a royal title made by Governor Estrada to Samuel Betts, dated July 3, 1815; also, a conveyance from said Betts to claimant; in consideration whereof, we recommend the title to Congress for confirmation, the claimant being a non-resident. December 28.

St. AUGUSTINE, August 23, 1825.

SIR: We have the honor to acknowledge the receipt of your communication of the 18th ultimo. In reply we beg leave to refer you to our letter of the 1st of January, in which we say: "The commissioners have declined making a report upon a number of large grants made under the royal order of 1815, and which have been submitted for adjudication." Our reasons for declining to make a report on the table No. 3 at that time are set forth in the same letter. The tabular report No. 3 contains the cases above described, and was not forwarded; for, although they were, in our opinion, entitled to confirmation at the time they were acted on, from the evidence then before us we had reason to believe, from subsequent information, that testimony would be adduced to invalidate some, if not all, of them. This testimony has not yet been received, but it is daily expected to arrive from the Island of Cuba. The royal instruction of December 15, 1754, referred to in our letter of the 1st of January last, we have not been able to procure. We consider it a most important document, and we have felt much embarrassment for want of it.

We are, respectfully, your obedient servants,

DAVIS FLOYD.  
GEO. MURRAY.

Hon. the SECRETARY of the Treasury.

## REPORT No. 4.

*Register of claims to land founded on patents or royal titles derived from the Spanish government dated subsequent to January 24, 1818, but which are founded on concessions or orders of survey dated previous to January 24, 1818, and are therefore confirmed.*

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.
					<i>Acres.</i>						
1	Joseph B. Reyes .....	B. de Castro y Ferrer .....	July 6, 1818 .....	Dec. 17, 1799 .....	200 .....	White .....	1790 .....	Complied with .....	.....	.....	Montrie creek.
2	Francis P. Eatio .....	F. P. Pato .....	Apr. 19, 1818 .....	Apr. 13, 1803 .....	1,000 .....	do. ....	1790 .....	None .....	Mar. 1, 1818 .....	Andrew Burgevin .....	Beresford, St. John's.
3	John Houston .....	John Houston .....	Feb. 27, 1818 .....	.....	150 .....	.....	1790 .....	do. ....	.....	.....	.....
4	Isaac W. Hendricks .....	William Hendricks .....	May 8, 1818 .....	May 18, 1797 .....	216 .....	White .....	1790 .....	do. ....	May 17, 1818 .....	George J. F. Clarke .....	Cowford.
5	Heirs of Nicholas Gomez .....	Nicholas Gomez .....	Nov. 5, 1818 .....	July 27, 1803 .....	1,300 .....	do. ....	1790 .....	do. ....	May 29, 1815 .....	Robert McHardy .....	Rosa, Mosquito.
6	G. W. Persoll .....	Diego Carreras .....	June 19, 1819 .....	Feb. 6, 1805 .....	16 .....	do. ....	1790 .....	Complied with .....	.....	.....	One N. of St. Augustine.
7	John Houston .....	John Houston .....	Feb. 27, 1818 .....	Feb. 16, 1816 .....	120 .....	Coppinger .....	1790 .....	None .....	May 2, 1816 .....	George J. F. Clarke .....	Nassau river.
8	do. ....	do. ....	.....	do. ....	160 .....	do. ....	1790 .....	do. ....	.....	do. ....	Do.
9	Joseph M. Hernandez .....	Joseph M. Hernandez .....	Nov. 6, 1818 .....	May 28, 1816 .....	635 .....	do. ....	1815 .....	do. ....	Sept. 4, 1818 .....	Andrew Burgevin .....	Buyck's hammock.
10	B. de Castro y Ferrer .....	Barloome de Castro y Ferrer .....	Feb. 28, 1819 .....	Jan. 24, 1818 .....	2,000 .....	do. ....	1790 .....	Complied with .....	June 16, 1818 .....	.....	Pablo creek.

The above cases are founded on concessions made previously to January 24, 1818, and although the royal titles are subsequent to that date, as the conditions have been complied with, the board have, therefore, confirmed the same to the claimants.

DAVIS FLOYD,  
Clerk of the Board.  
W. H. ALLEN.

ST. AUGUSTINE, December 29, 1834.

## No. 1.—REPORT No. 4.—1824.

*José Bernardo Reyes vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of José Bernardo Reyes sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated upon Moultrie creek, to the southward of the city of St. Augustine, bounded on the south by the said creek, on the east by the lands of Don Carlos Gibert, and on the north and west by vacant pine lands; which title your memorialist derives from a title dated July 6, 1818, made to Don Bartolo. de Castro y Ferrer by Governor Coppinger, in virtue of the royal order of October 29, 1790, who sold the same to your memorialist by conveyance bearing date July 21, 1818, a copy of which conveyance is herewith filed, marked B. Your memorialist further exhibits a copy of said title, marked A, and a copy of the concession of the said tract of land, bearing date upon the — day of —, 18—. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine, in the district of East Florida. All which is respectfully submitted.

JOSÉ BERNARDO REYES.

[Here follows the translation of the concession made by Governor White to Bartolome de Castro y Ferrer of the land, dated December 17, 1799.]

[Here follows the translation of the royal title made by Governor Coppinger to Bartolome de Castro y Ferrer for the two hundred acres, dated July 6, 1818, in virtue of the royal order of 1790.]

[Here follows the translation of the conveyance from Bartolome de Castro y Ferrer to claimant, dated July 21, 1818.]

[Here follows the plat of the two hundred acres.]

## DECREE BY THE BOARD.

In this case Reyes claims two hundred acres of land situated on Moultrie creek, as described in his memorial filed before this board. In support of his titles, he offered in evidence a concession, made December 17, 1799, to Bartolome de Castro y Ferrer by Governor White, for headrights. The grantee, it appears, kept possession of the lands from the date of the concession up to July 6, 1818, when he obtained a royal title for it from Governor Coppinger; on the 21st of July of the same year the grantee conveyed to the claimant by deed, also filed as evidence in the case. The royal title having been made since January 24, 1818, has not governed the commissioners in their decision; but, upon a full review of the case, they are of opinion that the claim would have been valid had Florida remained in possession of the King of Spain; and they therefore confirm it to José B. Reyes so far as the United States are interested. September 10.

## No. 2.—REPORT No. 4.—1824.

*F. P. Fatio vs. The United States. For one thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Francis P. Fatio respectfully sheweth: That your memorialist claims title to a tract of land consisting of one thousand acres, situated on the east side of St. John's river, at a place known by the name of Berresford, about one hundred and fifty miles from the mouth of the river, bounded on the north by the river St. John's, on the south, east, and west by vacant lands; which title your memorialist derives from a concession made to memorialist, April 13, 1803, by Governor White, in virtue of the royal order of October 29, 1790, and confirmed to him by Governor Coppinger, in virtue of the royal order of 1815, as appears by a royal title made in favor of memorialist, and dated April 18, 1818; which land was surveyed by Andres Burgevin by order of the Spanish Government, March 1, 1819—all of which appears by the documents filed in the office of the keeper of the public archives. And your memorialist further sheweth that he is legally seized and possessed of said land, and was so at the time of the cession of this Territory; that he is a citizen of the United States and resident of St. John's county, East Florida. All of which is respectfully submitted.

F. P. FATIO.

[Here follows the translation of the certified copy of the concession by Governor White of the land, dated April 13, 1803.]

[Here follows an order of Governor Coppinger to the notary of government to expedite to claimant title of absolute property, dated March 28, 1818.]

[Here follows a translation of the certificate of survey by Andres Burgevin, dated March 1, 1819, the plat remaining in the office of the public archives.]

## DECREE BY THE BOARD.

In this case we find that the land was conceded to claimant by Governor White April 13, 1803, as per certified copy of concession exhibited. The claimant applied, by memorial, to have his title confirmed by the government, and, March 28, 1818, his request was admitted by Governor Coppinger, who directed that the usual title of absolute property should be expedited to him. The land was afterwards surveyed. The board being of opinion that the title would have been valid had Florida remained in possession of his Catholic Majesty, they therefore confirm it to claimant and his heirs. September 25.



## TESTIMONY.

*F. P. Fatio vs. The United States. For one thousand acres of land.*

F. J. Fatio, being sworn, says that in 1795 the establishment of the claimant on the river St. John's was broken up by the Florida Indians, under the chief, Bowles; and that in the year 1803 the claimant was a married gentleman, and had a number of negro slaves, the exact number of which is not recollected by the deponent.

F. J. FATIO.

Before the board in session, September 25, 1824.

Nos. 3, 7, and 8.—REPORT NO. 4.—1824.

*John Houston vs. The United States. Claim to one hundred and seventy-five acres of land, in four tracts.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John Houston respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and seventy acres, on the river Nassau, called Pine island, surveyed to your memorialist, by virtue of the royal order of 1790, by George Clarke, May 2, 1816: first line commences with a pine tree, runs south  $2^{\circ}$  west, 70 chains, and ends with another; second line runs west, 45 chains; third line runs north, 70 chains, to a stake on the bank of a creek; all which will be seen by reference to the grant obtained by your memorialist from Governor Coppinger, February 16, 1816, which is herewith presented. Your memorialist further sheweth that he is in actual possession of said lands, and was so at the time of the transfer of the Territory; that he is a citizen of the United States and resident of the Territory of Florida.

A. BELLAMY, *Memorialist's Attorney.*

[Translation.]

*To the governor:*

Don John Houston, inhabitant of this province, to your excellency respectfully states: That having come to the same for the purpose of establishing himself as a subject of his Catholic Majesty, he could not take the necessary oath (through ignorance) until his excellency Don Sebastian Kindelan went to the town of Fernandina, in May, 1813, and before said person he was received as an inhabitant of this province. Previous to this he contracted marriage with the youngest daughter of Don Spicer Christopher, before the vicar, ecclesiastical judge, Don Miguel Crosby; and until the present he has been cultivating the lands of his father-in-law, for the purpose of employing his negroes, and to promote the cultivation and improvement of the province, without ever having obtained lands granted by the government, from his never having asked for them: Wherefore, he supplicates your excellency to deign to grant him the lands which correspond to the number of his family, comprised in the annexed list, five hundred acres on Pain island, known as "Half-moon Bluff," and the rest to the complement of his family in lands called Cane's swamp, on the river Nassau, at the head of Dunn's creek; a favor which he hopes for from the justice of your excellency. St. Augustine, February 15, 1816.

JOHN HOUSTON.

St. AUGUSTINE, February 16, 1816.

Let there be granted to the memorialist seven hundred and fifteen acres of land in the places which he solicits, without injury to a third person, which are those which he solicits, which are those which correspond to him, his wife, a white servant, and twenty-six slaves, included in the annexed list, conformably to the regulations in the matter, the secretary furnishing him with the customary certificate for his security; and let this proceeding be placed in the archives.

COPPINGER.

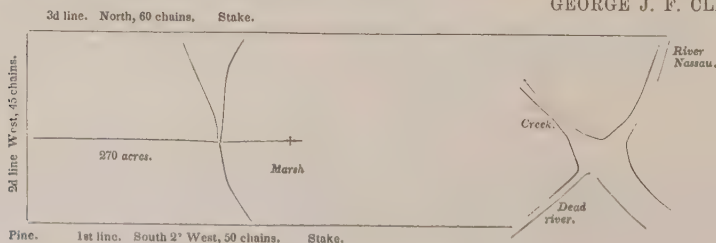
I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don George Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor general, appointed by the governor of said city and province: I certify that, according to the decree of the governor in favor of Don John Houston, the son, under date of February 16, 1816, I have measured and laid off for him two hundred and seventy acres of land on the river Nassau, at a place called Pine island, which is conformable to the following plat and its copy in the book of surveys under my charge. Fernandina, Amelia island, May 1, 1816.

GEORGE J. F. CLARKE.



Lands of the same individual.

I certify the foregoing plat and certificate of survey to be well and truly translated and taken from documents on file in the office of the public archives of St. Augustine.

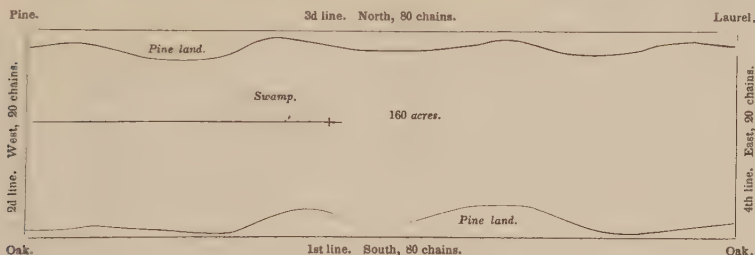
F. J. FATIO, *S. B. L. C.*

[Here follows a royal title made by Governor Coppinger for the two hundred and seventy acres, dated February 27, 1818.]

[Translation.]

Don George Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor general, appointed by the governor of the same city and province: I certify that I have measured and laid off for Don John Houston, the son, one hundred and sixty acres of land on the river Nassau, at a place called *Cain Swamp*, which I performed according to the decree of the governor, under date of the 16th February of the present year, and appears in its description to the following plat and its copy in the book of surveys under my charge. Fernandina, Amelia, May 2, 1816.

GEORGE J. F. CLARKE.



I certify the foregoing plat and certificate to be well and truly taken from documents on file in the office of the public archives of St. Augustine.

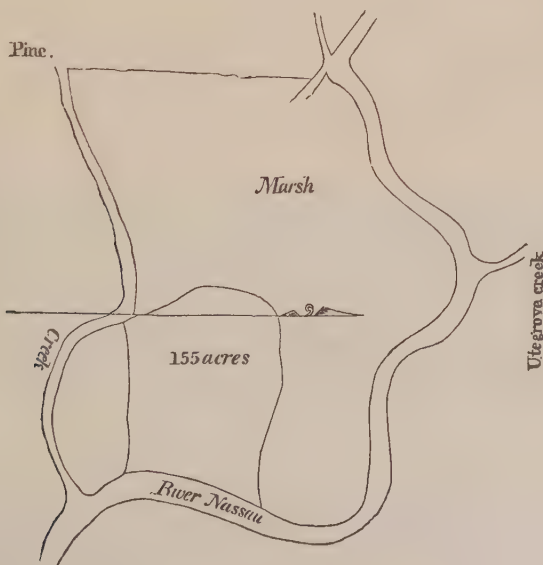
F. J. FATIO, *S. B. L. C.*

[Here follows a royal title made by Governor Coppinger for the one hundred and sixty acres, dated February 27, 1818.]

[Translation.]

Don George Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor, appointed by the government of the said city and province: I certify that I have measured and laid off for Don John Houston, the son, one hundred and fifty-five acres of land on the river Nassau, at a place known as the "Half-moon Bluff," according to the decree of the governor of February 16 of the present year, and is conformable to the following plat and its copy in the book of surveys under my charge. Fernandina, Amelia island, May 1, 1816.

GEORGE J. F. CLARKE.



I certify the foregoing plat and certificate to be well and truly translated and taken from documents on file in the office of the public archives.

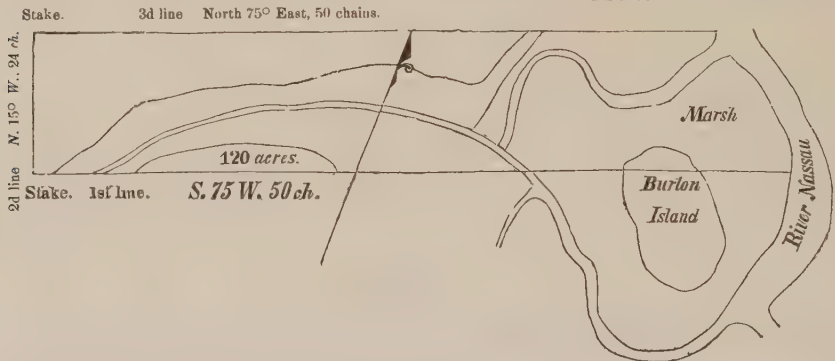
F. J. FATIO, *S. B. L. C.*

[Here follows a royal title made by Governor Coppinger for the 155 acres, dated February 27, 1818.]

[Translation.]

Don George Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor general, appointed by the government of same city and province: I certify that on May 2, 1816, I measured and laid off for Don John Houston, the son, one hundred and twenty acres of land on the river Nassau, at a place known by the name of *Mill Branch*, alias Dunn's Creek, which was granted him by superior decree on the 16th of February of the present year; which land is conformable to the present plat and its copy in the book of surveys under my charge. Fernandina, Amelia island.

GEORGE J. F. CLARKE.



I certify the foregoing plat and certificate to be well and truly taken from documents on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Here follows a royal title made by Governor Coppinger for the 120 acres, dated February 27, 1818.]

#### DECREE BY THE BOARD.

In this case the claimant produced in evidence a concession made to him by Governor Coppinger for the lands in question, dated February 16, 1816. Although the confirmation of the grant by royal titles (which were also exhibited) bears date subsequent to January 24, 1818, we cannot but deem the concession a valid one, and confirm the same to the claimant and his heirs. June 21, 1824.

#### TESTIMONY.

*John Houston vs. The United States. For seven hundred and fifteen acres of land.*

G. J. F. Clarke, being sworn, states that it was usual for the grantees to have their grants divided and surveyed in different tracts.

No. 4.—REPORT No. 4.—1824.

*Isaac Hendricks vs. The United States. Claim to two hundred and sixteen acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Isaac Hendricks respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and sixteen acres, situated on the river St. John's, bounded north and west by said river, east by public land, and south by lands formerly occupied by John Huntsman; which title your memorialist derived from a decree made by Governor White, May 18, 1797, on the memorial of William Hendricks, father of your memorialist, in virtue of the royal order of 1790; both of which, together with the survey or plat of the same, are herewith presented. Your memorialist further states that, on May 8, 1818, he received from Governor Coppinger a royal grant in absolute property to the said lands, which is also presented. Your memorialist further sheweth that he is in actual possession of said lands, and was so at the time of the cession; that he is a citizen of the United States and resident of the Territory of Florida. All of which is respectfully submitted.

A. BELLAMY, *Memorialist's Attorney.*

[Translation.]

Don Manuel Rengil, secretary by his Majesty of the government, and of the commander-in-chief of this city and province: I certify that on a memorial presented by William Hendricks, dated the 16th instant, praying that the land which the rebel against his Majesty, William Jones, occupied on the south bank of the river St. John's should be granted to his son, after seeing the opinion which was asked of the commandant of engineers, who stated that the plain where the detachment of St. Nicholas is quartered should be kept clear for the distance of a gunshot or more, the following decree was yesterday placed



thereon: Agreeable to his request, without injury to a third, conformably to the number of the petitioner's family, with the precise condition of conforming with all that is set forth in the preceding report.

WHITE.

And that it may be made known and serve the interested, I give the present in St. Augustine, Florida, May 18, 1797.

MANUEL RENGIL.

Conformable to its original, which I returned to the interested, to which I refer; and in compliance with what is ordered in the preceding decree of his excellency the governor, I seal and sign the present copy in St. Augustine, Florida, May 6, 1818.

[L. s.]

JUAN DE ENTRALGO.

A true and correct translation from a document in the Spanish language.

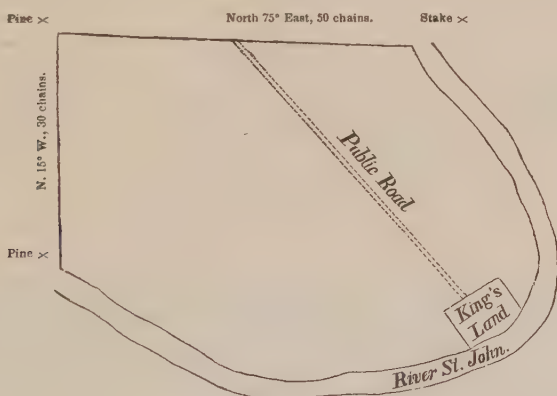
F. J. FATIO, S. B. L. C.

[Translation.]

Don Pedro Marrot, captain of the third battalion of the infantry regiment of Cuba, and commissioned judge by his excellency the governor and commander-in-chief of the province of East Florida, for the measurement of lands ordered to be distributed by command of his Majesty: I certify that, at the plantation named St. Nicholas, there has been measured and delivered six caballerias and six acres of land (which is the complement of what belongs to him) to the inhabitant William Jones. The first line runs N. 75° E., 50 chains, commences at a stake marked with a cross, on the banks of the river St. John's, and ends at a pine with the same mark; said line bounds the lands of John Hindsman; the second line runs N. 15° W., 30 chains, begins at the said pine and terminates at another, with the same mark of the cross, on the banks of said river St. John's; a part of its front runs on the banks of a bay of said river, and part on the banks of the same, all agreeably to the orders I have, the interested signing with the surveyor, Don Josiah Dupont. And that it may be made known, and may serve for the information of the government secretary's office, where the interested must apply for his respective title, I give the present at St. Nicholas, river St. John's, February 14, 1793.

NOTE.—That at the landing there are eight acres of land of the King laid off within this plat.

PEDRO MARROT.  
JOSIAS DUPONT.



Don George Clarke, lieutenant of local militia of St. Augustine, Florida, and surveyor general of said city and province: I certify that the foregoing is an exact copy of its original remaining on file in the office of the government notary in this city, which I have made at the request of William Hendricks, to whom it appears was granted the rights which the said William Jones had to said land, and under the same boundaries; and that it may be made known, I sign the present in St. Augustine, May 7, 1818.

GEORGE J. F. CLARKE.

TERRITORY OF FLORIDA, *St. John's County*:

Appeared William Carney, who, being duly sworn, deposeth and saith that he has known Isaac Hendricks for thirty years, during which time the said Isaac Hendricks has resided in East Florida; and for the period of twenty years the said Hendricks has continued, and still doth continue, in peaceable possession on a place called the Cowford, on the south side of the river St. John's, at the ferry which leads or crosses to Jacksonville, &c.

Sworn to before me January 13, 1824.

WILLIAM CARNEY.

EDWARD R. GIBSON, J. P.

*Isaac Hendricks vs. The United States. For two hundred and sixteen acres of land.*

Bartolome de Castro y Ferrer, being duly sworn, doth depose and say that he is acquainted with said Hendricks, and has known him upwards of twenty years. Witness says that he knew the father of

claimant, and that he, the said Hendricks, has cultivated the above-mentioned tract since the death of his mother to the present period, about eight or ten years ago.

BME. CASTRO Y FERRER.

Sworn to before me, in the city of St. Augustine, May 6, 1824.

J. ORMOND, J. P.

DECREE BY THE BOARD.

In support of his title the claimant exhibited in evidence a concession from Governor White, certified by the secretary of the government, dated May 18, 1797, together with the survey of the same. It was likewise proven by the depositions of William Carney and Bartolome de Castro y Ferrer that the claimant had cultivated the land for many years. We therefore deem the title a valid one, and confirm the same to the claimant and his heirs. June 18, 1824.

No. 5.—REPORT No. 4.—1824.

*Nicholasa Gomez vs. The United States. For one thousand two hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the heirs of Nicholasa Gomez, deceased, respectfully sheweth: That your memorialists claim title to a tract of land consisting of one thousand two hundred acres, situated in the territory of Mosquitos, on Hillsborough river, at a place called in the British time and since Ross Place. First line begins at a live-oak tree marked G, thence runs N. 30° W., eighty chains, to a stake; second line runs S. 80° west, 150 chains, to a palmetto marked G; on all other sides by vacant lands; which title your memorialists derive from a grant made to the said Nicholasa Gomez by Governor Coppinger, in virtue of the royal order of 1790; grant dated November 5, 1818, and is founded upon a concession made July 27, 1803, is filed herewith. And your memorialists further sheweth that they are in possession of said lands. They reside in St. Augustine, and did so in 1821.

GEORGE MURRAY, for Memorialists.

[Here follows the translation of the concession by Governor White to Nicholasa Gomez for the land, dated July 27, 1803.]

[Here follows the translation of the certificate of survey by Robert McHardy, dated May 29, 1815.]

[Here follows the translation of the confirmation of the concession by Governor Coppinger, authenticated by the notary of government, dated October 23, 1817.]

DECREE BY THE BOARD.

The claimants exhibited to the board a concession for the 1,200 acres made by Governor White, July 27, 1803, to Nicholasa Gomez, for headrights; said concession was afterwards confirmed to the heirs of grantee by an order of Governor Coppinger, authenticated by the notary of government, and dated October 23, 1817. The board having ascertained this claim to be valid, they therefore confirm it to the heirs of the aforesaid Nicholasa Gomez. December 21.

No. 6.—REPORT No. 4.—1824.

*Gabriel W. Perpall vs. The United States. For sixteen acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of G. W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of sixteen acres, situated about one mile to the north of the gate of this town, bounded on the north by lands of the late José Sanchez, on the east by the Capuaca road, on the south by lands formerly of Peter Triay, and on the west by St. Nicholas road; the first line runs north 75° east, 12 chains, to a stake; second line, thence south 21° east, 15½ chains, to another stake; third line, thence south 75° west, 9 chains, to another stake; fourth line, thence north 31° west, 15½ chains, to another stake, where the first line began; which title your memorialist derives from a concession made to Diego Carreras by Governor White, dated February 6, 1815, in virtue of the royal order of October 29, 1790, who obtained a royal title from Governor Coppinger June 19, 1818, and who conveyed the same to your memorialist by bill of sale dated April 23, 1819. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL,

By his attorney, WILLIAM REYNOLDS.

[Here follows the translation of the concession by Governor White to Diego Carreras for the sixteen acres of land, dated February 6, 1805.]

[Here follows the translation of the certificate and plat of survey of the sixteen acres by Andres Burgevin, dated February 15, 1819.]

[Here follows the translation of the conveyance from Carreras to Perpall, dated April 23, 1819.]

DECREE BY THE BOARD.

The claimant produced in evidence a concession for the sixteen acres of land, made by Governor White to Diego Carreras February 6, 1805, and a survey thereof. Carreras, April 23, 1819, sold and conveyed the land to Mr. Perpall. It appeared also that Carreras improved and cultivated the land for some time. The same is hereby confirmed to claimant and his heirs. September 17.

[No. 9 was not returned to the General Land Office by the commissioners.]

No. 10.—REPORT No. 4.—1824.

*Bartolome Castro y Ferrer vs. The United States. Claim to two thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain titles and claims to lands in East Florida :*

The memorial of Bme. Castro y Ferrer respectfully sheweth: That your memorialist claims title to a tract of land consisting of two thousand acres, situated at the St. Pablo, in the county of St. John's, and is bounded as follows: beginning at St. Pablo creek, at a pine marked with a cross; thence running south 60° west, 143 chains, to a pine with the same mark; thence north 60° east, 143 chains, to a pine marked with a cross, on St. Pablo's creek; thence along the creek to the first-mentioned bounds, as appears by a survey and plat herewith presented; which title your memorialist derives from a royal grant made to him in absolute property by Governor Coppinger, in virtue of the royal order of 1790, which royal title is dated February 28, 1818, and is grounded on a memorial dated February 11, 1817, and a decree granting the lands in absolute property, dated January 24, 1818; all of which are herewith presented by attested copies. And your memorialist further sheweth that he is now, and was at the time of the cession, in actual possession of said lands; that he is a citizen of the United States and resident of East Florida.

JOHN B. STRONG, *for Claimant.*

[Here follows the translation of a concession made by Governor Coppinger to claimant of the two thousand acres, dated January 24, 1818.]

[Here follows the translation of the royal title made by Governor Coppinger in confirmation of the above concession, dated February 28, 1818, in virtue of the royal order of 1790.]

[Here follows the translation of the certificate and plat of survey made by Andres Burgevin of the two thousand acres.]

DECREE BY THE BOARD.

We ascertain in this case that the claimant, on his memorial to the governor, had two thousand acres of land granted to him by Governor Coppinger January 24, 1818; which grant was confirmed by a royal title bearing date February 28, 1818. The board deeming this to be a valid Spanish grant, (although the royal title bears date subsequent to January 24, 1818,) they therefore confirm the title to claimant and his heirs, so far as the United States are concerned. December 28.

REPORT No. 5.

*Register of claims, exceeding 3,500 acres, founded on patents granted by the British government, and which have been recognized as valid by the Spanish government, and are recommended for confirmation.*

Number.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Quantity of land.	By whom conceded.	Date of survey.	By whom surveyed.	Where situated.	Occupation or cultivation.	
									From—	To—
1	Sophia Fleming and Wm. Gibson.	Rt. Paris Taylor	April 18, 1771	Acres. 10,762	Gov. Grant	Mar. 29, 1793	James Dupont.	Nassau river	.....	.....
2	Francis P. Fatio	Fm. P. Fatio, dec'd.	.....	10,000	.....	Nov. 25, 1791	Saml. Eastlake.	N. Switzerland.	1783	1824

*General remarks.*—No. 1. The right to this land was recognized by the Spanish government, and ordered to be surveyed in 1793. No. 2. This grant was recognized by the Spanish government in the year 1791, and surveyed to grantees. It is in proof before the board that the above claims have been recognized by the Spanish government; they are therefore recommended for confirmation.

DAVIS FLOYD.  
GEORGE MURRAY.  
W. H. ALLEN.

[No. 1 not returned to the General Land Office by the commissioners.]

No. 2.—REPORT No. 5.—1824.

*Francis P. Fatio et al. vs. The United States. Claim for ten thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of Francis P. Fatio, for himself and his sister, Louisa Hallows, heirs of F. P. Fatio, deceased, respectfully sheweth: That your memorialists claim title to a tract of land consisting of ten thousand acres, situated on the east side of the river St. John's, about sixty miles from its mouth and thirty miles from the city of St. Augustine, bounded on the north by William Harvey's lands; on the south by F. M. Arredondo, senior's, lands; on the east by vacant pine lands; and on the west by the river St. John's. The first line commences at a stake at the edge of said river, marked with a cross, and runs S. 45° E., 22 chains, and ends at a pine with the same mark; the second line begins at the last, and runs N. 45° E., 80 chains, and ends at a stake with the same mark; the third line begins at this last-mentioned, and runs S. 45° E., 320 chains, to a pine with the same mark; the fourth line commences at the last-mentioned pine, and runs S. 30° W., 318 chains, and terminates at an oak with the same mark, on the banks of said river; thence along the meanders of the river, binding thereon, to the beginning, as is seen by a plat and certificate made by Pedro Marrot, and dated November 25, 1791, and marked A; which title your memorialists derive from a British grant made to Francis P. Fatio, deceased, by Governor J. Grant; that the British titles to said lands were lost during the troubles in the province in the year 1812, when memorialist's houses were burnt, and himself and family were obliged to fly, being robbed of considerable property and negroes. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of Florida. All of which is respectfully submitted.

F. P. FATIO.



[Translation.]

Don Pedro Marrot, captain of the third battalion of the infantry regiment of Cuba, and judge commissioned by the governor and commander-in-chief of this province of East Florida, for the survey and laying off lands ordered to be distributed by command of his Majesty: I certify that, at the plantation called New Switzerland, there have been measured three hundred caballerias of land, which, as appears by the titles of his Britannic Majesty which have been exhibited to me, consist of ten thousand acres, belonging to Don Francisco Philip Fatio. The first line begins and runs to the south 45° east, and contains 22 chains, beginning by a picket marked with a cross, on the bank of the river St. John's, bounding in part with the lands belonging to Hannah Moore, and ends with a pine tree of the mark of a cross; follows on north 45° east, to a lightwood stake marked with a cross, and the survey contains 80 chains; the second line runs and begins with said stake to the south 45° to the east, to a pine tree marked with a cross, and its survey contains 320 chains; the third line runs south 30° west, begins with said pine and ends with an oak marked with a cross, on the bank of the river St. John's, and its measurement of 318 chains; its front runs on the bank of said river; all agreeable to the orders which I have, the interested, signed this with the surveyor, Don Samuel Eastlake; and for its confirmation, and that it may serve for the information of the secretary of this government, to whom the interested will have to apply for their respective titles, I give these presents at New Switzerland, river St. John's, November 25, 1791.

PEDRO MARROT.  
SAM'L EASTLAKE.



I certify the foregoing to be a true and correct translation from a document in the Spanish language'  
F. J. FATIO, S. B. L. C.

DECREE BY THE BOARD.

In this case we find that Pedro Marrot, by order of the Spanish government, surveyed the land on November 25, 1791, for Francis P. Fatio, father to claimants, (as per plat and certificate of survey;) that on the division of the estate of F. P. Fatio, deceased, this tract was allotted to claimants; that Francis P. Fatio took the oath of allegiance to his Catholic Majesty, and was in possession of the land until his death. The board ascertain this to be a valid claim; they therefore recommend it to Congress for confirmation. September 15.

TESTIMONY.

*Francis P. Fatio vs. The United States. Claim for ten thousand acres of land.*

Francis Marien, being duly sworn, says that he knows the above tract of land, and has known Francis P. Fatio, senior, to have resided on the said tract upwards of thirty years. Witness has been frequently on the said plantation, and that there were some very fine buildings thereon, until they were burnt by the Indians and patriots in the year 1812. And witness further states that it is well known to all the old inhabitants of this Territory that the claimant was in possession of said land since the cession of this province to Spain.

FRANCISCO MARIEN.

Before the board in session, September 1, 1824.

William Reynolds, being sworn, states that he believes the signature of Pedro Marrot, which is attached to the document exhibited to him in this case, is the same as that which is attached to the original documents in the office of the public archives of St. Augustine under his charge.

WILLIAM REYNOLDS.

Before the board in session, September 15, 1824.

## REPORT No. 6.

*Register of claims not exceeding 3,500 acres, founded on patents granted by the British government, and which have been recognized as valid by the Spanish government, and are confirmed by the Board of Land Commissioners for East Florida.*

No.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Date of survey.	By whom surveyed.	Where situated.	Occupation or cultivation.
1	Heirs of F. P. Fatio.....	Fra. P. Fatio.....	Mar. 28, 1775	.....	<i>Acres.</i> 500	Tenyn.....	Laws of England.....	Feb. 13, 1775	Frederick G. Mulenster.....	East side of Maxwell's creek.....	.....
2	.....do.....	Judith Shivers.....	June 16, 1782	.....	300	.....do.....	.....do.....	May 20, 1782	Benjamin Lord.....	St. Sebastian creek.....	.....
3	.....do.....	D'd Courvoisie.....	Jan. 10, 1772	.....	700	Moultre.....	.....do.....	Jan. 9, 1772	F. G. Mulenster.....	Newcastle, St. John's.....	From 1790 to 1799..
4	Heirs of Thomas Travers.....	James Pennam.....	Jan. 4, 1768	.....	300	Grant.....	.....do.....	Sept. 2, 1767	R. S. De Brahm.....	Five miles west of St. Augustine.....	.....
5	Joseph Rain and William Bailey..	Frederick Rod.....	Dec. 19, 1792	Dec. 19, 1772	1,000	.....do.....	.....do.....	Feb. 15, 1773	John Funk and Josiah Dupont.	Trout creek.....	.....
6	William and John Lofton's heirs..	Cornelius Rain.....	— — 1768	.....	200	.....do.....	.....do.....	April 6, 1793		Northwest branch, Nassau.....	.....
7	Duncan L. Clueh.....	William Penn.....	July 18, 1769	.....	500	.....do.....	.....do.....	Apr. 20, 1769	R. S. De Brahm.....	Twelve-mile swamp.....	.....

GENERAL REMARKS.—No. 5. The papers are so mutilated by time as to be difficult to read. They prove possession.

It is in proof before the board that the above claims, founded upon British grants, have been recognized by the Spanish government, and they are therefore confirmed to the claimants.

DAVIS FLOYD.  
JOSEPH W. HARRIS.  
W. H. ALLEN.

St. Augustine, December 29, 1824.

## No. 1.—REPORT No. 6.—1824.

*Francis J. Fatio et al. vs. The United States. For five hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of F. J. Fatio, for himself and for Maria Theresa, widow of Philip Fatio, deceased, as also Sophia Louisa, Lewis, Mary Ann, Fernando, children and heirs of the said P. Fatio, deceased, respectfully sheweth: That your memorialists claim title to a tract of land consisting of five hundred acres, situated on the east side of Maxwell or McGirt's creek, emptying into St. John's river near Jacksonville; bounded on the north by vacant land, on the south by land formerly belonging to Henry Strachey, and on the west by said Maxwell or McGirt's creek; beginning at a water oak marked with three crosses, on the banks of said creek, runs south 75° east, 118 chains, to a stake; thence north 75° west, 120 chains, to an ash with the same mark, on the banks of said creek; thence along the meanders of said creek to the beginning, as will be seen by a British plat and certificate made by Frederick George Mulcaster, dated February 16, 1775; which title your memorialists derive from a British grant made to Francis Philip Fatio, deceased, by Governor Tonyn, which grant was confirmed by the Spanish government to the said F. P. Fatio, deceased, after whose death said tract, by a deed of division made amongst his heirs, was allotted to the children of Philip Fatio, deceased, son of said Francis P. Fatio, deceased. The said partition is filed in the claim for 10,762 acres presented by Sophia Fleming and William Gibson. And your memorialists further show that they are legally in possession of said lands; and that the said Francis P. Fatio, deceased, was a Spanish subject and resident in East Florida until his death; that his heirs were, and most of them still are, residents of Florida, and were so at the time of the cession of this then province to the United States; that Francis J. Fatio is a citizen of the United States and resident of Florida; and that the said widow and the other heirs reside at present in the Island of Cuba. All which is respectfully submitted.

[Here follows a mutilated British grant or patent for the five hundred acres of land, dated March 28, 1775, made by Governor Patrick Tonyn to Francis P. Fatio.]

[Here follows a certificate and plat of survey by Frederick George Mulcaster of the five hundred acres, dated February 16, 1775.]

[Here follows a document showing the division of the estate of F. P. Fatio, by which the five hundred acres were allotted to the heirs of P. Fatio, deceased, son of F. P. Fatio.]

## DECREE BY THE BOARD.

In this claim the claimants produced in evidence a British patent or grant made by Governor Tonyn March 28, 1775, to Francis Philip Fatio, their grandfather; also, a document showing a division of the estate of said Fatio, by which the land was allotted to the claimants. It was likewise shown that Francis P. Fatio took the oath of fealty to his Catholic Majesty, and was in possession of the land until his death. The same is hereby confirmed to the claimants and their heirs. September 7.

~~See~~ See note in F. J. Fatio *et al.*'s claim for two hundred acres.

## No. 2.—REPORT No. 6.—1824.

*Francis J. Fatio et al. vs. The United States. For two hundred acres of land.*

## MEMORIAL.

The petition of Francis J. Fatio, for himself and for Maria Theresa, widow of Philip Fatio, deceased, as also Sophia Louisa, Mary Ann, and Fernando, children and heirs of Philip Fatio, deceased, respectfully sheweth: That your memorialists claim title to a tract of land, situated near the head of St. Sebastian creek, about four miles north from St. Augustine, bounded partly to the north and west by lands formerly granted to William Mills, and on all other sides by vacant lands, as will be seen by a British plat and certificate made by Benjamin Lord, assistant surveyor general, dated May 20, 1782; which title your memorialists derive from a British grant made to Judith Shivers by Governor Tonyn, who sold the same to Francis Philip Fatio, deceased, as by conveyance herewith presented, and dated March 7, 1785, which grant was confirmed by the Spanish government to the said Francis P. Fatio, deceased, after whose death said tract, by a deed of division and partition made amongst his heirs, was allotted to the children of P. Fatio, deceased, son of said Francis P. Fatio, deceased; the said partition is filed in the claim for 10,762 acres presented by Sophia Fleming and William Gibson. And your memorialists further show that they are legally in possession of said lands; and that the said Francis P. Fatio, deceased, was a Spanish subject, and resident in East Florida until his death; that his heirs were, and most of them still are, residents of Florida; and that the said widow and the other heirs at present reside in the Island of Cuba. All of which is respectfully submitted.

F. J. FATIO, for himself and the other heirs of P. Fatio, deceased.

[Here follows a mutilated British grant or patent for the two hundred acres of land, dated June 16, 1782, made by Governor Pat. Tonyn to Judith Shivers.]

[Here follows a plat and certificate of survey of the two hundred acres, made by Benjamin Lord, assistant surveyor general, dated May 20, 1782.]

[Here follows a deed of conveyance from Judith Shivers to Francis Philip Fatio of the two hundred acres, dated March 7, 1785.]

[Here follows a document showing the division of the estate of F. P. Fatio, by which the two hundred acres were allotted to the heirs of P. Fatio, deceased, son of Francis P. Fatio, deceased.]



## DECREE BY THE BOARD.

In this claim it appears that Governor Tonyn granted the two hundred acres on the 16th of June to Judith Shivers, and that the same was surveyed May 20, 1782; the grantee, on March 7, 1785, conveyed the land to Francis Philip Fatio, (grandfather of claimants.) It further appeared that F. P. Fatio took the oath of fealty to his Catholic Majesty; that he was in possession of the land until his death; and that, in the division of the estate, this tract was allotted to the claimants. The board deeming this claim to be valid, they therefore confirm it to the claimants. September 10.

See F. J. Fatio *et al.*'s claim for two hundred acres.

## No. 3.—REPORT No. 6.—1824.

*Francis J. Fatio vs. The United States. For seven hundred and twenty acres of land.*

## MEMORIAL.

*To the honorable the board of land commissioners appointed to ascertain claims and titles to lands in East Florida:*

Francis J. Fatio, for himself and for Maria Theresa, widow of Philip Fatio, deceased, as also Sophia Louisa, Luis, Mary Ann, and Fernando, children and heirs of the said P. Fatio, respectfully represent: That your petitioner claims title to a tract of land consisting of twenty-one caballerias, and two small marsh islands in front, on the river St. John's, and southeast side thereof, about forty-five miles northwestward from St. Augustine, bounded on the north by St. John's river, on the east by lands of John McIntosh, beginning on the river St. John's, at an oak marked with a cross; thence south 10 chains, to an oak with the same mark; thence south 15° west, 90 chains, to a pine with the same mark—these two lines bound the lands of John McIntosh; thence north 75° west, 70 chains, to a pine with the same mark; thence north 15° east, 51 chains, to a pine with the same mark; thence north 27° west, 40 chains, to a pine with the same mark; thence north 15° east, 15 chains, to a pine on the margin of an impassable marsh on the river St. John's; thence along the meanders of the river to the beginning, as will be seen by a plat and certificate of Pedro Marrot, who was appointed a commissioned judge, by the Spanish authorities, for the survey of lands ordered to be granted, dated March 9, 1793, herewith presented, marked A; which said survey was made, in pursuance and confirmation of British titles or grants, by Francis Philip Fatio, owner, and held and demanded as thereby to be seen. And your memorialist further sheweth that the said Francis Philip Fatio remained a Spanish subject during his lifetime, resident in Florida after the transfer thereof by Great Britain to Spain; that after his death, the said tract of land was allotted and conveyed to the heirs of Philip Fatio, deceased, which said Philip Fatio was one of the children of Francis Philip Fatio, the original claimant, as will be seen by the said settlement which is filed before this honorable board in a claim of Sophia Fleming and William Gibson for ten thousand seven hundred and sixty-two acres of land. Your memorialist further shows that they were always subjects of Spain during her jurisdiction within the Territory of East Florida, and were resident (so far as they were living) in the said Territory at the time of its cession to the United States by Spain; that Francis J. Fatio is a resident of East Florida and citizen of the United States; and that the said widow and the other heirs reside at present in the Island of Cuba, &c.

All of which is respectfully submitted, &c.

F. J. FATIO, *for himself and the other heirs of P. Fatio, deceased.*

[Here follows the translation of the certificate and plat of survey made by Pedro Marrot of twenty-one caballerias and twenty-one acres (720 acres) to Francis Philip Fatio, dated March 9, 1793.]

TERRITORY OF FLORIDA, *East Florida:*

Personally appeared before me, Francis J. Fatio, one of the justices appointed to keep the peace in said county, Mrs. Sophia Fleming, who, being duly sworn, deposeth as follows: That she was acquainted with David Convoise; he was agent to Messrs. Thomas Dunnage, Francis Philip Fatio, and Rivaz and Naville; said Convoise bought the plantation (since called New Castle) from Robert Harris about the year 1771, and took immediate possession of said plantation for himself, and in virtue of a power of attorney from his copartners. At the cession of the province to Spain, in the year 1784, Francis Philip Fatio remained in Florida; on a dissolution of partnership, he bought the interest of the other partners and obtained Spanish titles for all the lands formerly held by said firm. Francis Philip Fatio became a Spanish subject in 1784, and took the oath of fidelity to the Spanish government.

SOPHIA FLEMING.

Sworn to before me, on St. John's river, June 28, 1824.

F. J. FATIO, *Justice of the Peace.*

## DECREE BY THE BOARD.

In this case we find that Pedro Marrot, by order of the government, surveyed the land for Francis Philip Fatio, grandfather of claimants, March 9, 1793, as per plat and certificate of survey exhibited; that, on the division of the estate of F. P. Fatio, deceased, this tract was allotted and conveyed to them; that the aforesaid Fatio took the oath of allegiance to the King of Spain, and occupied the land until his death. In consideration whereof, we confirm the title to the claimant and their heirs. October 12.

## TESTIMONY.

*Francis J. Fatio et al. vs. The United States. For seven hundred acres of land.*

George J. F. Clarke, being duly sworn, states that he was acquainted with F. P. Fatio, sr., deceased, and was always considered as a Spanish subject; could not have remained in the province if he was not. Witness says he knows the tract of land of New Castle, which was always ——— of years previous. Witness says that he knew Philip Fatio, who was son of the said Francis P. Fatio, deceased, and also his first wife.

## No. 4.—REPORT No. 6.—1824.

*Thomas Travers' heirs vs. The United States. For three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of William Travers, in behalf of himself and the other heirs of Thomas Travers, deceased, sheweth: That your memorialist, for and in behalf as aforesaid, claims title to a certain tract or piece of land in East Florida, consisting of three hundred acres; that the said tract of land was originally granted by the British government, by grant bearing date January 4, 1768, while East Florida was a province and dependence of the crown of Great Britain, to one James Penman; that the said James Penman, that is to say, on or about September 20, 1779, sold and conveyed the said land to one James Peavett; that, after the death of James Peavett, it became and was the property of Maria Evans, who for many years occupied, cultivated, and improved the said land, continuing to do so until the time of her death, which happened some time about the year 1792 or 1793; that the said Maria Evans devised the said tract of land, with others, by her last will and testament, made in the year 1792, to the aforesaid Thomas Travers; that the said Thomas Travers departed this life some time about the year 18—, leaving your memorialist and his sister his heirs-at-law; that the said land is now, and has been for some time past, in the actual occupancy and cultivation of one Francis P. Sanchez, who holds the said land under the heirs of the said Thomas Travers. Your memorialist further shows that the said land is situated at about five miles to the west of St. Augustine; that, at the time of the original survey, it was bounded on all sides by vacant lands; that it now adjoins a six hundred acre tract of one Francisco P. Sanchez, and has the following courses and dimensions, as appears by the original plat of the survey thereof, herewith filed: The first line begins at a pine marked X, and runs north 25° west, 54 chains and 80 links, to another pine with the same mark; then runs south 65° west, 54 chains and 80 links, to another pine with the same mark; then runs south 25° west, 54 chains and 80 links, to another pine, same mark; then runs south 65° east, 54 chains and 80 links, to the place of beginning. Wherefore, your memorialist claims confirmation of the title of the heirs of the said Thomas Travers to the said land.

JNO. DRYSDALE, *Attorney for Memorialist.*

[Here follows a British grant made by Governor James Grant to James Penman, dated January 4, 1768.]

[Here follows a plan and certificate of survey by F. G. Mulcaster, dated September 2, 1767.]

[Here follows a deed of conveyance from James Penman to Joseph Peavett, dated September 19, 1779.]

## DEPOSITIONS.

EAST FLORIDA, *St. John's County:*

This day personally appeared before me, the subscriber, one of the justices of the peace for the county aforesaid, Nicolas Eslefanopoly, who, being duly sworn, doth depose and say that he has resided in St. Augustine for many years; that he was acquainted with Joseph Peavett before and after the cession of this country by Great Britain to Spain, and knew of the said Joseph Peavett becoming a Spanish subject; that he, this deponent, was employed by Peavett at sundry jobs at said Peavett's plantation, situated about two miles west from St. Augustine, and at a place called Peavett's Swamp; that he knows Peavett remained cultivating the said land up to the time of his death; and that he has not a doubt his widow continued in possession for many years after and planted the same; that he never heard the rights of Peavett's heirs to this land questioned. Deponent knew Maria Evans, the wife of Peavett; after the death of Peavett she married a man by the name of Hudson, who died here some time before the death of Maria Evans.

NICOLAS <sup>his</sup> ESLEFANOPOLY.  
mark.

Sworn to before me this 21st day of July, in the year of our Lord 1824.

BERNARDO SEGUI, *Justice of the Peace.*EAST FLORIDA, *St. John's County:*

This day personally appeared before the subscriber, one of the justices of the peace for the county aforesaid, Gabriel Triay, who, being duly sworn, doth depose and say that he has resided in and about St. Augustine near fifty-five years; that he knew Joseph Peavett as early as 1779, and remained acquainted with him up to the time of his death; that Peavett remained here after the cession of the country by Great Britain to Spain, in 1784, and became a Spanish subject; that he, this deponent, was employed by Peavett, whilst the British had possession of the country, to build houses, &c., upon a plantation belonging to the said Peavett at a place about two miles west from St. Augustine, at a place called Peavett's Swamp; that Peavett retained possession of the said lands up to the time of his death, which took place some time after the Spaniards came into the country; that he never heard the right of Peavett's heirs to this property questioned. The improvements made upon this plantation were burnt by the Indians, and the plantation broken up many years ago. A man by the name of Penman had a plantation about a mile and a half to the northward of the place described by this deponent. Deponent knows that Peavett had negroes upon Penman's place for several years, and cultivated that place at the same time that he planted the plantation in Peavett's Swamp. Deponent does not know how much land Peavett owned in the swamp, but always thought the whole belonged to him. Deponent knew Maria Evans, the wife of Peavett, well; after the death of Peavett she married a man by the name of Hudson, who died here some time before the death of Maria Evans; Peavett had no children, and after his death his wife had possession of all his property to the time of her death. The house built by Peavett was from thirty to thirty-five feet long and sixteen or seventeen broad; he had about twenty-eight negroes, workers, and all necessary houses for them, and had about forty or fifty acres cleared and in cultivation in the swamp, besides a considerable quantity in the pine land.

GABRIEL <sup>his</sup> TRIAY.  
mark.

Sworn to before me July 19, 1824.

BERNARDO SEGUI, *Justice of the Peace.*

## DECREE BY THE BOARD.

The board ascertain the aforesaid to be a valid British grant; that the grantee, after the cession of the country to Spain, continued to occupy and cultivate the same; that he became a Spanish subject, and died without issue; that his wife continued to occupy and cultivate the same until her death; that in her last will and testament she bequeathed the land in question to Thomas Travers, deceased. They therefore confirm to the heirs the title aforesaid. September 17.

[NOTE.—No. 5 was not returned to the General Land Office by the commissioners.]

## No. 6.—REPORT No. 6.—1824.

*William and John Lofton vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John and William Lofton, residents of East Florida and citizens of the United States, respectfully sheweth: That your memorialists claim title to a tract of land consisting of two hundred acres, situated on the north branch of Nassau river, bounded by vacant lands, as per deed from Cornelius Raine to John Lofton, which lands have not been surveyed to their knowledge; which title your memorialists claim as grandchildren to the said John Lofton and as his heirs. The said land was originally granted to one Cornelius Raine, in the year 1768, by the British authorities in this province, by patent, which is by time and accident nearly destroyed; the remnant, with the seal attached, is herewith presented, having the certificate of registry faintly to be seen on the back of said remnant; and the said Cornelius Raine conveyed the same to the said John Lofton in 1769, as appears by his deed herewith presented. The said lands were occupied by your memorialists and ancestor for some years, as they have been informed, but they have no personal knowledge of the fact, their grandfather and father being dead many years; and they being young, and the province having been very much disturbed by the internal commotions, they have never been able to ascertain the particulars relative to their claim, so as to be able to point it out more particularly. All which is respectfully submitted, &c. St. Augustine, August 29, 1823.

JOHN B. STRONG, *Attorney for Claimants.*

[Here follows a British patent, with the great seal attached to it, very much mutilated, together with a deed of conveyance from Cornelius Raine, the original grantee, to John Lofton, also mutilated.]

TERRITORY OF FLORIDA, *County of St. John's:*

Joseph Summerall, being duly sworn, doth depose and say that he was well acquainted with John Lofton, the grandfather of the above claimants, during the residence of the British authorities in this province; that he occupied and cultivated a tract of two hundred acres of land on the north branch of Nassau river, now in the county of Duval; that he occupied said tract for at least twenty years, till 1794, when a disturbance took place in the province, and the Spanish government ordered the settlers in that part to remove to the south and east side of St. John's river, when the said Lofton removed from the said lands into the State of Georgia, and in two or three years after died; that the said Lofton bought the said land of one Cornelius Raine, who had a British grant for the same, which this deponent had seen many years ago, and had heard of long before he saw the same. This deponent further says that at his death he left his son, John Lofton, his heir-at-law; and at the death of the last-mentioned John Lofton he left the claimants, John and William Lofton, his sons, and his only heirs; that, after the disturbance of 1794 had ceased, the said John Lofton, the father, removed on to a tract of land which was granted to himself, and joined the land of John Lofton, the grandfather, and occupied them both for some years, when new disturbances took place, and he removed into the now county of St. John's. Deponent further says that he was well acquainted with John Lofton, the father, who had a tract of three hundred and fifty acres of land adjoining the former tract, which he lived upon and occupied about twelve years; at his death this tract, with the former one, descended to the claimants as his heirs, who have the possession undisputed by any one. Deponent further says that he is also well acquainted with another tract of three hundred and fifty acres of land, which was granted to the said John Lofton, the father, and lies between St. Mary's and Nassau rivers, and not far from the last-mentioned tracts, and was in occupancy of the said John Lofton, the father, all the time he occupied the last-mentioned tract of three hundred and fifty acres, and which said second tract of three hundred and fifty acres also descended to the claimants as the sons and only heirs of the said John Lofton, the father, and which is also in the undisturbed possession of the claimants. This deponent is also well acquainted with another tract of fifty acres of land, which is on Amelia island, at a place called Cabbage Hammock, and was granted by the Spanish government to John Lofton, the father, and on which he made a settlement and cleared about six acres; which said tract at his death also came to the claimants as the sons and heirs of the said John Lofton, the father, and is in their legal and undisturbed possession.

JOSEPH SUMMERALL.

Sworn to before me December 23, 1823.

JOHN B. STRONG, *Judge of the County Court.*

TERRITORY OF FLORIDA, *County of St. John's, sct:*

William Hartley, being duly sworn, doth depose and say that he is well acquainted with the tracts of land in the above affidavit of Joseph Summerall mentioned; and that he was well acquainted with John Lofton, the father of the claimants, and that he had the possession of all of them for at least twelve years before his death; and that after his death they came into possession of John and William Lofton, the present claimants, who have held the same, as his sons and only heirs-at-law, for the last nine or ten years; and further saith not.

WILLIAM HARTLEY.

Sworn to before me, December 23, 1823.

JOHN B. STRONG, *Judge of County Court.*

## DECREE BY THE BOARD.

We ascertain in this case that John Lofton, grandfather of claimants, obtained the land from Cornelius Raine, who had the same granted to him by the British government, (as per mutilated British patent.) Raine in 1769 conveys the tract to Lofton, (as per mutilated deed.) It appeared that Lofton afterwards inhabited and cultivated this tract until driven away by disturbances and commotions that took place in 1794. The commissioners deeming that this grant, together with those claimed by the above-named claimants, were valid under the late Spanish government, the same is hereby confirmed to them so far as the United States are concerned. September 28.

[NOTE.—No. 7 was not returned by the commissioners to the General Land Office.]



## REPORT No. 7.

*Register of claims founded on written evidence of title derived from the British government which, in the opinion of the commissioners, do not appear to have been recognized by the Spanish government.*

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Date of survey.	By whom surveyed.	Where situated.
1	S. Pierce and wife, and other heirs of W. Mills.	William Mills.	May, 1767		300	Governor Grant.	Laws of England.	Nov. 14, 1765	W. G. De Brahm.	St. Mary's river.
2	Same.	Same.	Feb. 11, 1767		250	Grant.	do.	July 28, 1768	do.	Nassau river.
3	Same.	Same.	Mar. 27, 1775		1,000	Town.	do.	Feb. 20, 1775	John Funk, deputy.	65 miles northwest of St. Augustine.
4	Hannah Drayton.	William Drayton.	Oct. 5, 1772		100	Lieut. Governor Moultrie.	do.	May 8, 1771	do.	Matanzas.
5	do.	do.	Oct. 5, 1772		100	do.	do.	Sept. 8, 1773	do.	do.
6	do.	do.	May 23, 1772		200	do.	do.	May 18, 1771	do.	do.
7	do.	do.	May 23, 1772		300	do.	do.	May 22, 1771	do.	do.
8	do.	do.	April 18, 1771		100	Governor Grant.	do.	Dec. 19, 1770	Andrew Way.	Cowpen creek, Nassau.
9	do.	do.	Aug. 9, 1770		500	Grant.	do.	Sept. 1, 1769	do.	do.
10	do.	do.	Aug. 9, 1769		500	do.	do.	Sept. 9, 1769	do.	do.
11	do.	do.	Mar. 1, 1769		250	do.	do.	Feb. 15, 1769	do.	do.
12	do.	do.	Mar. 31, 1769		50	do.	do.	Feb. 14, 1769	John Funk.	8 miles west of St. Augustine.
13	do.	do.	Oct. 13, 1768		100	Solicitor general's fiat.	do.	Feb. 14, 1769	do.	do.
14	do.	do.	Oct. 4, 1768		1,350	do.	do.	Aug. 9, 1767	do.	do.
15	do.	do.		June 23, 1767	100	Grant.	do.	Lost.	John Funk.	5 miles north of St. Augustine.
16	do.	do.	June 3, 1768		500	do.	do.	do.	do.	Island on Lake George.
17	do.	do.	Sept. 19, 1768		1,000	do.	do.	do.	do.	Head of St. Sebastian creek.
18	Nichol Turnbull and others.	Andrew Turnbull.	Feb. 16, 1771		300	do.	do.	do.	do.	St. Mark's pond, north end.
19	do.	do.	Feb. 16, 1771		1,300	do.	do.	Jan. 18, 1767	John Funk.	East shore of Indian river.
20	do.	do.	Apr. 29, 1771		1,000	do.	do.	Jan. 4, 1771	do.	Hillsborough river.
21	do.	do.	June 15, 1767		200	do.	do.	Apr. 29, 1771	James Delaire.	Savage creek.
22	do.	do.	Oct. 13, 1774		10,000	Town.	do.	Jan. 20, 1767	John Funk.	Pablo creek.
23	do.	do.	Jan. 21, 1775		100	do.	do.	— 24, 1774	do.	St. Sebastian's creek.
24	do.	do.	Feb. 11, 1775		50	do.	do.	Jan. 2, 1775	John Funk.	South side south fork, Nassau.
25	do.	do.	Oct. 18, 1774		100	Moultrie.	do.	June 8, 1773	do.	2 miles from Cowpen.
26	do.	do.	Jan. 17, 1767		20,000	Grant.	do.	Jan. 15, 1767	do.	Halifax river.
27	do.	do.	July 18, 1769		1,000	do.	do.	Aug. 29, 1768	do.	East side of Hillsborough.
28	do.	do.	Mar. 27, 1775		3,600	Town.	do.	Mar. 7, 1775	John Davis.	Mosquitos.
29	do.	do.	Feb. 18, 1771		250	Grant.	do.	Feb. 20, 1771	John Funk.	60 miles south of St. Augustine.
30	do.	do.	Feb. 16, 1761		200	do.	do.	Jan. 4, 1771	do.	Sugar island.
31	do.	do.	Feb. 16, 1771		200	do.	do.	Jan. 4, 1771	do.	Tenencia creek.
32	Robert Hervey and others.	Mary Turnbull.	May 5, 1769		5,000	do.	do.	Feb. 27, 1769	do.	Do.
33	John Holland and wife.	Nichol Turnbull.	Feb. 16, 1771		5,000	do.	do.	Apr. 14, 1770	W. G. De Brahm.	West side of Tenencia creek.
34	Nichol Turnbull.	Nichol Turnbull.	May 5, 1769		5,000	Solicitor general.	do.	Feb. 1, 1769	James Delaire.	Lake Dartmouth.
35	E. H. Bay and wife.	Margaret Turnbull.	Feb. 1771		5,000	do.	do.	July 16, 1770	John Funk.	Great fork, Nassau river.
36	James Marshall.	Abraham Marshall.	Oct. 13, 1774		500	Moultrie.	do.	July 16, 1770	James Delaire.	East side of Lake George.
							do.	July 16, 1770	do.	Middle branch, Nassau.
							do.	July 16, 1770	do.	Nassau river.

## REMARKS UPON REPORT NO. 7.

No. 13.—The warrant of survey bears date June 23, 1767.

We have duly examined and considered these claims. It does not appear that they were ever recognized by the Spanish government; and we are therefore of opinion that, at the period of the cession of the province to the United States, the memorialists had not a valid claim against the Spanish government. It is in proof in all the cases herewith reported, with the exception of two, (Pierce and wife for two tracts,) that the present claimants are citizens of the United States; and that neither they nor those under whom they claim have ever received any compensation from the British government. Although the commissioners do not feel themselves called on to express an opinion upon the merits or equity of these claims, they cannot close this report without remarking that many of the ancestors of the present claimants embarked in our revolutionary struggle, and by that act deprived themselves of the right to claim compensation for their lands from the British government.

DAVIS FLOYD.  
GEO. MURRAY.  
W. H. ALLEN.

ST. AUGUSTINE, December 29, 1824.

## REPORT NO. 8.

*Register of claims derived from the Spanish government by written evidence, undefined in quantity, and are ascertained to be valid, and which are recommended to Congress for confirmation.*

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	By whom surveyed.	Date of survey.	Where situated.
1	John H. McIntosh .....	John H. McIntosh .....	.....	May 18, 1803 .....	<i>Aces.</i> Undefined .....	White .....	1790 .....	Complied with .....	George J. F. Clarke .....	Dec. 9, 1817 .....	Marrat's island.
2	Francis P. Sanchez .....	Roque Leonardy .....	.....	Nov. 34, 1782 .....	.....	Quesada .....	1790 .....	None .....	Andres Burgovin .....	April 28, 1819 .....	North river.
3	Gabriel W. Perrell .....	Joseph Hughes .....	.....	Jan. 34, 1818 .....	.....	Coppinger .....	1790 .....	None .....	.....	.....	Small island, Matanza.
4	.....do.....	Thomas Travers .....	Nov. 24, 1782 .....	.....	.....	Quesada .....	1790 .....	None .....	.....	.....	St. Sebastian river.

The board have examined the above cases, and ascertained them to be valid Spanish grants made previous to January 24, 1818, but, as they are undefined in quantity, unanimously recommend them to Congress for confirmation.

DAVIS FLOYD.  
GEO. MURRAY.  
W. H. ALLEN.

ST. AUGUSTINE, December 29, 1824

[NOTE.—No. 1 was not returned to the General Land Office by the commissioners.]

No. 2.—REPORT No. 8.—1824.

*Francis P. Sanchez vs. The United States. For six hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francis P. Sanchez respectfully sheweth: That he claims title in and to a certain tract or parcel of land consisting of six hundred acres, situate and being in East Florida aforesaid; that the said tract of six hundred acres is part of grant of two thousand acres originally made to one Roque Leonardy, now deceased, by three several concessions, one of which was made December 24, 1792, and one April 11, 1793, by Governor Quesada, the governor of East Florida, and the other January 3, 1799, by Governor White, the governor of East Florida; which several concessions were made under and in virtue of a royal order of the King of Spain, bearing date October 29, 1790, all which will fully and at large appear by a reference to a certified copy of the said concession, now here submitted and filed, and marked exhibit A; that the said Roque Leonardy, upon obtaining the said concession, took immediate and actual possession of the lands, and improved and cultivated them, and remained in the actual possession and occupancy of them till his death, which took place about the year 1803; and that his heirs are now in the actual occupancy of that part of the said lands now sold to your memorialist; that the said lands were surveyed very soon after their concession by the surveyor general of the province of East Florida, Pedro Marrott; but his plat having been lost, application was made by the heirs of the said Leonardy for a resurvey of them, which was ordered April 5, 1819, as will appear by a reference to a certified copy of the application and order for the said resurvey, herewith submitted and filed, and marked exhibit B; that the said concession of two thousand acres was located by the said Roque Leonardy in two distinct tracts, one of which consisted of fourteen hundred acres, and the other of six hundred acres, the latter of which is that claimed by your memorialist, as appears by the certified copies of the plat thereof now submitted and filed, and marked exhibits C and B; that the said tract of six hundred acres is situated on the North river, about sixteen miles from the city of St. Augustine, between the road to San Vincent Ferrer and lands of John Andrew, and has the following lines and dimensions, that is to say: the first line begins at a pine marked X, and runs north 77 degrees east, 60 chains, to another pine marked X; the second line runs north 13 degrees west, 100 chains, to another pine marked X; the third line runs south 77 degrees west, 60 chains, to another pine marked with a X; the fourth line runs south 13 degrees east, 100 chains, to the place of beginning. The said land was, at the time of the survey thereof, bounded on the south by lands of the heirs of Thomas Travers, on the north by vacant land, and is bounded on the west by the road to San Vincent Ferrer, as will more distinctly appear by the plat thereof contained in exhibit D. Your memorialist further shows that, May 25, 1821, a grant, in absolute property, of the aforesaid tract of six hundred acres of land was made by Don José Coppinger, then governor of East Florida, to the heirs of the said Roque Leonardy, as will appear by a certified copy thereof, now herewith submitted and filed, and marked exhibit E, and that Bartolome Leonardy, Juan Leonardy, and Maria Ugarti, the heirs of the aforesaid Roque Leonardy, afterwards, that is to say, March 21, 1822, for a valuable consideration paid to them by your memorialist, conveyed to your memorialist, in fee simple absolute, the said tract or parcel of six hundred acres of land, and its appurtenances, as will appear by the original conveyance thereof to your memorialist, now herewith submitted and filed, and marked exhibit F. And your memorialist further avers and shows that the said Roque Leonardy was, at the time the said six hundred acres of land were conceded to him as aforesaid, and at his death, an inhabitant and settler of East Florida, and a subject of the King of Spain; and that his heirs were, at the time of their father's death, also settlers of East Florida, and subjects of the King of Spain, and were settlers of East Florida at the time they conveyed the said land to your memorialist; that your memorialist was, at the time of the cession of this Territory to the United States, an inhabitant and settler of East Florida, and has so continued ever since. Wherefore, he prays confirmation of his title to the said six hundred acres of land and its appurtenances, &c.

FRANCIS P. SANCHEZ,

By his attorney, JNO. DRYSDALE.

[Translation.]

MEMORIAL.

Don Roque Leonardy, an inhabitant of this city, with due respect, states to your excellency that about fifteen miles to the north of this city there is a piece of land belonging to the King, which in former times was planted by a certain Mr. Men, and at present, for want of a person to possess it, it is uncultivated. Wherefore he prays the goodness of your excellency to be pleased to grant him the said land, by which he will receive a singular favor, which he hopes from the well known justice of your excellency.

ROQUE LEONARDY.

St. AUGUSTINE, December 24, 1792.

As he requires, without injury to a third person, let this party be permitted to establish himself where he solicits until the commissioner appointed for the general survey of lands shall assign him those which correspond to his family.

QUESADA.

MEMORIAL.

Don Roque Leonardy, resident of this city, and inhabitant of the province, with all respect states to your excellency that his only business being that of a laborer, by which he has to maintain his large family, and for this same reason your excellency having done him the favor to grant him the plantation



called Mr. Men's, agreeably to the distribution of lands to the other inhabitants, and having resulted to be in possession of another individual, by a former decree and disposition of the superior government. Wherefore he prays your excellency to be pleased to grant him three hundred acres of land, the boundaries of which to be north is where the cutting of wood for the King takes place, without injuring, in any manner, said place for cutting wood, the land being open and worked for a few years, and, in the whole, there is scarcely wood of any consideration; furthermore, those which your excellency should think proper to grant him four miles more to the north of that place, at the Rice plantation, so called, as your memorialist has family and slaves enough for the cultivation of said lands, and the three hundred acres which he has set forth not being sufficient; which is a favor he hopes for from the justice of your excellency.

ROQUE LEONARDY.

SEÑOR GOVERNOR AND COMMANDER-IN-CHIEF.

St. AUGUSTINE, April 11, 1793.

If the lands which this party solicits be not destined for the King's woods, nor previously [granted] to any other inhabitant of the province, the captain, Don Pedro Marrot, commissioned for the general distribution of them, shall assign those which correspond to him in the places which he points out.

QUESADA.

MEMORIAL.

St. AUGUSTINE, January 3, 1799.

Don Roque Leonardy, inhabitant of this city, with due respect, states to your excellency that, when the lands were surveyed, there remained a piece near his plantation, and to the south of it, which bounds that of Donna Teresa Gill. This said piece of public land consists of a scrub very thick and full of palmettos, although there is a small part a little cleared; but, although that which corresponds to him of the uncleared is but small, he receives much injury from the vicinity of it to the house of your memorialist. He humbly prays your excellency to be pleased to give him a piece of land, good and bad, that, by this means, he may lessen the increased damages which he receives in clearing and cultivating it, a favor which he hopes to receive from the equitable charity of your excellency.

ROQUE LEONARDY.

SEÑOR GOVERNOR AND COMMANDER-IN-CHIEF.

St. AUGUSTINE, January 3, 1799.

Let the commandant of engineers report.

St. AUGUSTINE, January 3, 1799.

The lands on which the petitioner has his plantation correspond to those of North creek, and he sees no objection that the lands which he solicits shall be increased in his possession and placed in cultivation, it being not only useful to shun the damages which the thickness of the woods occasion him, but also advantageous to the improvement of the agriculture of the province; which is all he has to inform your excellency of, in compliance with the foregoing decree.

PEDRO DIAZ BERRIO.

SEÑOR GOVERNOR.

DECREE.

St. AUGUSTINE, January 3, 1799.

Let there be granted to this party, without injury to a third person, the lands he solicits, until, agreeably to the persons he may have for its cultivation, the corresponding quantity be assigned him.

WHITE.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

[Translation.]

The legitimate heirs of Don Roque Leonardy and Donna Aguida Coll, now deceased, with due veneration, represent to your excellency, through the medium of Don José M. Ugarté, as husband of Donna Maria Leonardy, one of them, and the only one present, that there are belonging to them by concessions, which the annexed documents prove, as also long possession and constant cultivation for more than twenty-six years, the following lands, to wit: beginning by a line which should run east and west from that of their bounding neighbors on the south, the heirs of Francisco Arnau, on the creek named the King's Landings, distant twelve miles to the north of this place, on the margin of the West river, until it terminates to the north, with the lands and appurtenances of the old plantation named *Merter Man*, as all must run under the same lines, and amongst them the said possession of *Men*, three hundred acres marked out from the said boundary of Arnau, and the land also granted January 3, 1799; also, what is called the Rice plantation, distant sixteen miles on the said North river from this place; also, to the west, which, with their appurtenances, as well one as the other, have been formerly surveyed and laid off, except the scrub under the commission of Captain Don Pedro Marrot, at that time placed in the general plan of surveys of this province, the place of deposit of which is unknown and is wanting, to the injury of the memorialists. Wherefore they pray your excellency to have the goodness to permit that the private surveyor, Don Andrew Burgevin, may pass to said lands to make new surveys of them, under the regulations established in such cases; and that being effected, the corresponding documents be delivered to them to proceed to prove the other circumstances which consolidate the right of property which they ought to enjoy from having complied with the conditions imposed by the regulations of this government on this matter, they being ready to pay in full the expenses due. St. Augustine, Florida, April 3, 1819.

JOSÉ MARIA UGARTÉ.

DECREE.

St. Augustine; April 5, 1819.—Let it be granted as asked for, agreeably to the forms of law, and with notice to the bounding neighbors.

COPPINGER.

St. Augustine, on the same day, month, and year, the foregoing decree was made known to Don José Maria Ugarté; which I attest.

ENTRALGO.

On the same day, Don Andres Burgevin was notified of the appointment made of him as surveyor, and on being informed of it, said that he accepted of it, and promised, under oath in due form, well and faithfully to discharge the duties intrusted to him according to the best of his knowledge and understanding, and signed it; which I certify.

ANDRES BURGEVIN.

Before me—

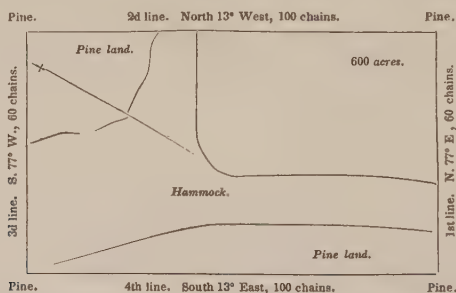
JUAN DE ENTRALGO, *dc.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

[Translation.]

Don Andres Burgevin, a surveyor appointed by government by decree made on the 5th instant, in favor of the interested: I certify that I have measured and laid off for the heirs of Don Roque Leonardy and Da. Aguida Coll, a piece of land which contains six hundred acres, situated on the western bank of the North river, twelve miles from this city, beginning on the southern boundary with the north line of the heirs of Dn. Francis Arnau, ending to the north with the first salt creek to the east of said river, and to the west with vacant pine land, and being in its other circumstances conformable to the following plat; to confirm which I give these presents, which I sign in St. Augustine, April 23, 1819.

ANDRES BURGEVIN.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

[Here follows a deed of conveyance from the heirs of Roque Leonardy to claimant, dated March 21, 1822.]

#### DECREE BY THE BOARD.

The claimant, in support of his title, exhibited in evidence three concessions of different dates made to Roque Leonardy, deceased; the last of which, by Governor White, is dated January 3, 1799, the quantity of land conceded not specified nor defined in the several concessions. The board not being authorized to decide finally on claims where the amount claimed is undefined, they order that all the documents filed in this case be forwarded to Congress for their determination. April 14.

No. 3.—REPORT No. 8.—1824.

*Gabriel W. Perpall vs. The United States. For fifteen acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of G. W. Perpall respectfully sheweth: That your memorialist claims title to a tract of land consisting of fifteen acres or more, situated at the Little Matanzas bar, known by the name of Barrataria island, bounded ————; which title your memorialist derives from a concession made to Joseph Hughes by Governor Coppinger, who sold the same to your memorialist by deed of conveyance, bearing date January 27, 1818. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[Here follows a concession made by Governor Coppinger to Joseph Hughes of the fifteen acres (translated,) and dated January 24, 1818.]

[Here follows the translation of the conveyance from Hughes to claimant of the land, dated January, 27, 1818.]

#### DECREE BY THE BOARD.

In this case the claimant establishes his title by exhibiting a concession of the fifteen acres made by Governor Coppinger to Joseph Hughes, dated January 24, 1818, and conveyance thereof by deed to claimant. In consideration whereof, we confirm the same to him and his heirs. September 3.

## No. 4.—REPORT No. 8.—1824.

*Gabriel W. Perpall vs. The United States. For six hundred and forty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of G. W. Perpall sheweth: That your memorialist claims title to a tract of land consisting of a mile square, (six hundred and forty acres,) situated on the river St. Sebastian, about one mile in a southwest direction from this city, bounded on the east by the rivers Matanzas and St. Sebastian, on the south by a little creek called Julia, on the north by another creek called Gonzalez, and on the west by a pine barren; which title your memorialist derives from a judicial sale by Governor Quesada to Thomas Travers, and by him sold to George Taylor; also, by his attorney, F. M. Arredondo, sold to your memorialist. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and a resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[Translation.]

## JUDICIAL SALE.

Don Juan Nepomuceno de Quesada, colonel of the royal armies, governor and commander-in-chief of this city and province of St. Augustine, Florida, for his Majesty, says that an official letter was transmitted to me from the accountant's office of the royal domain of this said city, dated the 9th of October, of the year last past, 1790, showing me that by the decease of Don Jesse Fish, of the English nation, under which Protestant religion he died, there remained a piece of cultivated land called the Grove, and that a son of the said deceased had retired to the dominions of his Britannic Majesty, and that the laws of these kingdoms forbid that foreigners should hold real property unless they are established in our dominions, soliciting said minister that thus the said landed property, as well as whatever others are found in this province and belong to said Fish, their rents and arrears, should belong to his Majesty; requesting me, at the same time, to take the necessary measures for the investigation of this business. In virtue of which, by a judicial decree of the same month and year, I ordered that, being included in one of the resolutions which the said official letter from the accountant's office points out in law 34, book 2, and chapter 32, of the recopiladas (abridgment) of these kingdoms, to give completion to the said estate, testimony is to be taken by the notary of the testamentary disposition of Fish, or any other under which he may have died, informing his executors or other persons, certifying also, and warning the tenants previously to anything else, that they have to account to the royal administration for the rents; that it ought to be made known that, unless lawful creditors appear, the King, our sovereign, is to enter subsidiarily into possession of the whole. In attention to which, the said notary having a copy of the will annexed, certified that the property of which he had notice, what the said Fish left besides what the said will contained, consisted of copies of deeds, which he produced. In which stage the executors, Don Thomas Travers and Don John Leslie, presented themselves, setting forth the just reasons which hindered them from soliciting a writing of inventory, and referring to the property in the said notice which the notary presented, they asked for a postscript "that many of the goods were of those that were perishable, (servando servari non posseunt,) and others, as the houses, which were every day losing their value for the want of repairs, so that their total ruin was to be dreaded in a little time to the injury of the creditors of his Majesty," I did order, having previously, according to law, received information of the ability of it, that all should be valued and sold regularly, that the proceeds might be placed or deposited in the royal coffers until the issue; and by a decree of the 6th of November of said year, 1790, I ordered that the master carpenter and masons should proceed to a valuation of the houses which were pointed out, also explaining by a sworn return what they think as to the necessity for selling them, and that along with what the accountant's office had to say, whose duty it is to interfere in said business, there shall be a decree. In attention to which, the valuation and survey of the houses and lots was proceeded to; the said masters swearing in due form that, in the state in which they found this property, it was threatened with entire ruin; that the sale of which would be favorable, since, if not, they would be exposed to the loss of their value; which being seen by the accountant's office of the royal domain, it was their opinion that the said sale should be proceeded to; and by a decree of the 15th of December of the said year, I ordered that the sale should be proceeded to, for which purpose handbills were posted up in the public places for the lawful time, and the day of the sale being made known, it was carried into effect at the gates of this government house in legal form, and various bids, offers, and outbids being made for said goods, the hour appointed for its conclusion having arrived, the said auction was concluded, of the houses and lots referred to, by various individuals. In consequence of which, by a decree of January 3, 1791, I ordered that what is contained in the proceedings at auction being prepared, let each person deposit, respectively, the sums which correspond to him; and in its virtue they shall prove the production of the said sums, as appears from the letters of payment which they produced, made by the royal treasury of this place, with the intervention of the accountant's office of the royal domain, and my approval thereof. By my decree of the 17th of February of the said year, 1791, I commanded that there should be delivered to each purchaser a competent deed of property, and concluded with the corresponding note in the proceeding that may be brought; said deeds being executed as well for the houses and lots referred to, as also the negroes belonging to the said estate, which were also auctioned with due solemnity to several individuals, depositing also its proceeds in the royal coffers, I commanded, by a decree of the 2d of April of the said year, there shall be given to each interested the copy which he requires, he paying the proper cost, and at the same time the cost of the judicial decrees, and its amount be paid out of the proceeds of the auctions deposited in the royal coffers; and when done, let it be brought forward that what is necessary may be decreed. In this stage, and various creditors of the said deceased having come forward claiming their credits, and as the tribunal has been informed that there are several others having presented what Don Thomas Travers and Don Juan Leslie in their representation in the eighth folio of the said proceedings, and having in every respect to act according to law, I have commanded that the proceeds of the whole sale being presented as it was in the royal coffers until another thing is determined in testimony of the accounts of the debts which are pointed out in said folio eight, and in every case that Don Manuel Hernandez Bendicho be presented, who



was named as defender of said estate; that, having previously accepted and taken the oath, he shall explain what is necessary of the state and nature of the cause, calling together the present creditors by handbills, and, as respects the absent in the city of Havana and the Island of Cuba, a despatch shall be forwarded to the captain general, to the end that he may order edicts to be posted up, that, by themselves or their attorneys, they appear within the term of six months to allege their debts; and, in the meanwhile, everything shall remain suspended with the exception of whatever the said defender may move to be renounced; the charge for which purpose he presented a representation, setting forth in it that he did not consider himself to possess the necessary information for this delicate affair; that he found it necessary to give his attention to various business now pending of the rents of the post office, which he administered, on views of which I have admitted the said remuneration, and, in consequence, name in his place Don Fernando de la Maza Arredondo, to whom, having previously notified said appointment and taken his oath, the above-mentioned judicial decree shall be handed over; all being concluded, and the new defender having accepted of and sworn to his charge, he came forward representing and saying, in his petition of the 2d of July of the said year 1791, that, having examined attentively the steps taken in the said decree, and, in as far as they have proceeded, all appears to have been very regular, and thus he agreed to the whole; but, as many individuals who have to appear at said meeting may delay some time in coming or presenting their powers, he judged that, until they appeared, it would be proper not to cause them any delay afterwards, and to present every contingency of damage of the property which remains, that it be valued in due form and auctioned as the former, passing the proceeds to the deposit before provided; setting forth at the same time, in addition, that, inasmuch as the place named the Grove belonged to the deceased, although it does not appear in the deeds of title with which he enjoyed it, it being certain that he had an immemorial possession, I should be favored by having it ordered that the trees and buildings should be valued, and that they should go to auction with the rest, determining on what may be most correct as to the land. To all which I have acceded by my decree of the said month and year, commanding that all should be done as required and in proper form, which proceeding has been delayed some time by the great business of the notary, and sometimes by sickness, which prevailed at that time; the said defender represented again, stating that, from the well known injury sustained by the property of the deceased Fish from want of a master who would take care of it as his own, he prayed that I would order that, without loss of time, the valuation should be made and the sale provided for, explaining by an addition, for the better understanding, that, inasmuch as by the deeds of property of the possession of the said Don José Fish he was instructed that, of those without the walls, Don Juan Eliger de la Puente had not sold them under any survey, only marking the limits with creek, salt marshes, roads, and other marks which are yet in being, in virtue of which he asked that two measurers or surveyors should be hired, and it would be sufficient to name only two skilful persons who, informed of the places more or less advantageous, and instructed of what lands produce in this country, should value said possession, accompanied by the individual or individuals who may find it convenient to choose that in place of a notary, supposing there was not one, said valuation should be presented, it being well understood that the lots which were within the city were to be measured and valued without fail in the regular form, for which he asked for the judicial and final decrees. By my decree of 16th of January of the present year, I commanded, among other things, that, it resulting that the valuation and sale referred to had not had effect, it should be proceeded to in presence of the said defender of Don Vicente Meria and Don Fran. Revira, for want of a notary, and Don Manuel Solana and Don Roque Leonardy, who were named as skilful men; that the boundaries being regulated according to what is certain from the deeds of sale of the lands, they may proceed to its valuation, having first performed the customary forms, and may successively make the sale of the whole at public outcry, in favor of the best bidder, for which purpose the corresponding commission shall be expedited within an insertion of the lands which ought to be valued with the boundaries assigned; that orders may be complied with, which being done, it be added to the judicial decrees on the business to confirm them; and, as respects what relates to the lots, it may be done as the said defender proposes. In consequence of which the said commission was delivered and the said valuation made as was ordered. I commanded him to show it to the office of royal accountant general, to say if there was anything to be said relative to the royal interests, and in order that, in the accustomed manner, the survey and valuation of the lots should be proceeded to with its knowledge; which, notwithstanding, resulted without this circumstance, and, in consequence, to the sale of all, naming, as master carpenter, John Purcell, and mason, Joaquin Sanchez, who, in compliance with orders, and by virtue of the concurrence of the said royal accountant general's office, communicated in the opinion of 11th of February, they proceeded to the sale at auction, which was done in form of law, and various bids, offers, and outbids having been offered, the hour appointed for its conclusion having taken place, there remained auctioned in favor of Don Thomas Travers the savannas of St. Sebastian, which are situated at the distance from this city, to the southwest, of more than a quarter of a league, on the west side of the river of this name of St. Sebastian, and the said savannas, from a creek which leaves said river and turns to the west, which is called Gonzalez Mendez's run; to the south, more than a quarter of a league, on the bank of the salt marshes, this way, which runs towards the bar of the Matanzas, until it bounds with other salt marshes, which divide the savanna of *Brioso*, which is the last of St. Sebastian, with another, which is called De Julia; the breadth of said savannas is from east to west more than a quarter of a league; the boundaries of which are on the north of the said creek of Gonzalo Mendez, on the west by a pine barren and a gravelly place, from which proceeds a branch which runs to the south; on the south the said salt marsh of Julia, and on the east said river of St. Sebastian and its salt marshes, and that which communicates, as is already set forth, with the bar of Matanzas; which sale was verified in favor of said Don Thomas Travers for the sum of fifty dollars, there being no person who would give more, and I have approved it in favor of the aforesaid; and, by my decree of 22d of March, I have ordered that it should be notified to those contained in the proceedings of sale, that within three days they should each produce into the accountant general's office the sum which respectively corresponds to them, that it might be deposited in the royal coffers, placing a note to that effect on the judicial decrees, and, that being done, I would give a provisional judgment; after which, and having continued in various other proceedings relating to the said property, some of it being already sold, that they have not had a bidder for the former, and having already decreed provisionally on various removals of some creditors to the said property, Don Felipe de Aguirre, one of the purchasers, presented himself, praying me to order what may be convenient, in order that a deed or document of property should be delivered him which would accredit what had been performed relative to the land referred to, called the five miles, and as he had satisfied the amount and presented the receipt for payment, which prove it to the notary. In attention to which, by my decree of 28th of July, that it being certain that the said amount was satisfied, the corresponding deed should be formed

which was solicited, and the same to other persons in a similar case. In virtue of which, and there being no person to represent the rights of the said Fish, with the exception of the said defender, given officially, with whose concurrence said sale was carried into effect, and that the said Thomas Travers may have a legitimate title to the said property or land sold to him at auction, and my orders the due effect, I declare by these presents, in the name of his Majesty, (whom God preserve,) and of his royal justice, which I administer, that I sell and give in absolute sale, forever, to the said Don Thomas Travers, for himself and his heirs, the said lands of the savannas of Sebastian, free of all tribute or mortgage, at the price of the said fifty dollars, which he gave in silver, paid and deposited in the royal treasury of this city, for which there was given a receipt of payment, and, it being necessary, let it be given anew, with the renunciation of the laws which may be necessary; and from hence, and for the future, I take from him, the said Don Jesse Fish, the power, and separate him from the right which he, his heirs, or other persons, may have to the possession, property, seignior, title, power, appeal, and any other right which appertained or belonged to said savannas, since I cede, renounce, and transfer it all to the said purchaser and his representatives, that, as their own, they may possess, sell, and alienate the said savannas at their will, in virtue of this deed, which I deliver in their favor, by which they can take and acquire the possession when it best suits them; and, for its better validity and firmness, I interpose my authority and judicial decree, as I can and of right ought, to contribute thereby to the good administration of justice; and I deliver these presents in this city of St. Augustine, Florida, November 22, 1792. There being witnesses, Don Manuel Rengil, Don Tomas Aguilar, and Silvestre Miranda, inhabitants present, and his excellency signed it, and whom I, the undersigned notary, know and hold as such governor and commander-in-chief of this said city and its province, he, as such, exercising the administration of the royal justice in it; all of which I attest.

QUESADA.

Before me—

JOSÉ DE ZUBIZARETTA, *Government Notary.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

I, William Reynolds, keeper of the public archives, do hereby certify that on August 29, 1803, Thomas Travers sold and conveyed to George Taylor a tract of land situated on St. Sebastian river, containing an undefined number of acres, being the same which he bought at government sale March 21, 1792; all which appears on record in my office.

In testimony whereof, I hereunto set my hand and seal of office, at the city of St. Augustine this 7th [L. s.] day of September, 1824.

WILL. REYNOLDS, *Keeper of the Public Archives.*

[Translation.]

GENERAL POWER.

Be it known that I, George Taylor, a new settler of this province, received under the protection of his Catholic Majesty, declare that I give all my full, ample, and sufficient power as may be required in law, and necessary, to Don Fernando de la Maza Arredondo, of this place, that, in my name, and representing my proper person, rights, and actions generally, he may have, demand, receive, and recover, judicially or extra-judicially, of all and every person, of whatever state, quality, and conditions they may be, all the sums of money, gold, silver, jewels, slaves, merchandise, goods, property, and effects, of whatever kind or quantity they may be, which may be owing to me, and may be due to me henceforward, in virtue of public or simple instruments; and without them all the debts, persons, cause or reason of proceeding, quality, quantity, time, form, or other circumstances necessary in law, are not declared, because, under the generality of this clause I have comprised whatever particularity may arise, and that he may demand and take accounts of my debts, and give them to the persons who may owe me, and make charges and allow their acquittances, with the approval or contradiction of the items, until the conclusion or liquidation of the balances which he may receive and recover agreeably to the same; and in case of doubts or differences arising which cannot be conveniently adjusted, he may refer them to judges in arbitration, friendly referees, and umpires, that, arbitrating, adjusting, and compounding, they may decide and determine them, obliging myself to stand and abide by their decision; that he may be able to administer, and administer all and every my goods, real and personal, movable and immovable, sell some and buy others, rent and mortgage them for the prices and terms which he may adjust, and agree to delivering the deeds, receipts, and letters of payment necessary, which I approve and ratify, as if I, myself, were present at the delivery; and that he may defend me in all my lawsuits, causes, and business, civil and criminal, ordinariness and executive, moved and to be moved, with all persons whatsoever, demanding and defending, presenting petitions, deeds, witnesses, testimonials, certificates, proofs, bonds, accounts, balances, and other instruments, see presented, sworn to, and consented to those on the contrary side, make objections, and find defects, guarantee depositions and persons, hear judicial decrees and sentences, interlocutory and definitive, consent to what is favorable, and appeal from what is adverse, and petition when he can and ought lawfully to do so, follow the course of law, or desist from it, refuse judges, lawyers, notaries, and other law officers, proving the causes of his refusals, or withdrawing himself from them, as may best suit; and finally, proceed, act, and do whatever may be in my favor, so that, for want of my power, clause, requisites, or precise circumstance, he may fail to act, since in every respect I give him full power, without limitation, with free, open, and general administration, incidences and dependencies, power to prepare causes for judgment, to swear, omit, and substitute, revoke substitutes, and name others with substitution in form; and for the fulfilment of what he shall perform, I bind myself, with my property, present and future power, and submission to the tribunals of his Majesty, that they may compel me to its performance, as by sentence consented to, and passed in authority of an adjudged case, on which I renounce all laws, customs, rights, and privileges in my favor, and the general in form which prohibits it. In testimony of which, this is dated in this city of St. Augustine, Florida, February 15, 1804.

I, the notary, attest that I know the grantor who signed this, being witnesses Don Francisco Rovera, Don Juan de Entralgo, and Don Bernardo José Segui, inhabitants present.

GEORGE TAYLOR.

Before me—

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

CONVEYANCE.

Be it known that I, Don Fernando de la Maza Arredondo, merchant of this city, general attorney of Don George Taylor, who is absent, and which power he has conferred on me before the present notary, on February 15, 1804, which power has not been revoked, and is sufficient for what shall be said, I declare that I really sell to Don Gabriel W. Perpall, also of this place, certain savannas belonging to my principal, known by the name of St. Sebastian, and which are situated to the southwest of the city, at the distance of a quarter of a league, on the west side of the river of Sebastian, which, from a creek which it forms and turns to the west, called Gonzalo Mendez, runs to the south more than a quarter of a league on the bank of salt marshes, on this course, to the bar of Matanzas, which divide the savanna of Briaso, which is the last of St. Sebastian, with another called Juta, having in breadth, east and west, a little more than a quarter of a league, whose boundaries are on the north of the said creek of Gonzalo Mendez, on the west the pine barren, and a gravel bank, from which arises a creek turning to the south, and on this side the said salt marsh of Juta, and on the east the said river St. Sebastian and its salt marshes, and of that which communicates, as said before, with the bar of Matanzas; which said savanna my principal had and bought from Don Thomas Travers, deceased, by deed, which he made in these archives August 29, 1803; and I make him the said sale, with all its entrances, outlets, uses, customs, rights, and services which belong and appertain to the said savannas, and free of all encumbrance, as I, the said notary, certify from the results of the book of mortgages in my charge, which I have searched for the purpose, at the price of six hundred and fifty dollars, which the purchaser has paid me in cash, which sum I acknowledge as delivered to my will, on which I renounce proof, laws of delivery, acceptance to money not counted, fraud, and everything else in the case, for which I deliver a receipt in form; in virtue of which, I separate my said principal from the right of property, possession, use, seignior, and other rights, real and personal, which he had or held to the said savannas of St. Sebastian; that I cede, renounce, and transfer them to the purchaser and his representation, that, as his own, he may possess, sell, and alienate them at his will; in virtue of this writing which I deliver in his favor as a token of real delivery, by which it is seen that he has acquired the possession without occasion for further proof, from which I release him, and I oblige myself to the eviction and guarantee of this sale in due form, and as may best suit, in favor of the purchaser, with my property, present and future power, and submission to the tribunal of his Majesty, that they may force me to compliance, as by sentence consented to, and passed in authority of a thing adjudged, on which I renounce all laws, customs, rights, and privileges in my favor, and everything in form which prohibits it. And I, the said Don Gabriel W. Perpall, being present, accept in my favor this writing, and by it receive, as purchased, the said savannas of St. Sebastian, at the price and agreement at which they were sold to me, and I acknowledge them as delivered to my will; I renounce proof, laws of delivery, those of a thing not seen nor received, fraud, and everything else in the case, for which I deliver a receipt in form. In testimony of which, this is dated in the city of St. Augustine, Florida, March 18, 1809.

I, the notary, attest that I know the parties who signed this, being witnessed by Don Juan de Entralgo, Don Bernardino Sanchez, and Don Bernardo José Seguí, inhabitants present.

FERNANDO DE LA MAZA ARREDONDO.  
GABRIEL W. PERPALL.

Before me—

JOSÉ DE ZUBIZARETTA, *Government Notary.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

#### DECREE BY THE BOARD.

The claimant in this case exhibited a judicial or government sale of the land by Governor Quesada to Thomas Travers, which sale we ascertain was made in conformity to the laws and usages of the late Spanish government, and dated November 22, 1792. An abstract from the office of the public archives was also exhibited, by which it appears that Travers sold and conveyed the land to George Taylor; Taylor, by his attorney, Fernando de la Maza Arredondo, sold and conveyed the same to the claimant.

The board having ascertained, from the exhibits offered, that the quantity of land claimed is undefined, they order that this case be reported to Congress for their determination. April 14.

#### REPORT No. 9.

*Register of claims to town lots and out lots, founded on actual cultivation and improvement previous to February 22, 1819, for which certificates of confirmation have been granted by the undersigned commissioners.*

Number.	Name of present claimant.	Name of original claimant.	Date of patent or royal title.	Date of concession or order of survey.	Quantity of land.		By whom conceded.	Authority or royal order under which concession was granted.	Date of survey.	By whom surveyed.	Where situated.	Occupation or cultivation.	
					No. of lot.	Acres.						From—	To—
1	Antelin Gay...	John Moore....	Aug. 5, 1819	Nov. 14, 1814	1	½	Coppinger.	1790	1814	G. J. F. Clarke.	Fernandina..	1814	1894

The above case has been duly examined by the board, and ascertained to be a valid concession, without condition, previous to January 24, 1818, but the royal title after that date; the board therefore confirm it to the claimant.

ST. AUGUSTINE, December 29, 1824.

DAVIS FLOYD.  
GEO. MURRAY.  
W. H. ALLEN.



## REPORT No. 10.

*Register of claims to land not exceeding 640 acres, founded on actual inhabitation and cultivation previous to February 22, 1819, for which certificates of confirmation have been granted by the undersigned commissioners.*

Number.	Names of present claimants.	Names of original claimants.	Quantity of land in acres.	Authority or royal title under which concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.	Occupation or cultivation.	
									From—	To—
1	Anto. Canovas, jr..	Anto. Canovas, jr.	640	Oct., 1824	Complied with.	Aug. 31, 1824	Ede Van Evour.	4 miles s'w St. Augustine	1818	1821
2	James James ....	James James ....	640	....do ....	....do ....	.....	.....	South side Julington c'k.	1819	1824
3	Jas. Riz and others.	William Riz....	640	....do ....	....do ....	.....	.....	Picolata, St. John's.	1821	1824

No. 2. Reported to Congress with the evidence.

No. 3. Reported to Congress with the evidence.

It is in proof that the claimants in this report occupied and cultivated the lands claimed previous to February 27, 1819, and that they continued to occupy and cultivate them up to the time of the session; and they are therefore confirmed to the claimants.

DAVIS FLOYD.  
GEO. MURRAY.  
W. H. ALLEN.

St. AUGUSTINE, December 23, 1824.

*Minutes of the proceedings of the commissioners appointed to ascertain claims and titles to land in East Florida for the year 1824.*

DISTRICT OF EAST FLORIDA, BOARD OF LAND COMMISSIONERS,  
St. Augustine, Monday, March 29, 1824.

Pursuant to an act of Congress entitled "An act to extend the time limited for the settlement of private land claims in the Territory of Florida," passed February 19, 1824, and agreeable to public notice, published in the East Florida Herald of March 27, 1824, the board met this day. Present: the Hons. Davis Floyd and W. W. Blair, and proceeded to open their session for the performance of the duties assigned to their office; whereupon the following resolutions were adopted by the board:

*Resolved*, That, in consequence of the government having failed to supply us with the means of paying for the services of assistant clerks or secretaries, the employment of Mr. J. H. Lawrence as minuting secretary is no longer proper.

*Resolved*, That the services of Mr. John Lowe as messenger be discontinued, and that office abolished; and that the said Lowe be directed to furnish his account for services since his appointment.

*Resolved*, That it be no longer the duty of the secretary of this board to fill up blank memorials for claimants.

*Resolved*, That hereafter the secretary shall not be permitted to copy or translate any paper for any person, unless authorized by an order of the board, and this order shall be taken to extend to the members of this commission individually.

Edgar Macon, esq., United States attorney for the district of East Florida, was present this day at the sitting of the board under their order.

*Resolved*, That the secretary of this board be instructed to report at our next meeting the amount of money received for recording memorials and evidence of titles since the office was present.

William Ovington, executor of James Alexander, deceased, presented his memorial to this board, praying confirmation of title to seven acres of land in the precincts of the city of St. Augustine, with copy of a certificate of survey made by Andres Burgevin, and dated November 2, 1819; also, a copy of conveyance from Bartolome de Castro y Ferrer to James Alexander, dated November 26, 1819, which was rejected.

Constance McFee, by her attorney, G. W. Perpall, presented her memorial to this board, praying confirmation of title to four hundred and forty-six acres of land on St. John's river, on Julington and Cunningham creeks, with a certified copy of royal title made in favor of Andres Clark by Governor Quesada December 10, 1791; also, a decree of the government relative to property of the said Andres Clark, dated December 12, 1804; also, a copy of a plat of survey; which are ordered to be filed.

The following British claims were this day presented to the board, viz:

The Earl of Grosvenor, for twelve thousand acres of land situated on the west side of St. John's river.

Sir. W. H. Cooper, for twenty thousand acres of land on east side of Indian river.

The Earl of Bisborough, for twenty thousand acres of land on the east side of St. John's river.

The honorable John Beresford, twenty thousand acres on the east side of St. John's river.

The honorable William Beresford, twenty thousand acres on the east side of St. John's river.

Lord Templeton, twenty thousand acres of land on a branch of North Hillsborough river.

Lord John Rolle, twenty thousand acres of land on the east side of St. John's river.

Marquis of Hastings, twenty thousand acres on the western side of St. John's river.

Marquis of Waterford, twenty thousand acres on the east side of St. John's river.

The Earl of Cassalis, twenty thousand acres on the east side of Lake George.

Heirs of P. Tonyn, for twenty thousand acres, and one hundred and twenty-five acres; the first on the west side of St. John's river, and the last on Woodcutter's creek.

Heirs of Jane Tonyn, for one thousand acres on the Twelve-mile swamp.

Jane Hughes, for two thousand acres on Nassau.

James Patterson, for two hundred and fifty acres head of Rainsford Saw-mill creek.

Heirs of David Yeats, one hundred acres head of Sebastian creek, one hundred and fifty acres five miles north of St. Augustine, one thousand acres at the head of Tolamato river, six hundred and forty acres at Diego fort, five hundred acres at the forks of Rain's Cowpen creek, two hundred acres at Rain's Cowpen creek, three hundred and thirty-six acres at the Twelve-mile swamp, six hundred and twenty-five acres on a branch of Nassau river, one town lot No. 2 on Granville's quarter, one town lot No. 3 on Granville's quarter.

Whereupon, it is ordered that these claims be rejected, the applicants having failed to show that they are *bona fide* citizens of the United States, and that they have never been compensated for those claims by the British government, from whom they derive title.

The board then adjourned until to-morrow, 3 o'clock p. m.

THURSDAY, *April 1, 1824.*

The board met this afternoon at 3 o'clock. Present: the Hons. Davis Floyd and William W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Agreeably to a resolution passed by the board on the 29th ultimo, the secretary thereof presented an abstract of moneys received for recording claims, amounting to *twelve dollars and sixty-four cents*; which was ordered to be filed.

Bartolome Mestre presented to this board his memorial for six hundred acres of land lying on the west side of Matanza river, at a place called Holmes' old plantation, with a certified copy of concession to Joseph Yus and Antonio Mestre by Governor Quesada, dated August 8, 1794, and marked B; also, a plat and certificate of survey made by George J. F. Clarke in favor of the memorialist, dated January 12, 1820, and marked A; all of which were ordered to be filed.

Samuel Wilson presented his memorial to this board for one hundred and fifty acres of land lying at Trout creek, on the north bank of the river St. John, with a deposition of William Lane, dated January 7, 1824, and marked W; which were ordered to be filed.

William Lane presented his memorial to this board for four hundred acres of land, situated on St. Mary's river, at a place called Cabbage swamp, on Goodwin plantation, with a deposition of Samuel Wilson, dated January 7, 1824, and marked L; which are ordered to be filed.

William Lane presented his memorial to this board for one hundred acres of land, situated on Little St. Mary's river, at a place formerly occupied by Mrs. Nily, with reference to the public archives; which is ordered to be filed.

William Lane presented his memorial to this board for three hundred acres, situated about three miles north of the Cowford, St. John's river, at a place called Hagins, with reference to the public archives; which is ordered to be filed.

William Lane presented his memorial to this board for three hundred acres of land, situated on Six-mile creek, at a place called Hickory Grove, with reference to the public archives; which is ordered to be filed.

Andrew R. Govan presented his memorial to this board for six hundred acres of land, situated on St. John's river, near a place called Buena Vista, and known by the name of Orange Grove, with a certified copy of royal title made in favor of Thomas de Aguilar by Governor Coppinger, dated June 4, 1817, and marked S; also, a plat and certificate of survey to said Aguilar by George J. F. Clarke, dated April 15, 1818, and marked A; also, a conveyance from Francis P. Sanchez to memorialist, dated August 13, 1821.

James Falany presented his memorial to this board for two hundred and eighty-five acres of land, situated on Matanza river, southward of St. Augustine, with a certified copy of concession for one hundred acres to Pedro Chavet by Governor White, dated September 3, 1805, and conveyance from the same to memorialist, marked J; also, concession for one hundred and eighty-five acres, made in favor of memorialist by Governor Estrada, November 17, 1815, and marked B; also, a plat and certificate of survey made by Andrew Burgevin, dated October 6, 1821, and marked F; with a memorial and order of survey, dated April 10, 1821, and marked K; which are ordered to be filed.

Reuben Lasseter presented his memorial to this board for two hundred and fifty acres of land, situated on Great Dunn's creek, St. Mary's river, with a plat and certificate of survey made by George J. F. Clarke, and dated October 13, 1818, and marked B; which are ordered to be filed.

Reuben Lasseter presented his memorial to this board for fifty acres of land on Great Dunn's creek, St. Mary's river, with a plat and certificate of survey made by George J. F. Clarke, dated October 14, 1818, and marked A; which are ordered to be filed.

Magdalena Medicis, widow of Lorenzo Solana, deceased, presented her memorial to this board for one thousand acres of land, situated on the south side of Six-mile creek, St. John's river, at a place known by the name of Mrs. Juster's Plantation, with a certified copy of royal title made in favor of Solana by Governor Coppinger, dated May 27, 1819, and marked C; also, a plat and certificate of survey made by Andres Burgevin, dated July 1, 1821, and marked A; also, a memorial, dated June 8, 1821, and order of survey, dated June 14, 1821, marked B; which are ordered to be filed.

J. Freeman Rattenbury presented his memorial to this board for two thousand six hundred acres of land, situated in the following manner, viz: one-sixth part thereof situated on the southern extremity of Jupiter island; one-sixth part on the point situated to the north thereof on Indian river, and the four remaining parts in the wood or swamp in the southeast part of Lake George, without exhibits; which was, after due consideration, rejected by the board.

J. Freeman Rattenbury *et al.* presented their memorial to this board for fifty thousand acres of land in East Florida, without exhibits, which was rejected by the board.

The board then adjourned until to-morrow afternoon at 3 o'clock.

FRIDAY AFTERNOON, *April 2, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and Wm. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

No business appearing, the board adjourned until to-morrow at 3 o'clock p. m.

SATURDAY AFTERNOON, *April 3, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and Wm. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board under their order.

No business appearing, the board adjourned until Saturday, the 10th instant, at 3 o'clock p. m.

MONDAY, *April 12, 1824.*

Agreeably to public notice, published in the East Florida Herald of the 10th instant, the board met this day. Present: the Hons. Davis Floyd and Wm. W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Philip Dewees and Mary Dewees, his wife, presented their memorial to this board, praying confirmation of title to one hundred acres of land, situated on Guana river, with a royal title made in favor of the children and heirs of Francis X. Sanchez, deceased, by Governor White, dated February 6, 1812, and marked A; which are ordered to be filed.

The board then adjourned until to-morrow at 2 o'clock p. m.

TUESDAY, *April 13, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William W. Blair.

Edgar Macon, esq., United States attorney, attended the board this day under their order.

The following claims, viz: Robert Miller *et ux.*, for sixty acres; Tucker's administratrix, for two hundred and thirty acres; John Underwood, for six hundred acres, were called; whereupon they respectively came, by their attorney, and said they were not prepared for trial. It is therefore considered by the board, and they ordered that the said cases stand for trial next after the case upon the docket, No. 77.

The board then adjourned until to-morrow at 2 o'clock p. m.

WEDNESDAY, *April 14, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and Wm. W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

John Richards' heirs *vs.* The United States, for two hundred and thirty acres of land. This case being called, and not being prepared for trial, it is therefore considered and ordered by the board that it stand on the docket for Friday, 28th instant.

Francis J. Avie *vs.* The United States, for six thousand acres. This case being called, and after examining Francis J. Fatio therein, it was submitted, and, after due consideration, was advised for confirmation.

Bernard Segui *vs.* The United States, for three hundred acres. This case was submitted, and, after due consideration, was confirmed.

The board then adjourned until to-morrow at 2 o'clock p. m.

THURSDAY, *April 15, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and Wm. W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Isaac Hendricks *vs.* The United States, for two hundred and sixteen acres, was called into consideration, and rejected, with leave to move the board for a reconsideration thereof at a future period.

John Houston *vs.* The United States, for two hundred and seventy acres. Upon the calling of this claim, it appearing to the satisfaction of this board that the same is not prepared for adjudication, it is ordered to be placed at the foot of the docket.

Bernard Segui *vs.* The United States, for sixteen thousand acres. This case being called, and the board not being sufficiently advised therein, it is ordered that it lay over for further investigation.

The board adjourned until to-morrow at 2 o'clock p. m.

FRIDAY, *April 16, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

The three following cases, viz:

John Houston for 160, 155, and 120 acres, being called, and not being prepared for trial, it is therefore considered, and ordered by the board that they be placed at the foot of the docket.

Permission having been obtained, Joseph M. Arredondo presented his claim to the board for twenty thousand acres of land for adjudication, which was submitted, and, after due consideration, it was advised for confirmation.

The board adjourned until to-morrow at 2 o'clock p. m.

SATURDAY, *April 17, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.



The three following claims, viz:

Daniel C. Hart, one hundred and fifty acres; Robert Miller, six hundred and twenty-five acres; and Sarah Fish, ten thousand acres, being called, and not being prepared for trial, it is therefore considered, and ordered by the board that they be placed at the foot of the docket.

No further business appearing, the board adjourned until Monday next, the 19th instant, at 2 o'clock p. m.

MONDAY, *April 19, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Sarah Fish *vs.* The United States, for five hundred acres of land. This case having been taken into consideration by the board, and after examining Gabriel W. Perpall therein, it was rejected.

John F. Brown *vs.* The United States, for ninety-five acres of land. This case was submitted, and after due consideration, having examined F. J. Fatio therein, it was confirmed.

John F. Brown *vs.* The United States, for fifty-one acres. This case was submitted, and the board having examined Francis J. Fatio therein, after due consideration, confirmed the same.

The board adjourned until to-morrow at 2 o'clock p. m.

TUESDAY, *April 20, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Mariano A. Berta *vs.* The United States, for one hundred and eighty-six acres of land. This case was submitted and confirmed.

George Atkinson *vs.* The United States, for three hundred and fifty acres of land. This case was submitted, and, after examining Francis J. Fatio therein, was confirmed.

Elihu Woodruff *vs.* The United States, for three hundred and fifty acres of land. This case being called, was taken into consideration, and rejected by the board.

The board then adjourned until to-morrow at 2 o'clock p. m.

WEDNESDAY, *April 21, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day.

José Bernardo Reyes *vs.* The United States, for two hundred acres of land. This case being called, it came by its attorney, who said it is not prepared for trial. It is therefore considered by the board, and they order that the said case stand for trial at the foot of the docket.

The two following claims, viz: Samuel Worthington for one hundred acres, and Samuel Worthington for one hundred acres, being called, and not being prepared for trial, it is therefore considered and ordered by the board that they be placed at the foot of the docket.

No further business appearing, the board adjourned until to-morrow at 2 o'clock p. m.

THURSDAY, *April 22, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Isaac Hendricks *vs.* The United States, for three hundred and fifty acres of land. This case being called, was submitted, and, after examining Francis J. Fatio therein, was confirmed.

Robert Hutchinson *vs.* The United States, for one hundred and fifty acres of land. This case being called, and not being prepared for trial, it is therefore considered and ordered by the board that it be placed at the foot of the docket.

Nathaniel Wilds *vs.* The United States, for three hundred and thirty-three and a third acres. This case being called, was submitted, and, after due consideration, was confirmed by the board.

The board then adjourned until to-morrow at 2 o'clock p. m.

FRIDAY, *April 23, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Nathaniel Wilds *vs.* The United States, for 300 acres of land. This case being called, and not being prepared for trial, it is therefore considered and ordered by the board that it be placed at the foot of the docket.

William Hart *vs.* The United States, for 200 acres of land. This case being called, was submitted, and, after examining Francis J. Fatio therein, was confirmed.

Mary Smith *vs.* The United States, for 350 acres of land. This case being called, was submitted, and, after examining John Cavado therein, was confirmed.

Pursuant to a memorial by Moses E. Levy, praying for a copy of his memorial and evidence of title in his claim for 36,000 acres of land in Alachua, it is ordered that the same be made out, and that the secretary certify a true and complete transcript thereof.

The board then adjourned until to-morrow at 2 o'clock p. m.

SATURDAY, *April 24, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Mary Smith *vs.* The United States, for 450 acres of land. This case being called, was submitted, and, after examining Bernard Segui therein, was confirmed.

Archibald Clark *et al.*, for 250, and Levin Gunby, for 400 acres. These cases being called, and not being prepared for trial, it is therefore considered and ordered by the board that they be placed at the foot of the docket.

The board then adjourned until Monday, the 26th instant, at 2 o'clock p. m.

MONDAY, *April* 26, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

George W. Martin for 300 acres, and Z. Hogans for 200 acres. These cases being called, were submitted, and, after due consideration, were confirmed by the board.

Shadrick Stanley *vs.* The United States, for 200 acres. This case being called, it came by its attorney, who said it is not prepared for trial; it is therefore considered by the board, and they order that the said case stand for trial at the foot of the docket.

No further business appearing, the board adjourned until to-morrow at 2 o'clock p. m.

TUESDAY, *April* 27, 1824.

On account of the indisposition of the Hon. W. W. Blair, the board was adjourned until to-morrow at 2 o'clock p. m.

WEDNESDAY, *April* 28, 1824.

Owing to the continued indisposition of the Hon. W. W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

THURSDAY, *April* 29, 1824.

On account of the continued indisposition of the Hon. W. W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

FRIDAY, *April* 30, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

The following claims, viz: Frederick McMurren, for 450 acres of land; A. Bellamy, sr., for 350 acres; Lewis Mattair, for 300 acres; Moses E. Levy, for 275 acres; and Lewis Mattair, for 150 acres, being called, were submitted and confirmed by the board.

Robert Hutchinson *vs.* The United States, for 350 acres of land. This case being called, was submitted, and, after due consideration, it is ordered to lay over for further advisement.

Charles Love, for 300 acres; John Houston, for 358½ acres; Robert Miller *et ux.*, for 60 acres; Tucker's administratrix, for 230 acres; John Underwood, for 600 acres; and John B. Richards' heirs, for 230 acres. These cases being called, they respectively came by their attorney, and said they are not prepared for trial; it is therefore considered by the board, and they order that the said cases stand for trial at the foot of the docket.

The board adjourned until to-morrow at 2 o'clock p. m.

SATURDAY *May* 1, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. A. Bellamy, esq., attorney at the bar, attended the board this day for Edgar Macon, esq., district attorney for the United States.

Bartolome de Castro y Ferrer, for 35 acres of land, and same, for 1,000 acres. These cases being called, were submitted and confirmed by the board.

Juan Gianopoly *vs.* The United States, for 15 acres of land. This case being called, was submitted, and after having examined G. Darling and Philip Solans, after due consideration it is ordered to lay over for further consideration.

The board then adjourned until to-morrow at 2 o'clock p. m.

MONDAY AFTERNOON, *May* 31, 1824.

The board met this day. Present: the Hons. Davis Floyd and W. W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Archibald Clark presented his memorial to this board, praying confirmation of title to 80,000 acres of land, situated at or near Cape Florida, with a certified copy of a grant made to John X. Arrambide by the provincial deputation at Havana, December 4, 1813; also a special power of attorney from said Arrambide to James Rixbey, executed at Nassau, New Providence, July 15, 1817; also a deed of conveyance from the said James Rixbey, as attorney in fact for the above-mentioned Arrambide to Archibald Clark, dated December 1, 1817, with a plat of said land; which are ordered to be filed.

Andrew Atkinson, by his attorney, Archibald Clark, presented his memorial to this board, praying confirmation of title to 450 acres, more or less, situated at a place known by the name of the King's Plantation or Ship Yard, with a copy of royal title made to said Atkinson by Governor Coppinger, dated April 5, 1816; which are ordered to be filed.

William and John Lofton *vs.* The United States, for 50 acres. This case being called, was submitted and confirmed by the board.

John Jones *vs.* The United States, for 100 acres. This case being called, was taken into consideration by the board, and the evidence not being sufficient for the confirmation thereof, it was rejected.

Sarah Petty *vs.* The United States, for 265 acres. This case being called, it was, after due consideration, ordered to lay over for further advisement.

The following claims, viz: Sarah Petty, for 200 acres; same, for 150; Pedro Tropé, 150; William and John Lofton, for 350; and Joseph Summerall, for 300, being called, and not being prepared for trial, it is therefore considered and ordered by the board that they be placed at the foot of the docket.

The board adjourned until to-morrow at 2 o'clock p. m.

#### TUESDAY, June 1, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Permission having been obtained, Pedro Miranda presented his claim to this board for 2,000 acres of land, situated at Bernard, St. John's river, for adjudication; which was submitted and confirmed by the board.

Pedro Miranda obtained leave, and presented his claim to the board for 2,000 acres of land, situated at Big Spring; which was submitted and ordered to lie over.

The board adjourned until to-morrow at 2 o'clock p. m.

#### WEDNESDAY June 2, 1824.

On account of the indisposition of the Hon. W. W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

#### THURSDAY, June 3, 1824.

Owing to the continued indisposition of the Hon. W. W. Blair, the board adjourned until to-morrow at 2 o'clock.

Edgar Macon, esq., United States attorney, attended the board this day under their order.

#### FRIDAY, June 4, 1824.

The board met this day. Present: the Hons. Davis Floyd and W. W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

The widow and heirs of Antonio Andrew, deceased, presented their memorial to the board, praying confirmation of title to 120 acres of land, situated on the North river, about nine miles north of St. Augustine, with a certified copy of royal title made in favor of Lorenzo Capello by Governor White, and dated April 10, 1804; also a certified copy of conveyance from said Capello to Antonio Andrew, dated February 16, 1805, and marked A; which are ordered to be filed.

Joseph Summerall *vs.* The United States, for 400 acres of land. This case being called, was submitted, and, after due consideration, was confirmed by the board.

The board then adjourned until to-morrow at 2 o'clock p. m.

#### SATURDAY, June 5, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Juan Segui presented his memorial to this board, praying confirmation of title to one hundred and seven acres of land, situated on the North river, about nine miles north of St. Augustine, with a certified copy of conveyance from Lazaro Ortega to memorialist, dated April 29, 1809, marked and referred to as exhibit S; which are ordered to be filed.

Antonio Proctor *vs.* The United United States, for 185 acres of land. This case being called up, was submitted and confirmed by the board.

Joseph Delespine *vs.* The United States, for 43,000 acres of land. This case being called, the board examined George J. F. Clarke, Antonio Alvarez, and Pablo F. Fontané therein; and, not being sufficiently advised therein, it is ordered to lay over for further investigation.

Ramon Sanchez *vs.* The United States, for 200 acres of land. This case being called, and being prepared for trial, was submitted and confirmed by the board.

Permission having been obtained, F. M. Arredondo, by his attorney, presented his claim to the board for 15,000 acres of land for adjudication, which was submitted; and, after due consideration, it is ordered that the same be advised for confirmation.

There being no further business, the board adjourned until Monday next at 2 o'clock p. m.

#### MONDAY, June 7, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Francis P. Sanchez *vs.* The United States, for 100 acres of land. This case was called, and being prepared for trial, was submitted and confirmed by the board.

The board adjourned until to-morrow at 2 o'clock.



TUESDAY, June 8, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board under their order.

The two following claims, viz: Francis P. Sanchez, for 900 acres and 2,000 acres of land, being called, and not being prepared for trial, it is therefore considered and ordered by the board that they be placed at the foot of the docket. Francis P. Sanchez, for 220 acres; same, for 380 acres of land. These cases being called, and not being fully advised thereon, it is ordered that they be postponed until the 10th instant.

The board then adjourned until Thursday next, the 10th instant, at 2 o'clock.

THURSDAY, June 10, 1824.

The board met this day. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Francis P. Sanchez vs. The United States, for 220 acres of land. This case came by its attorney, John Drysdale, who obtained permission, and introduced as additional testimony, Gabriel W. Perpall; the board being fully advised of and concerning the same, it was confirmed.

Francis P. Sanchez vs. The United States, for 380 acres, and same, for 800 acres. These cases being called, came by their attorney, John Drysdale, and being prepared for trial, were submitted; and the board being fully advised thereof, they were confirmed.

The following cases, viz: Francis P. Sanchez, for 345 acres; same, for 2,700 acres; and Philip R. Yonge, for 2,000 acres of land, being called, and not being prepared for trial, it is therefore ordered by the board that they be placed at the foot of the docket.

The board then adjourned until to-morrow at 2 o'clock p. m.

FRIDAY, June 11, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

The following claims, viz: George Atkinson, for 1,060 acres, and same, for 550 acres of land, being called, were submitted, and the board being fully advised of and concerning the same, the first was advised for confirmation and the next confirmed.

George Atkinson, for 220 acres, same, for 600 acres, and same, for 390 acres of land. These cases being called, and not being prepared for trial, it is therefore considered and ordered by the board that the said cases stand for trial at the foot of the docket.

The board then adjourned until to-morrow at 2 o'clock p. m.

SATURDAY, June 12, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Robert Miller *et ux.* vs. The United States, for 60 acres of land. This case being called, was taken into consideration by the board, and the evidence not being sufficient for the confirmation thereof, it was rejected.

Tucker's administratrix vs. The United States, for 230 acres of land. This case being called, and being prepared for adjudication, was submitted and confirmed by the board.

Francis Ferreira, by his attorney, George Murray, obtained permission, and presented his claim to the board for an island called *Key Vacas* for adjudication; which was submitted, and, after examining José Bernardo Reyes therein, was ordered to lay over for further consideration.

The board then adjourned until Monday next at 2 o'clock p. m.

MONDAY, June 14, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

No business appearing before the board, they adjourned until to-morrow at 2 o'clock p. m.

TUESDAY, June 15, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Mr. Murray, attorney for F. M. Arredondo, was permitted by the board to withdraw the following claims, namely: 700 acres, 200 acres, and 500 acres of land, for the purpose of amending the memorials thereof, by substituting the name of F. J. Fatio *et al.* in place of F. M. Arredondo.

The counsel for the heirs of Charles W. Bulow, deceased, were allowed to withdraw their memorials for 4,675 acres of land, for the purpose of amending the same.

The board adjourned until to-morrow at 2 o'clock p. m.

WEDNESDAY, June 16, 1824.

On account of the indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

THURSDAY, June 17, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Francis J. Fatio, for himself and the widow, and other heirs of Philip Fatio, deceased, obtained leave, and presented their memorial to the board, praying confirmation of title to seven hundred acres of land, and two small marsh islands in front, which was submitted; and the board not being fully advised thereof, the said claim was laid over, with leave to produce further evidence concerning the same.

Robert Hutchinson *vs.* The United States, for three hundred and fifty acres of land. M. Bellamy, attorney for claimant, obtained and presented the same with further evidence, and the board being fully advised of and concerning the same, it was confirmed.

Mr. Drysdale, attorney for Francis P. Sanchez, obtained leave from the board, and filed this day sundry documents on the claims following, viz: 800 acres, 2,700 acres, and 345 acres.

The board adjourned until to-morrow at 2 o'clock.

FRIDAY, June 18, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and Wm. W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Isaac Hendricks *vs.* The United States, for 216 acres of land. Upon application of Mr. Bellamy, attorney for claimant, the order of rejection in this case was set aside, and, upon further evidence being submitted to the board, it was confirmed.

On motion of the district attorney, George J. F. Clarke was examined in the case of Francis Ferreira *vs.* The United States, for *Key Vacas*, and on motion of Mr. Murray, attorney for claimant, Pedro Miranda was also examined therein.

On motion of Mr. Murray, George J. F. Clarke was examined in the case of Francis J. Fatio *et al.* *vs.* The United States, for 700 acres of land.

The board adjourned until to-morrow at 2 o'clock p. m.

SATURDAY, June 19, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and Wm. W. Blair.

Edgar Macon, esq., the United States attorney for the district of East Florida, attended the board this day under their order.

The following claims, viz: John Houston, for 270 acres; same, for 160 acres; same, for 155 acres; and same, for 120 acres of land, being called, were submitted; and the board not being fully advised thereof, the said claims were laid over, with leave to produce further evidence concerning the same.

The board resumed the consideration of the case of Francis Ferreira *vs.* The United States, for *Key Vacas*, and examined Gabriel W. Perpall and Ede Van Evour therein, and the same was advised for confirmation.

The board adjourned until Monday next at 2 o'clock p. m.

MONDAY, June 21, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and Wm. W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

John Houston, for 270 acres; same, for 160 acres; same, for 155 acres; same, for 120 acres; Samuel Worthington, for 100 acres; and Robert Hutchinson, for 150 acres of land. These cases being called, and, after examining George J. F. Clarke therein, were, after due consideration, confirmed by the board.

Samuel Worthington *vs.* The United States, for 100 acres. This case being called, and the evidence not being sufficient for the confirmation thereof, it was rejected by the board.

Shadrick Stanley *vs.* The United States, for 300 acres of land. This case being called, George J. F. Clarke was examined therein, and the board not being sufficiently advised therein, it was ordered to lay over for further advisement.

On motion, Nicholas Rodriguez was permitted by the board to withdraw his claim for 100 acres on Anastatia island, for the purpose of amending the memorial thereof.

The board adjourned until to-morrow at 2 o'clock p. m.

TUESDAY, June 22, 1824.

On account of the indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

WEDNESDAY, June 23, 1824.

Owing to the continued indisposition of the honorable William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

THURSDAY, June 24, 1824.

On account of the continued indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

FRIDAY, *June 25, 1824.*

Owing to the continued indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

SATURDAY, *June 26, 1824.*

Owing to the continued indisposition of the Hon. William W. Blair, the board adjourned until Monday next at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

TUESDAY, *June 29, 1824.*

The board met this day. Present: the Hons. Davis Floyd and William W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

There being no regular business on the docket, on motion of Mr. Murray, the following claims came before the board, viz: John B. Entralgo, for 20,000 acres; same, for 4,000; and same, for 2,000 acres of land. The board having examined B. Segui therein, and being fully advised of and concerning the same, they were severally advised for confirmation.

The board adjourned until to-morrow at 2 o'clock p. m.

WEDNESDAY, *June 30, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

On motion of Mr. Bellamy, leave was given to amend a memorial for 358½ acres of land by substituting the name of John Christopher in the place of John Houston, and also with leave to introduce, as evidence in the said case, the will of Spicer Christopher.

Permission having been obtained, and there being no regular business on the docket, John B. Entralgo, by his attorney, presented the following claims, viz: 1,000 acres, 10,400 acres, and 4,000 acres of land. The board having examined José B. Reyes therein, and being fully advised of and concerning the same, the first thereof was confirmed and the two last advised for confirmation.

The board adjourned until to-morrow at 2 o'clock p. m.

THURSDAY, *July 1, 1824.*

On account of the indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

FRIDAY, *July 2, 1824.*

Owing to the continued indisposition of the Hon. William W. Blair, the board were adjourned until to-morrow.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

TUESDAY, *July 6, 1824.*

The board met this day. Present: the Hons. Davis Floyd and William W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

The following cases, viz: Francis P. Sanchez, for 2,000 acres, same, for 2,700 acres, and same for 345 acres of land, being called, were submitted, after examining Pedro Miranda therein; and the board being fully advised of and concerning the same, the first two were advised for confirmation and the last confirmed.

The board then adjourned until to-morrow at 2 o'clock p. m.

WEDNESDAY, *July 7, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Anna Ortega, by her attorney, George Murray, presented her memorial to this board, praying confirmation of title to 100 acres of land, situated about twelve miles to the southward of Lake George, with a conveyance from Andres Burgevin to memorialist, dated May 29, 1822; which are ordered to be filed.

Anna Ortega presented her memorial to this board, praying confirmation of title to 100 acres of land, situated near a place called the Big Spring, 25 miles south of Lake George, with a conveyance from Andres Burgevin to her, dated June 7, 1822; which are ordered to be filed.



Andrew Burgevin presented his memorial to this board, praying confirmation of title to 500 acres of land, situated on a branch that runs from the west into the river St. John's, about twelve miles south of Lake George, with no exhibits; which is ordered to be filed.

John Christopher vs. The United States, for 358½ acres of land. This case being called, came by its attorney, A. Bellamy, who having produced the will of Spicer Christopher, deceased, as further evidence therein, and the board being fully advised of and concerning the same, it was confirmed.

The board adjourned until to-morrow at 2 o'clock p. m.

THURSDAY, July 8, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William W. Blair.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Francis P. Sanchez vs. The United States, for 900 acres of land. The evidence produced in this case not being sufficient to confirm the whole, the board, after due consideration, confirmed 600 acres thereof, and claimant obtained permission to present a new memorial for the remaining 300 acres.

Philip R. Yonge vs. The United States, for 2,000 acres of land. This case being called and being prepared for trial, was submitted; and the board being fully advised of and concerning the same, it was advised for confirmation.

Ordered, That John Drysdale, esq., be, and he is hereby, appointed a commissioner to examine certain papers and documents required to be produced by a subpoena *duces tecum* issued against Horatio S. Dexter, in the cases of F. M. Arredondo, for 256,000 acres, and Moses E. Levy, for 64,000 acres of land.

The board then adjourned until to-morrow at 2 o'clock p. m.

FRIDAY, July 9, 1824.

On account of the indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

SATURDAY, July 10, 1824.

Owing to the continued indisposition of the Hon. William W. Blair, the board adjourned until Monday next at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

MONDAY, July 12, 1824.

The board met this day. Present: the Hons. Davis Floyd and William W. Blair.

Edgar Macon, esq., United States attorney for East Florida, attended this day under their order.

Francis P. Fatio *et al.*, by their attorney, George Murray, presented their memorial to this board, praying confirmation of 200 acres of land, situated near the head of St. Sebastian creek, about four miles north from St. Augustine, with a British grant made to Judith Shivers by Governor Tonyn June 16, 1782; also, a plat and certificate of survey by Benjamin Lord, deputy surveyor general, certified May 20, 1782; also, a conveyance from said Judith Shivers to Francis Philip Fatio, dated March 7, 1785; which are ordered to be filed.

The following claims, viz: George Atkinson, as executor of Lindsey Todd, deceased, for 600 acres, and same for 390 acres of land. These cases being called, and being prepared for trial, were submitted, and, after due consideration, the board confirmed the same for and on behalf of the legatees of the said Lindsey Todd, deceased.

Mr. Murray obtained permission and presented the following claims, viz: John B. Entralgo, for 4,000 acres, same, for 3,400 acres, William Travers, for 12,000 acres, and same, for 8,000 acres of land. These cases being prepared for trial, were severally submitted and recommended for confirmation.

The board adjourned until to-morrow at 2 o'clock p. m.

TUESDAY, July 13, 1824.

The board met pursuant to adjournment. Present: the Hons. Davis Floyd and William W. Blair.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

Mr. Murray obtained permission and presented the following claims for adjudication, viz: John Forbes & Co., for 1,800, John Forbes, for 7,000 acres, and same for 3,000 acres of land. These cases being prepared, were severally recommended for confirmation.

William Travers, one of the heirs of Thomas Travers, vs. The United States, for 125 acres of land. This case came by its attorney, Mr. Murray, and the same being prepared for trial, was submitted and confirmed by the board in the name of the grantees.

William Travers, as administrator and heir, as also for the other heirs of Thomas Travers, deceased, for 750½ acres, and John B. Entralgo, for 1,000 acres of land. These cases came by their attorney, Mr. Murray, were submitted, and, after examining F. J. Fatio and A. Bellamy therein, the board not being fully advised of and concerning the same, they were laid over for further advisement.

The board then adjourned until to-morrow at 2 o'clock p. m.

WEDNESDAY, July 14, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. W. Blair. Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Mr. Drysdale obtained permission and presented the following claims for adjudication, viz: F. M.

Arredondo, jr., for 256,000, and M. E. Levy for 64,000 acres of land. After the testimony on the part of the claimants had been gone through, Mr. Macon, district attorney, moved that the said cases lay over until to-morrow, to give him an opportunity to produce evidence on the part of the United States, which was granted.

John D. Vaughn vs. The United States, for 250 acres of land. Mr. Gibson, attorney for claimant, obtained permission and presented the said claim; and the board being fully advised of and concerning the same, it was confirmed.

John D. Vaughn vs. The United States, for nine hundred and fifty acres of land. This case being submitted, and the board not being fully advised thereof, it was ordered to lay over for further consideration.

The board adjourned until to-morrow at 2 o'clock p. m.

THURSDAY, *July 15, 1824.*

On account of the indisposition of the Hon. William W. Blair, the board was adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

FRIDAY, *July 16, 1824.*

On account of the continued indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

SATURDAY, *July 17, 1824.*

On account of the continued indisposition of the Hon. William W. Blair, the board was adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

MONDAY, *July 19, 1824.*

On account of the continued indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

TUESDAY, *July 20, 1824.*

On account of the indisposition this day of the Hon. William W. Blair, the board was adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

WEDNESDAY, *July 21, 1824.*

On account of the continued indisposition this day of the Hon. William W. Blair, the board was adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

THURSDAY, *July 22, 1824.*

On account of the continued indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

FRIDAY, *July 23, 1824.*

On account of the continued indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

SATURDAY, *July 24, 1824.*

On account of the continued indisposition of the Hon. William W. Blair, the board adjourned until Monday next, the 26th instant, at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

MONDAY, *July 26, 1824.*

On account of the continued indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

TUESDAY, *July 27, 1824.*

On account of the continued indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended this day.

WEDNESDAY, July 28, 1824.

Owing to the continued indisposition of the Hon. William W. Blair, the board adjourned until to-morrow at 2 o'clock p. m.

Edgar Macon, esq., United States attorney for East Florida, attended this day.

St. AUGUSTINE, August 24, 1824.

This day the Hon. George Murray produced a commission from the President of the United States, appointing him, by and with the advice and consent of the Senate, a commissioner to ascertain claims and titles to lands in East Florida, vice Wm. W. Blair; and thereupon the board of land commissioners for East Florida (a quorum being present) proceeded to business. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for East Florida, attended the board this day under their order.

Timothy Hollingsworth, guardian of Francis, Carlota, Margaret, and Isabel Bagley, presented his memorial to this board, praying confirmation of title to nine hundred and ninety acres of land, situated at a place called Brown's Fort, west of St. John's river, with a certified copy of plat and certificate of survey made for Timothy Hollingsworth by Peter Marrot, dated April 3, 1793, and marked A; which are ordered to be filed.

Joseph F. White presented his memorial to this board, praying confirmation of title to two undivided third parts of a tract of land containing two thousand acres, situated in the territory of Mosquito, west of New Smyrna, with a certified copy of royal title made to Samuel Betts by Governor Estrada, and dated July 3, 1815; which are ordered to be filed.

Timothy Hollingsworth, guardian of Francis, Charlotte, Margaret, and Isabella Bagley, presented his memorial to this board, praying confirmation of title to two hundred and forty-eight acres of land at a place called Bagley, on Goodman's lake, in St. John's river, with a certified copy of plat and certificate of survey made for Timothy Hollingsworth by Pedro Marrot, dated April 7, 1793; which are ordered to be filed.

Joseph F. White presented his memorial to this board, praying confirmation of title to two undivided third parts of a tract of land containing one thousand eight hundred acres on Matanza river, with a certified copy of royal title to Hipworth Carter by Governor Estrada, dated July 3, 1815; also a conveyance from Samuel Betts to memorialist, dated April 13, 1816; which are ordered to be filed.

Joseph F. White presented his memorial to this board, praying confirmation of title to two undivided third parts of a house and lot situated in the city of St. Augustine, in the street back and west of the government house, with a conveyance from Samuel Betts to memorialist, dated April 13, 1816; which are ordered to be filed.

William Dry, by his attorney, D. B. Macomb, presented his memorial to this board, praying confirmation of title to one thousand acres of land lying on the east fork of Diego river, with a British grant made to Alexander Gray by Governor Grant, dated February 16, 1771, and marked exhibit "A;" also a lease from said Gray to memorialist, dated December 26, 1775, and marked exhibit "B;" and a release for the same from said Gray to memorialist, dated December 27, 1775, and marked exhibit A; which are ordered to be filed.

William Dry, by his attorney, D. B. Macomb, presented his memorial to this board, praying confirmation of title to a lot of land lying in the city of St. Augustine, in Jenkins' quarter, and designated as No. 4, with a British grant made by Governor Tonym to William Wilson, dated March 27, 1775; also, accompanying the said grant, an order and plat of survey, dated June 9, 1773, with a lease made to William Dry, dated December 29, 1775, and likewise a release to memorialist from said Wilson, dated December 30, 1775; which are ordered to be filed.

William Dry, by his attorney, D. B. Macomb, presented his memorial to this board, praying confirmation of title to a lot of land lying in the city of St. Augustine, in Skinner's quarter, with a British grant made by Governor Grant to Richard Pritchard, dated February 12, 1765; also a lease from said Pritchard to William Wilson, dated December 14, 1772; and also a release from said Pritchard to Wilson, dated December 15, 1775; which are ordered to be filed.

Margaret Acosta, by her attorney, William G. Davis, presented her memorial to this board, praying confirmation of title to six hundred and forty acres lying without and north of the gates of St. Augustine, with a certified copy of concession to John Villalonga of 341½ English yards, dated June 3, 1807; also, attached thereto, an assignment from Margaret Acosta and Maria Villalonga to said Davis, dated July 5, 1824; ordered to be filed.

Mary Ann Davis presented her memorial to this board, praying confirmation of title to one hundred and seventy-five acres of land lying in an island called *Key Biscaino*, one of the Florida Keys, with a certified copy of concession to Pedro Fornells by Governor White, dated January 18, 1805; also a conveyance from Rafael Andrews and Francisco Andrews to memorialist, dated July 12, 1824; ordered to be filed.

William Branning, by his attorney, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land lying in the south side of Black creek, about three miles below the forks of said creek. Ordered to be filed.

Richard Tice presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land lying near Cape Florida and the river Miami, and opposite Key Biscaino. Filed.

Santos Rodriguez's heirs presented their memorial to this board, praying confirmation of title to two thousand acres of land lying on the east side of the river St. John's, near Dunn's lake. Filed.

William Craig presented his memorial to this board, praying confirmation of title to four hundred and fifty acres of land lying on the east side of the river St. John's, at a place called Red Bank, with a certified copy of plat and certificate of survey made by Pedro Marrot in favor of Francis Flora, dated March 1, 1793, and marked A; also a certified copy of royal title made by Governor Kindelan to William Craig, dated March 20, 1815, and marked "B." Filed.

William Craig presented his memorial to this board, praying confirmation of title to two hundred and fifty acres of land lying on the river St. John's, at a place called St. Nicholas' Cove, with a certified copy of plat and certificate of survey made by Pedro Marrot for John Hansman, dated January 18, 1792, and



marked "C;" also a certified copy of royal title made by Governor Kindelan to memorialist, dated March 20, 1815, and marked W. Filed.

Andrew Branning, by his attorney, D. B. Macomb, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land lying about nine miles up Black creek, St. John's river, at a place called Brown's Fort; which is ordered to be filed.

George and Samuel Branning, by their attorney, D. B. Macomb, presented their memorial to this board, praying confirmation of title to six hundred and forty acres of land lying on the north prong of Black creek, in Duval county. Filed.

Nicholas Sanchez's heirs, by their attorney, John B. Strong, presented their memorial to this board, praying confirmation of title to three hundred and eighty-five acres of land lying near Diego Plains, to the north of St. Augustine, with a certified copy of royal title by Governor Coppinger to Nicholas Sanchez, and dated April 24, 1816. Filed.

Pollard McCormick, by his attorney, John B. Strong, presented his memorial to this board, praying confirmation of title to two thousand acres of land lying on the Halifax river, at a place called Penman's Plantation, with a certified copy of concession to David McCormick by Governor White, dated July 13, 1803; also memorial and permission for survey by Governor White, dated October 3, 1803. Filed.

John Salome, by his attorney, John B. Strong, presented his memorial to this board, praying confirmation of title to three hundred and fifty acres of land lying on St. John's river, at a place called Montpelier, with a certified copy of plat and certificate of survey made by Pedro Marrot to Samuel Eastlake, and dated January 6, 1792. Filed.

The board then adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, August 25, 1824.

The board met this day. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

John B. Strong presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land on St. John's river. Filed.

William Mills, *et al.*, by their attorney, John B. Strong, presented their memorial to this board, praying confirmation of title to sixteen thousand acres of land lying in a creek called Mulberry, and near the road to the New Mosquitoes, and two miles from the head of Graham swamp, with a certified copy of concession made by Governor White to William Mills, dated January 4, 1805. Filed.

Francis Gué, by his attorney, John B. Strong, presented his memorial to this board, praying confirmation of title to a house and lot in St. Augustine, which was erected for a smithery. Filed.

José B. Reyes, by his attorney, John B. Strong, presented his memorial to this board, praying confirmation of title to one thousand seven hundred acres of land lying at a place called the Swamp and plantation of Goold Richard, about three miles from the ferry of St. Augustine, with a certificate of concession by Governor White to memorialist, dated September 15, 1803. Filed.

Isaac Hendricks, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to five hundred acres lying on the north side of St. John's river, near Jacksonville, with a certificate of concession by Governor White to John Jones, dated February 11, 1801. Filed.

Joseph Mills, by his attorney, Abraham Bellamy, presented his memorial to this board, praying confirmation of title to two hundred acres lying on Six-mile creek, which communicates with Trout creek eight miles below St. Nicholas, on the river St. John's, with a concession to memorialist by Governor Quesada, dated February 15, 1793. Filed.

Frederick Hartley, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to four hundred acres of land lying at a place called St. Nicholas, on St. John's river, with a certificate of concession to memorialist by Governor White, dated May 7, 1803; which are ordered to be filed.

Robert Gilbert *et al.*, by their attorney, presented their memorial to this board, praying confirmation of title to two hundred acres on St. John's river. Filed.

Robert Gilbert *et al.*, by their attorney, A. Bellamy, presented their memorial to this board, praying confirmation of title to three hundred acres of land lying on the St. John's river. Filed.

John R. Hogans, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to six hundred and forty acres lying on the north side of the river St. John's, with a conveyance from memorialist to W. G. Dawson, and dated July 24, 1823. Filed.

John Houston, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to seven hundred acres of land lying on St. John's river, at a place called Dame's Point, and on Star island, river Nassau, with a certified copy of concession by Governor Coppinger to memorialist, dated May 20, 1818. Filed.

William Gardner, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to six hundred and forty acres lying on Julington creek, one mile from St. John's river. Filed.

Pedro Cocifacio presented his memorial to this board, praying confirmation of title to four hundred acres of land lying at Maria's hammock, to the west of St. John's river, with a translation of concession by Governor Quesada to memorialist, dated October 22, 1793. Filed.

James Riz *et al.* presented their memorial to this board, praying confirmation of title to six hundred and forty acres of land lying at Picolata, on the river St. John's. Filed.

William Travers, for and on behalf of himself and the other heirs of Thomas Travers, deceased, by their attorney, John Drysdale, presented their memorial to this board, praying confirmation of title to three hundred acres of land lying about five miles west of St. Augustine, with a British grant made to James Penman by Governor Grant, dated January 4, 1763, and a plat and certificate of survey attached thereto, dated September 2, 1767; also a lease for one year from James Penman to Joseph Peavelt, dated September 19, 1779. Ordered to be filed.

The board then adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, August 26, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Lewis Pike's heirs, by their attorney, Isaac N. Cox, presented their memorial to this board, praying confirmation of title to four hundred acres of land lying twenty-seven miles from St. Augustine, one mile from the road to St. Nicholas, with a certified copy of concession to Lewis Pike by Governor White, dated May 5, 1801, and marked A; also a plat and certificate of survey made by G. Darling, dated May 10, 1824, and marked B. Filed.

John B. Gaudry, by his attorney, Isaac N. Cox, presented his memorial to this board, praying confirmation of title to one thousand five hundred acres of land lying at a place called Spring Garden, on the river St. John's, with a certified translation of concession by Governor Coppinger to Bartolome de Castro y Ferrer, dated October 9, 1817, and marked A; also a certified translation of certificate of survey by Robert McHardy, dated December 16, 1817, marked B; and a deed of conveyance from said Ferrer to memorialist, dated June 11, 1822, and marked C. Filed.

John Drysdale presented his memorial to this board, praying confirmation of title to a lot of ground in the city of St. Augustine, measuring north and south 22 varas, and east and west 23 varas. Filed.

John G. Brindly, by his agent, John M. Fontane, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land lying on the north of Black creek, Duval county, with two affidavits—one by William Molphus, dated August 16, 1824, and the other by Hannah Nobles, dated August 18, 1824. Filed.

David Scurry, by his agent, John M. Fontane, presented his memorial to this board, praying confirmation of title to six hundred and forty acres lying on the south of St. John's river and on the east of Goody's lake. Filed.

James Hall, by his agent, John M. Fontane, presented his memorial to this board, praying confirmation of title to two hundred and fifty acres of land lying at a plantation called the Bay of St. Nicholas, on the river St. John's, with a certified copy of royal title by Governor Kindelan to William Craig, dated March 20, 1815. Filed.

James Hall, by his agent, John M. Fontane, presented his memorial to this board, praying confirmation of title to four hundred and fifty acres of land lying at a place called Red Bank, on the river St. John's, with a certified copy of the royal title by Governor Kindelan to William Craig, dated March 20, 1815. Filed.

Antonio Hinsman *vs.* The United States, for two hundred and forty acres of land. This case being called, and Francis J. Fatio being examined therein, and the board being fully advised of and concerning the same, it was confirmed.

Philip Weadman *vs.* The United States, for one hundred and fifty acres. This case being called, and being prepared for trial, was, after due consideration, confirmed by the board.

No further business appearing, the board adjourned until to-morrow at 10 o'clock a. m.

#### FRIDAY, August 27, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray. Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Jesse Carlisle presented his memorial to this board, praying confirmation of title to 640 acres lying on Little Black creek, St. John's river, at a place called Ferguson's Neck, at the head of Doctor's lake. Filed.

Nicholas Estefanopoly, by his attorney, Isaac N. Cox, presented his memorial to this board, praying confirmation of title to 2,500 acres of land lying on the river Suwanee, with a concession to memorialist by Governor Kindelan, dated May 23, 1815, and marked A. Filed.

George Gianopoly, by his attorney, Isaac N. Cox, presented his memorial to this board, praying confirmation of title to 640 acres lying —, with a plat and certificate of survey made by G. Darling, dated March 20, 1824, and marked A. Filed.

Emanuel Gianopoly, by his attorney, Isaac N. Cox, presented his memorial to this board, praying confirmation of title to 640 acres lying on the Twelve-mile swamp, eleven miles from St. Augustine, with a plat and certificate made by G. Darling, dated March 21, 1824, and marked A. Filed.

G. Darling, by his attorney, Isaac N. Cox, presented his memorial to this board, praying confirmation of title to 640 acres of land lying on the Twelve-mile swamp, about eleven miles from St. Augustine, with a plat and certificate made by G. Darling, marked A; which are ordered to be filed.

The following claims, viz: James Hall, for 775 acres; Eleazer Waterman's heirs, for 175 acres; same, for 270 acres, being called, and being prepared for trial, were, after due consideration, confirmed by the board.

Aguida Segui *vs.* The United States, for 1,200 acres of land. This case being called, and being prepared for trial, was recommended for confirmation by the board.

Andrew R. Govan, by his attorney, Edward R. Gibson, obtained permission and presented his claim for 600 acres of land for adjudication. Francis J. Fatio being examined therein, and the board being fully advised of and concerning the same, it was confirmed.

The board adjourned until to-morrow at 10 o'clock a. m.

#### SATURDAY, August 28, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray. Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Mr. Drysdale moved for permission to present and file the following claim, viz: Thomas Lorente, for 2,000 acres of land, situated and being on the west side of Indian river, opposite the Haul-over, by a grant of Governor Coppinger, bearing date June 20, 1818, which was rejected because the said grant was made subsequently to January 24, 1818.

Moses E. Levy, by his attorney, John Drysdale, moved for permission to withdraw his claim for 2,000 acres of land, which was granted.

No further business appearing, the board adjourned until Monday next, the 30th instant, at 10 o'clock a. m.

MONDAY, *August 30, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray. Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Mills Drury's heirs, by their attorney, Isaac N. Cox, presented their memorial to this board, praying confirmation of title to 300 acres, more or less, lying about four miles from the head of Nassau river, with a certified copy of plat and certificate of survey by Pedro Marrot to Mills Drury, dated April 7, 1792, and marked A; also an affidavit by Francis Sterling, dated August 28, 1824, marked B; which are allowed to be filed.

Isaac N. Cox presented his memorial to this board, praying confirmation of title to an undivided fifth part of a tract of land, containing 2,500 acres, lying on the west side of the river Suwanee, at the crossing place. Ordered to be filed.

Cornelius Griffith's heirs, by their attorney, David B. Macomb, presented their memorial to this board, praying confirmation of title to 300 acres of land lying on the banks of the river St. Mary's, on the east side of a creek known by the name of Mill creek, with a concession from Governor White to Cornelius Griffith, dated December 9, 1802. Filed.

Cornelius Griffith's heirs, by their attorney, David B. Macomb, presented their memorial to this board, praying confirmation of title to 450 acres of land lying on the head of Nassau river, about half a mile between two creeks which form said river, with a certified copy of plat and certificate of survey by Pedro Marrot to Cornelius Griffith, dated April 8, 1792. Filed.

Francis Goodwin's heirs, by their agent in fact and attorney, David B. Macomb, presented their memorial to this board, praying confirmation of title to 643½ acres of land lying on Azza creek, St. John's river, with a plat and certificate by Pedro Marrot to Francis Goodwin, dated May 14, 1792. Filed.

Mary Hayden presented her memorial, by her attorney, David B. Macomb, to this board, praying confirmation of title to 250 acres of land lying on the south of Orange grove, Matanzas, and north of the plantation of Jos. Dupon. Filed.

Robert Gilbert, by his attorney, David B. Macomb, presented his memorial to this board, praying confirmation of title to 230 acres of land lying near the St. John's river. Filed.

John Jones, by his attorney, David B. Macomb, presented his memorial to this board, praying confirmation of title to 640 acres of land situated on the banks of St. John's river. Filed.

Hardy Ellanier, by his attorney, David B. Macomb, presented his memorial to this board, praying confirmation of title to 640 acres of land lying on Little Black creek, in the county of Duval. Filed.

Emanuel D. Mott, by his attorney, David B. Macomb, presented his memorial to this board, praying confirmation of title to 640 acres of land lying near St. John's river. Filed.

George Long, by his attorney, John Drysdale, presented his memorial to this board, praying confirmation of title to 300 acres of land lying at the head and on the south of a creek making from the Matanza river, known by the name of Graham's creek. Filed.

John M. Carter, by his attorney, David B. Macomb, presented his memorial to this board, praying confirmation of title to 100 acres of land lying on Matanza river, two miles south of the Little Matanza bar. Filed.

A. McDowell and Black vs. The United States, for 490 acres of land. This case being called, came, by its attorney, and was submitted; and the board being fully advised of and concerning the same, it was confirmed.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *August 31, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Dorcas Black, by her agent, S. Streeter, presented her memorial to this board, praying confirmation of title to 640 acres of land lying in the county of Duval, on the road called the Cowford road, leading from St. Augustine to St. John's river. Filed.

John Oliver, by his agent, S. Streeter, presented his memorial to this board, praying confirmation of title to 640 acres of land lying in the county of St. John's, on the east side of a lake called Dunn's lake. Filed.

Isaac Frost, by his attorney, B. Putnam, presented his memorial to this board, praying confirmation of title to 2,000 acres of land, being part of the northern moiety or equal half of township No. 8, of Don Pedro Miranda's grant of land on the waters of Hillsboro' and Tampa bays. Filed.

Sarah Bowden, by her attorney, B. Putnam, presented his memorial to this board, praying confirmation of title to 142½ acres of land lying on Julington creek, which empties into the St. John's river. Filed.

Isaac Frost, by his attorney, B. Putnam, presented his memorial to this board, praying confirmation of title to 1,500 acres of land, being an undivided part of the northerly moiety or equal half of township No. 8, in Don Pedro Miranda's grant of land on the waters of Hillsboro' and Tampa bays. Filed.

Joseph F. White, by his attorney, B. Putnam, presented his memorial to this board, praying confirmation of title to 200 acres of land lying seven miles north of St. Augustine, known by the name of the plantation of the negro general. Filed.

Gachlan Vass, by his attorney, B. Putnam, presented his memorial to this board, praying confirmation of title to 250 acres of land lying on St. Pablo creek. Filed.

Edward R. Gibson presented his memorial to this board, praying confirmation of title to 125 acres of land lying at the head of Moultrie creek. Filed.

Edward R. Gibson presented his memorial to this board, praying confirmation of title to 250 acres of land lying at the head of Moultrie creek. Filed.

Francisco Aguilar, for herself and the other heirs of Juan Rodriguez, deceased, presented her memorial to this board, praying confirmation of title to 30,000 acres of land lying on Ilawe creek, 40 miles southwest of St. Augustine. Filed.

John Hagans, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to 100 acres of land lying on Pigeon creek, St. Mary's river, with a certificate of concession by



Governor White to memorialist, dated May 31, 1805; also a plat and certificate of survey of the same by George J. F. Clarke, dated May 9, 1818. Filed.

David Williamson, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to 640 acres of land lying in Alachua. Filed.

John Dixon, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to 640 acres of land lying in Duval county, near St. Mary's river. Filed.

William Williamson, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to 640 acres of land lying in Alachua, on the waters of Hogtown. Filed.

Benjamin Rollins, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to 640 acres of land lying in Alachua, on the waters of San Filaski creek. Filed.

William Hollingsworth and the heirs of Peter Bagley, by their attorney, A. Bellamy, presented their memorial to this board, praying confirmation of title to 250 acres of land lying on the river St. John's. Filed.

William Sparkman, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to 640 acres of land lying on the headwaters of Boggy swamp, on and west of the public road leading from Jacksonville to Georgia. Filed.

James Sparkman, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to 640 acres of land lying on the headwaters of Boggy swamp, on the east of the road from Jacksonville. Filed.

John Bellamy presented his memorial to this board, praying confirmation of title to 500 acres of land lying on McGirt's creek. Filed.

Abraham Bellamy, sen., presented his memorial to this board, praying confirmation of title to 640 acres of land lying at the head of Thomas' swamp. Filed.

John Bellamy presented his memorial to this board, praying confirmation of title to 150 acres of land situated on the south side of McGirt's creek, on the west side of St. John's river. Filed.

Ann Papy presented her memorial to this board, praying confirmation of title to 200 acres of land situated at the side or head of Mosquito river and Tomoka creek, with a certificate of concession by Governor White to Gaspar Papy, dated June 3, 1797, and marked P. Filed.

Dionisia Segui presented her memorial to this board, praying confirmation of title to an undivided third part of 16,000 acres of land, or 5,333 $\frac{1}{3}$  acres, lying on both sides of the river St. Lucia, with a deed of conveyance from Samuel Miles to memorialist, dated April 3, 1824, and marked S. Filed.

Dionisia Segui presented her memorial to this board, praying confirmation of title to 4,000 acres of land lying on the river and island called Jupiter and St. Lucia, with a deed of conveyance from Eusebio Maria Gomez to memorialist, dated April 9, 1824, marked S; which are ordered to be filed.

George Clarke presented his memorial to this board, praying confirmation of title to 100 acres of land lying on Guana creek, North river, about 12 miles north of St. Augustine, with a concession to memorialist by Governor White, dated February 25, 1801, and marked C. Filed.

Daniel Brockington, by his attorney, I. N. Cox, presented his memorial to this board, praying confirmation of title to 200 acres of land lying on Goodby's lake. Filed.

Francis Sterling, by his attorney, I. N. Cox, presented his memorial to this board, praying confirmation of title to 235 acres lying at a place called Sims, Nassau river, with a certified copy of plat and certificate by Pedro Marrot, dated March 3, 1792, and marked A; also two affidavits—one by Frederick Hartley, and the other by Joseph Summerall—marked B and C. Filed.

David Bagley's heirs, by their attorney, Isaac N. Cox, presented their memorial to this board, praying confirmation of title to 250 acres of land lying on Nassau river, with a certified copy of plat and certificate by Pedro Marrot, dated March 5, 1794, and marked A; also an affidavit by Francis Sterling, marked B. Filed.

George Copeland's heirs, by their attorney, I. N. Cox, presented their memorial to this board, praying confirmation of title to 450 acres of land, lying on Hillsboro' river, with a certified copy of concession to Henry B. Martin by Governor White, dated September 3, 1803, and marked A; and conveyance from Henry B. Martin to George Copeland, dated November 10, 1808, marked B. Filed.

Samuel Fairbanks, assignee of Reuben Charles, by his attorney, David B. Macomb, presented his memorial to this board, praying confirmation of title to 640 acres of land lying at the Twelve-mile swamp, north of the city of St. Augustine. Filed.

John Drysdale presented his memorial to this board, praying confirmation of title to 292 acres of land lying on the east side of St. George's lake. Filed.

Pablo F. Fontane presented his memorial to this board, praying confirmation of title to 3,000 acres of land lying on Vaccasasa creek, being about southwest from Alachua ten leagues, with a concession from Governor Kindelan to memorialist, dated May 15, 1815, and marked P. Filed.

Antonio Canovas, jr., presented his memorial to this board, praying confirmation of title to 640 acres, with a plat and certificate of survey made by Ede Van Evour, and dated August 31, 1824. Filed.

Domingo Fernandez presented his memorial to this board, praying confirmation of title to — acres of land lying on Amelia island. Filed.

Carnochan and Mitchell's assignees presented their memorial to this board, praying confirmation of title to three town lots in the town of Fernandina, Amelia island. Filed.

Andrew Burgevin presented his memorial to this board, praying confirmation of title to 500 acres of land lying at a place called Big Spring. Filed.

James Suydam, jr., by his attorney, J. B. Lancaster, presented his memorial to this board, praying confirmation of title to 500 acres of land lying at Alachua. Filed.

Charles Sibbald, by his attorney, J. B. Lancaster, presented his memorial to this board, praying confirmation of title to 455 acres of land lying at Cabbage swamp. Filed.

George Morrison's heirs, by their attorney, J. B. Lancaster, presented their memorial to this board, praying confirmation of title to — acres of land lying on the west side of St. John's river. Filed.

Elisha Huntington, by his attorney, J. B. Lancaster, presented his memorial to this board, praying confirmation of title to 10,000 acres of land lying at Alachua. Filed.

Elisha Huntington, by his attorney, J. B. Lancaster, presented his memorial to this board, praying confirmation of title to 2,000 acres of land lying at Alachua. Filed.

Eleazer Waterman's heirs, by their attorney, J. B. Lancaster, presented their memorial to this board, praying confirmation of title to a lot of land in the town of Fernandina, Amelia island. Filed.

Thomas C. Doremus, by his attorney, J. B. Lancaster, presented his memorial to this board, praying confirmation of title to five hundred acres of land lying at Alachua. Filed.

S. Clark and G. F. Brown *vs.* The United States, for 3,000 acres of land. This case being called, came by its attorney; and the board not being sufficiently advised therein, it was ordered to lay over for further consideration.

Permission having been obtained, the following claims were presented for adjudication by their attorney, viz: Antonio Huertas, for 10,000 acres of land; Edward M. Wanton, for 150 acres, and same, for 200 acres of land. The board took the same into consideration, and being sufficiently advised therein, they were ordered to lay over for further investigation.

The board then adjourned until to-morrow at 10 o'clock.

WEDNESDAY, *September 1, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The board having resumed the consideration of the claim of Antonio Huertas, for 10,000 acres of land, recommended the same to Congress for confirmation.

The following claims, viz: Gideon Dupont's heirs, for 450 acres; George Fleming's heirs, for 1,000 acres. These cases being called, and being prepared for adjudication, the first was confirmed in 400 acres, and the latter confirmed.

Francis P. Fatio *vs.* The United States, for 10,000 acres of land. This case being called, came by its attorney, who obtained leave and amended the memorial thereof; and Francis Marien being examined therein, the board ordered the same to be laid over for further investigation.

Francis P. Fatio *vs.* The United States, for 1,000 acres of land. This case being called, came by its attorney, and the board not being sufficiently advised of concerning the same, it was continued.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *September 2, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

George Fleming's heirs *vs.* The United States, for 980 acres of land. This case being called, and being prepared for trial, was submitted and confirmed by the board.

Gabriel W. Perpall *vs.* The United States, for 660 acres of land. This case being called, and being prepared for trial, was submitted and confirmed by the board.

The following claims, viz: George Fleming's heirs, for 20,000 acres; Gabriel W. Perpall, for 1,340 acres; same, for 280 acres; same, for 500 acres, being called, and the board not being fully advised concerning the same, they were continued.

The board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, *September 3, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following claims, viz: Gabriel W. Perpall, for 15 acres; same, for 600 acres; same, for one acre, being called, and being prepared for trial, were confirmed by the board.

On motion of Mr. Cox, attorney for claimant, the board resumed the consideration of Francis J. Avicé's claim for 115 acres of land, and, after examining Francis Ferreira therein, confirmed the same.

Permission having been obtained, Thomas Briggs and John Robinson, by their attorney, presented their claims to this board for adjudication, which were, after due consideration, advised to Congress for confirmation.

The board then adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, *September 4, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Gabriel W. Perpall *vs.* The United States, for 1,340 acres of land. This case was again taken under consideration, and recommended for confirmation by the board.

Gabriel W. Perpall, for 150 acres, and same, for 535 acres of land. These cases being called, and being prepared for trial, were confirmed by the board.

The board then adjourned until Monday next at 10 o'clock a. m.

MONDAY, *September 6, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of Mr. Edgar Macon, esq., United States attorney, ordered that a commission issue to take the deposition of Don José Coppinger, colonel of the royal armies, to be read as evidence in the case of Joseph Delespine against the United States, for 10,240 acres of land.

On motion of the same, it is ordered that in all claims for more than 1,000 acres of land, when required by the district attorney for the United States, or by any member of the board, the secretary issue a subpoena to the keeper of the public archives to produce to this board the original documents from his office on the part of the United States.

The following case, viz: Mariana Berta, for 200 acres of land, being called, and the board not being fully advised of and concerning the same, it was continued.

Horatio S. Dexter vs. The United States, for 200 acres of land. This case being called, and being prepared for trial, after examining Samuel Fairbanks therein, was confirmed by the board.

Horatio S. Dexter vs. The United States, for 200 acres of land. This case being called, came by its attorney, who, on motion, obtained permission to amend the memorial thereof; and the board, after examining F. J. Fatio therein, confirmed the same.

Hannah Drayton *et al.* vs. The United States, for 1,000 acres of land. This case being called, on motion of Mr. Drysdale, permission was given to amend the memorial thereof, and the evidence in the same case was submitted, as was other claims of the said claimants founded on British grants.

The board adjourned until to-morrow at 10 o'clock a. m.

#### TUESDAY, September 7, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following cases, viz: Francis J. Fatio *et al.*, for 200 acres, and the same, for 500 acres of land, being called, and the claimants having produced in evidence the final adjustment of the estate of Francis P. Fatio, deceased, as also the testimony of George J. F. Clarke, in his claim for 700 acres of land, they were confirmed by the board.

The following cases, viz: Joseph M. Hernandez, for 635 acres, and the same, as attorney for his wife, late widow of Samuel Williams, deceased, and the other heirs, for 3,200 acres of land, being called, and being prepared for trial, after examining Gabriel W. Perpall therein, were confirmed by the board.

The following cases, viz: Joseph M. Hernandez, 800, and same, for 100 acres of land, being called, and being prepared for trial, were, after due examination, confirmed by the board.

The board adjourned until to-morrow at 10 o'clock.

#### WEDNESDAY, September 8, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

The following claims, viz: Joseph M. Hernandez, for 5,000 acres; same, for 5,000 acres; and same, for 10,000 acres of land, being called, Horatio S. Dexter was examined therein; the same were submitted, and the board not being sufficiently advised of and concerning the same, they were ordered to lay over for further consideration.

The following claims, viz: Joseph M. Hernandez, for 355 acres; same, for 457 acres; same, for 800 acres; and same, for 70 acres of land, being called, and being prepared for trial, were, after due investigation, severally confirmed by the board.

Antonio Alvarez vs. The United States, for 1,500 acres of land. This case being called, and being prepared for trial, was recommended to Congress for confirmation.

Martin Hernandez, for 20 acres, and same, for 10½ acres and 1 perch, being called, were submitted and confirmed by the board.

The following cases, viz: Martin Hernandez, for 500 acres, same, for 500 acres of land, being called, were submitted and laid over for further investigation.

The board adjourned until to-morrow at 10 o'clock.

#### THURSDAY, September 9, 1824.

There not being a quorum present, the board adjourned until to-morrow at 10 o'clock a. m.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

#### FRIDAY, September 10, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Marquis de Fougères vs. The United States, for 16,000 acres of land. This day this case came on to be heard, and David P. Macomb, George J. F. Clarke, and Horatio S. Dexter were examined as witnesses in the same on the part of the claimant, but the board not being sufficiently advised, it is ordered that the same be continued.

The following cases, viz: Mary Kunen, for 200 acres; José B. Reyes, for 200 acres; F. J. Fatio *et al.*, 200 acres of land, being called, and being prepared for trial, were severally confirmed by the board.

Horatio S. Dexter, for 16,000 acres; W. Pengree's heirs, for 1,000 acres; R. Pengree's heirs, for 500 acres; P. Lynch, 1,100 acres; Christopher Minchen, 400 acres; Nicholas Rodriguez, 300 acres; Martin Hernandez, 1,000 acres; and Horatio S. Dexter, 2,500 acres of land. These cases being called, and not being prepared for trial, were continued.

The board adjourned until to-morrow at 10 o'clock a. m.

#### SATURDAY, September 11, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.



Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

F. M. Arredondo, jr., vs. The United States, for 175 acres of land. This case being called, and being prepared for trial, was confirmed by the board.

Charles W. Bulow's executors, for 4,000 acres; same, for 675 acres; and Archibald Clark, for 80,000 acres of land. These cases being called, and not being prepared for trial, were, on application of their respective attorneys, continued.

The following cases, viz: Robert Gilbert, for 100 acres; Seymour Pickett, for 350 acres; Sarah Petty, 200 acres; Robert Shepherd, 100; John Salome, 347 acres; Henry Martin's heirs, 400 acres; Joseph S. Sanchez, 20 acres; and William T. Hall, for 2,000 acres of land. These cases being called, and not being prepared for trial, it is ordered that they be placed at the foot of the docket.

On motion of Messrs. Reynolds and Cox, attorneys for claimants, the board resumed the consideration of the following claims, viz: Gabriel W. Perpall, for 335 acres; Mariano Berta, for 166 acres; same, for 200 acres; Nicholas Rodriguez, 300 acres; which were confirmed.

On motion of Mr. Cornell, attorney for claimant, the board resumed the consideration of the following claims, viz: Edward M. Wanton, 150 acres; same, 200 acres; and examined Horatio S. Dexter therein; after which they were confirmed.

The board adjourned until Monday next, the 13th instant, at 10 o'clock a. m.

MONDAY, *September 13, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following cases, viz: Seymour Pickett, 250 acres; John B. Gaudry, 500 acres; Mary Acosta, 640 acres; Mary Ann Davis, 175 acres; Pedro Cocifacio, 500 acres; John Hagans, 100 acres; John Salome, 350 acres, being called, and not being prepared for trial, were continued.

Sarah Fish, 10,000 acres; same, 500 acres; Joseph Summerall, 200 acres; same, 300 acres; same, 150 acres. These cases being called, and not being prepared for trial, it is ordered that they be placed at the foot of the docket.

On motion of Mr. Cox, attorney for claimant, the board resumed the consideration of the case of Bernardo Segui vs. The United States, for 16,000 acres of land; whereupon Mr. Macon, United States attorney, moved that the said case lay over until to-morrow to give him an opportunity to produce evidence on the part of the United States, which was granted.

The board adjourned until to-morrow at 10 o'clock.

TUESDAY, *September 14, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Levin Gunby, 400 acres; William and John Lofton, 350 acres; same, 350 acres; Archibald Clark *et al.*, 250 acres; John B. Richards' heirs, 230 acres; Daniel C. Hart, 150 acres; John Underwood, 600 acres; Pedro Trope, 150 acres; Robert Miller, 635 acres; Sarah Petty, 200 acres. These cases being called, and not being prepared for trial, it was therefore ordered by the board that they be placed at the foot of the docket.

The two following cases, viz: Charles Love, for 300 acres, and Nathaniel Wilds, for 300 acres of land, being called, and not being prepared for trial, were, on application of their attorneys, continued.

The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, *September 15, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Arredondo & Son, for 289,645 acres of land at Alachua, and Peter Mitchell, for a part of said grant. These cases being called, and the claimants being ready to proceed therein, the same were continued in consequence of one of the commissioners having been engaged in claims arising under the original grant to F. M. Arredondo & Son, the said original grant being the foundation of the claimants' title in both of the above cases.

George Atkinson vs. The United States, for 220 acres of land. This case being called, Mr. Gibbs, attorney for claimant, obtained permission, and amended the memorial thereof by substituting the name of Andrew in the place of George Atkinson, after which, the same, being prepared for trial, was confirmed by the board.

The following cases, viz: Francis P. Sanchez, 500 acres; same, 250 acres; same, 2,000 acres, being called, were, after due consideration, submitted and ordered to lay over.

Sophia Fleming *et al.* vs. The United States, for 10,762 acres of land. This case being called, and being prepared for trial, after examining Mr. Reynolds therein, was recommended for confirmation.

The following cases being called, not being prepared for trial, were continued: James Curtis, 400; James and George Clarke, 500; Charles and George Clarke, 300; Stephen Pearce *et ux.*, 250; same, 300 acres.

Joseph Rain and William Bailey vs. The United States, for 1,000 acres of land. This case being called, and being prepared for trial, the board confirmed the same.

On motion of claimant's attorney, the board resumed the consideration of F. P. Fatio vs. The United States, for 10,000 acres of land, and, after examining William Reynolds, recommended the same for confirmation.

The board resumed the consideration of the following cases, viz: Gabriel W. Perpall, 500 acres of land; same, 280 acres of land; and recommended the same for confirmation.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *September 16, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

This day the board resumed the consideration of the case of Bernardo Segui vs. The United States, for 16,000 acres of land, and William Reynolds was called to be examined on the part of the United States therein; and the counsel for the claimant objecting to the admissibility of said witness, time was given to the said counsel to state his objections at large: whereupon the case was continued.

Mary Fontane vs. The United States, for 495 acres of land. This case being called, and being prepared for trial, was confirmed by the board.

The following claims, viz: Sarah Petty, for 150 acres, and William and John Lofton, for 200 acres of land, were called, and not being prepared, it is therefore ordered that the said cases be placed at the foot of the docket.

Francis P. Sanchez vs. The United States, for 1,400 acres of land, and Gabriel Priest, for 500 acres of land. These cases being called, were submitted, and the board not being sufficiently advised concerning the same, it is ordered that they lie over.

The following cases being called, and not being prepared for trial, were continued, viz:

Francis P. Sanchez, 2,000 acres of land; same, 100 acres of land; same, 600 acres of land; same, 25 acres of land; Constance McFee, 446 acres of land; Peter Mitchell, 3,500 acres of land.

In the case of Francis P. Sanchez for 50 acres of land, Mr. Drysdale, attorney for claimant, obtained leave to amend his memorial by substituting 25 for 50 acres of land.

The attorney in the case of Charles W. Bulow's executors, for 4,675 acres of land, obtained permission and filed evidence in said case.

The board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, *September 17, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Thomas Travers' heirs vs. The United States, for 300 acres of land. This case being called, and being prepared for trial, was confirmed by the board.

The following claims, viz: William Dry, one lot of land; same, one lot of land; same, 1,000 acres of land, being called, and not being prepared for trial, were confirmed.

On motion of claimants' attorney, the board resumed the consideration of the following claims, and obtained leave to amend the memorials thereof, viz:

Gabriel W. Perpell, for 16 acres of land; same, for 8½ acres; same, for 20 acres; and examined Francis Marien; after which the board confirmed the first two, and ordered the latter to lie over for further proof.

The board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, *September 18, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, the same was adjourned until Monday next at 10 o'clock a. m.

MONDAY, *September 20, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, the same was adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *September 21, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

James Riz *et al.* vs. The United States, for 640 acres of land. This case was taken up by the board, and not being prepared for trial was ordered to lie over; and claimant obtained leave to amend the memorial thereof.

The board took into consideration the following claims, viz:

Charles W. Bulow's executors, for 4,000 acres, and same, for 675 acres of land, and recommended the same for confirmation.

On motion of the claimant's attorney, the board resumed the consideration of the claim of John B. Gaudry, for 1,500 acres of land; and, after examining Francis Ferreira therein, recommended the same for confirmation.

The board adjourned until Friday next at 10 o'clock a. m.

FRIDAY, *September 24, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

William Walker *vs.* The United States, for 175 acres of land. This case being called, and being prepared for trial, was confirmed by the board.

A. E. Ferguson's widow and heirs, for 1,150 acres; George F. and Oliver Palmes, for 999 $\frac{3}{4}$  acres. These cases being called, the first was recommended for confirmation, and the last ordered to be reported as being interfered with by British titles.

John B. Gaudry *vs.* The United States, for 3,000 acres of land. This case being called, and not being prepared for trial, was continued.

Nicholas Estefanopoly, by his attorney, obtained leave and presented his claim for 2,500 acres of land, and examined Horatio S. Dexter therein; and the board not being sufficiently advised therein, it is therefore ordered that the same be continued.

The board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, September 25, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following claims being called, and being prepared for trial, were confirmed by the board:

Andrew Pleym's heirs, 500 acres; Philip Embara, 100 acres; William Pengree's heirs, 1,000 acres; Rebecca Pengree's heirs, 500 acres; Francis P. Fatio, 1,000 acres. The board took into consideration said claims, and, after examining Joseph Hagins and F. J. Fatio therein, confirmed the same.

Sarah Petty *vs.* The United States, for 150 acres of land. This case being called, and being prepared for trial, after examining Joseph Hagins therein, confirmed fifty acres thereof to claimant.

The board then adjourned until Monday next at 10 o'clock a. m.

MONDAY, September 27, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Francis P. Sanchez *vs.* The United States, for 600 acres, being called, Francis Marien was examined therein; and the board not being sufficiently advised, the same is ordered to be continued.

Sarah Petty, for 200 acres of land; same, for 200. These cases being resumed by the board, and William Reynolds being examined therein, were confirmed.

The following cases being called, were, after due consideration, submitted, viz: Francis Marien, for 2,000 acres and George Fleming's heirs, for 20,000 acres.

The board then adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, September 28, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Joseph Summerall, 300 acres; same, 200 acres; William and John Lofton, 350 acres; same, 350 acres; same, 200 acres; Pedro Tropé, 150 acres; Daniel C. Hart, 150 acres. These cases being called, and being prepared for trial, were severally confirmed by the board.

Joseph Summerall *vs.* The United States, for 150 acres of land. This case being called, and not being prepared for trial, it is therefore ordered that the same lie over.

The board then adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, September 29, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

This day the Hon. William Henry Allen exhibited to the board a commission from the President of the United States, appointing him a commissioner to ascertain claims and titles to lands in East Florida, dated August 12, 1824, and, having previously taken the oath of office, took his seat.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

This day the following claims being called, and being prepared for trial, were confirmed, viz: George F. and Oliver Palmes, 245 acres; A. E. Ferguson's widow and heirs, 507 acres; same, 43 $\frac{1}{2}$  acres. John Bolton, for 2,000 acres. This case being called, was, after due consideration, submitted.

John Gianopoli, for 500 acres, and same, for 10 acres of land. On motion of claimant's attorney, the board took under consideration the said claims, and examined Pedro Bennet, and Benito Segui therein, after which they were ordered to lie over until to-morrow.

The board then adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, September 30, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

John Gianopoli, for 500 acres; same, for 10 acres; A. Montero's heirs, 25 acres; William Travers, 450 acres. These cases being called, came by their respective attorneys, and being prepared for trial, were severally confirmed by the board.

Catalina de Jesus Hijuelos *vs.* The United States, for 2,000 acres of land. This case being called, came by its attorney, and the same was submitted.

Reuben Charles, 100 acres; Pedro Cocifacia, 500 acres. These cases being called, were laid over for further investigation.



Mr. Strong obtained permission and amended the memorial in the case of Lorenzo Capas' heirs, by substituting 175 acres in lieu of 160 acres.

On motion of the United States attorney, the case of Nicholas Rodriguez, for 300 acres of land, was opened, and ordered to stand over for further investigation.

The board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, October 1, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of Mr. Strong, attorney for claimants, the board resumed the consideration of the following claims, and confirmed the same, viz:

Reuben Charles, 100 acres; William Williams, 2,020 acres; same, 180 acres.

Horatio S. Dexter vs. The United States, for 2,500 acres of land. This day this case came before the board, and, after examining George J. F. Clarke and Francis Marin therein, the same was submitted.

The following cases, viz: Seymour Pickett, 350 acres; Robert Shepherd, 100 acres; heirs of Henry Martin, 400 acres, being called, came by their attorneys, and, after examining Gabriel W. Perpall therein, were submitted.

The board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, October 2, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Nathaniel Wilds, for 300 acres of land; Charles Love, for 300 acres of land. These cases being called, and not being prepared for trial, were continued.

The board took into consideration the claim of F. M. Arredondo & Son, for 289,645 acres of land, and Peter Mitchell for an undivided fourth part of said grant; and the attorney in the above cases obtained leave and amended the memorial in the case of Peter Mitchell. The depositions and evidence in the case of Moses E. Levy vs. The United States, for 36,000 acres of land, being part of said grant, was admitted by the board, and was read, as was also the depositions of Horatio S. Dexter and Edward M. Wanton; and Thomas Murphy, Joshua Coffee, and Francis P. Sanchez, were examined therein. At 2 o'clock p. m. the board, not being sufficiently advised in the said claim, adjourned the further consideration thereof until Monday next.

The board adjourned until Monday next at 10 o'clock a. m.

MONDAY, October 4, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Constance McFee vs. The United States, for 446 acres of land. This case being called, and not being prepared for trial, was continued.

Francis P. Sanchez vs. The United States, for 25 acres of land. This case being called, and being prepared for trial, was confirmed by the board.

F. M. Arredondo & Son and Peter Mitchell vs. The United States, for 289,645 acres of land at Alachua.

The board resumed the consideration of the said claim, and the same was submitted.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, October 5, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, the same was adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, October 6, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing, the board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, October 7, 1824.

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing, the board adjourned until to-morrow at 10 o'clock.

FRIDAY, October 8, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing, the board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, October 9, 1824.

The board met this day pursuant to adjournment. Present: all the members.  
Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.  
No business appearing before the board, the same was adjourned until Monday next.

MONDAY, October 11, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. H. Allen.  
Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Sarah Petty vs. The United States, for 268 $\frac{3}{4}$  acres of land.

On motion of claimant's attorney, the board resumed the consideration of said claim, and confirmed the same.

John Bunch vs. The United States, for 2,160 acres of land. This case being called, came by its attorney, and, after examining Horatio S. Dexter and William G. Perpall therein, ordered the same be reported to Congress.

William Travers, 1,000 acres; William Travers, 172 acres; Francis P. Sanchez, 100 acres.

These cases being called, and being prepared for trial, were confirmed.

Pedro Cocifacio vs. The United States, for 2,000 acres of land. This case being prepared for trial, was recommended for confirmation.

Nicholasa Gomez's heirs vs. The United States, for 1,200 acres of land. This case came by its attorney, and the board, after due consideration, submitted the same.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, October 12, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

John Gianoply vs. The United States, for 15 acres of land.

On motion of claimant's attorney, the board resumed the consideration of said claim, and, after examining Benito Segui therein, confirmed ten acres thereof to claimant.

The board resumed the consideration of the following claim, viz: Francis J. Fatio *et al.*, for 700 acres of land on St. John's river, and two small marsh islands in front, and confirmed the same.

On application of claimant's attorney, the order of rejection was set aside on the following claim, viz: John Jones vs. The United States, for 100 acres of land; and, upon further evidence, the case was submitted for final decision and the title confirmed.

The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, October 13, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of claimant's attorney, the board resumed the consideration of the claim of Joseph Wales vs. The United States, for 2,375 acres of land, and, after examining Horatio S. Dexter therein, recommended the same to Congress for confirmation, the Hon. George Murray differing.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, October 14, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Mr. Drysdale, attorney for claimant, obtained leave and filed a deed of conveyance from Samuel Cook to Francis P. Sanchez, on the claim of the latter for 100 acres, confirmed the 11th instant.

The board not being sufficiently advised of and concerning the case of George Fleming vs. The United States, for 20,000 acres of land, on motion of the district attorney, the case was opened for argument, and not having time to close said argument, on motion of counsel it was deferred until to-morrow.

The board then adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, October 15, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The argument in the case of George Fleming's heirs, for 20,000 acres of land, which was deferred for this day, was taken up and concluded.

The board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, October 16, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of the United States attorney, the case of Gideon Dupont's heirs, for 400 acres of land, was opened and ordered to stand over for further investigation until Monday next.

The board then adjourned until to-morrow at 10 o'clock a. m.

MONDAY, *October 18, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

Antonio Canovas, jun., vs. The United States, for 640 acres.

This case was ordered to be reported to Congress under the donation act, to be measured out by the surveyor general according to the act of Congress under which he claims his title.

Gideon Dupont's heirs, for 400 acres of land. On motion of the United States attorney, this case was re-examined, and the board being sufficiently informed of the same, it was reconfirmed.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *October 19, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, the same was adjourned until Monday next, the 25th instant, at 10 o'clock a. m.

MONDAY, *October 25, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, the same adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *October 26, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Robert Miller, by his attorney, Belton A. Copp, presented his memorial to this board, praying confirmation of title to 640 acres of land, situated in Duval county, on an island called Martin's island. Filed.

The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, *October 27, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, the same adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *October 28, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of the United States attorney, and it appearing to the satisfaction of the board that William Reynolds had been duly subpoenaed to attend the board of land commissioners for East Florida, to testify on the part of the United States in the case of Bernardo Segui, for 16,000 acres of land, and failed to attend the said board, it is therefore ordered that the secretary issue an attachment against the said William Reynolds, directed to the marshal of East Florida, commanding the said marshal to bring the said Reynolds before the board this evening at 4 o'clock.

The board then adjourned until 4 o'clock this afternoon.

THURSDAY AFTERNOON, *4 o'clock.*

The board met. Present: the Hons. Davis Floyd and William H. Allen.

The marshal of East Florida made his return that, agreeably to and by virtue of the attachment directed to him from this board, he had William Reynolds, the person in said attachment named, in his custody, and at the bar of the board of commissioners. Whereupon the said Reynolds was asked if he had any excuse to offer for not obeying a writ of subpoena directed to him, and requiring him (the said Reynolds) to appear before this board to testify on the part of the United States for 16,000 acres of land, and the said Reynolds offering no satisfactory excuse was held to have been in contempt; but the board being divided as to the expediency of detaining the said William Reynolds any longer in custody, he was discharged.

This day William Reynolds was examined on the part of the United States in the case of Bernardo Segui, for 16,000 acres of land. After which the board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, *October 29, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, it adjourned until to-morrow at 10 o'clock a. m.



SATURDAY, *October 30, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, it adjourned until Monday next at 10 o'clock a. m.

TUESDAY, *November 2, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, it adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *November 4, 1824.*

The board met this day. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Mr. Putnam, attorney for claimant, moved that the order of confirmation on the following claims should be set aside, viz: John Jones vs. The United States, for 100 acres of land; which tract of land was confirmed by the board on October 12, 1824. It was therefore ordered by the board that the secretary inform Mr. John B. Strong, former counsel for claimant, that the said case would stand open for a rehearing to-morrow afternoon.

Henry Hartley, by his attorney, Isaac N. Cox, presented his memorial to this board, praying confirmation of title to 640 acres of land, with a plat and certificate of survey by E. de Van Evour in favor of memorialist, dated July 21, 1824; also an affidavit of Joseph Summerall, dated June 19, 1824. Filed.

James James, by his attorney, Waters Smith, presented his memorial to this board, praying confirmation of title to 640 acres of land on the south side of Julington creek; when, on motion of claimant's attorney, the board took the same into consideration, and, after examining Joseph Summerall and Lewis Gardner therein, ordered the same to be reported to Congress under the donation act.

The board then adjourned until to-morrow at 3 o'clock p. m.

SATURDAY AFTERNOON, *November 6, 1824.*

The board met this day. Present: the Hon. George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

There being no business, the board was adjourned until Monday next at 10 o'clock a. m.

MONDAY, *November 8, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The motion of Mr. Putnam, moving the board to set aside the order confirming to John Jones 100 acres of land, was this day taken into consideration by the board, and ordered to be continued for further investigation.

Juan Oliver presented his memorial to this board, praying confirmation of title to 640 acres of land on St. John's river, near Dunn's lake. Filed.

The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, *November 10, 1824.*

The board met this day. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, the same was adjourned until to-morrow at 4 o'clock p. m.

THURSDAY, *November 11, 1824.*

The board met this day pursuant to adjournment. Present: the Hon. George Murray.

There being no business, the board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, *November 12, 1824.*

The board met this day. Present: the Hon. George Murray.

*Ordered,* That the cases now upon the docket which have been submitted, and those which have been translated and read before the board as prepared for trial, shall be acted upon and disposed of as they stand upon the docket after Monday next, unless good cause can be shown for delay or a continuance.

The board adjourned until Monday next, 15th instant, at 10 o'clock a. m.

MONDAY, *November 15, 1824.*

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing, the board adjourned until Friday, the 19th instant, at 10 o'clock a. m.

FRIDAY, November 19, 1824.

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board under their order.

No business appearing before the board, the same was adjourned until Monday next, the 22d instant, at 10 o'clock a. m.

MONDAY, November 22, 1824.

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of Mr. Strong, attorney for claimant, he obtained leave to amend the memorial on the following claim, viz: Bartolo. Maestre, for 300 acres of land.

The board resumed the consideration of the claim of Bernardo Segui vs. The United States, for 16,000 acres of land, and examined Francis de Medecis as witness therein on the part of the claimant.

The board then adjourned until to-morrow at 3 o'clock p. m.

TUESDAY, November 23, 1824.

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, the same was adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, November 24, 1824.

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

James Hagen presented his memorial to this board, praying confirmation of title to 640 acres of land situated on the north side of the river Miami. Filed.

Polly Lewis presented her memorial to this board, praying confirmation of title to 640 acres of land situated about one mile south of the river Miami, near Cape Florida. Filed.

Jonathan Lewis presented his memorial to this board, praying confirmation of title to 640 acres situated about two miles south of the river Miami, near Cape Florida. Filed.

Mrs. Hagens presented her memorial to this board, praying confirmation of title to 640 acres of land situated on the south side of the river Miami, near Cape Florida. Filed.

The attorney for claimant in the following cases obtained leave, and amended the memorials thereof, viz: Pedro de Cala, for 500 acres of land; same, for 200 acres of land.

Lazaro Ortega vs. The United States, for 88 acres of land. This case being called, and not being prepared for trial, was laid over.

The board adjourned until to-morrow at 11 o'clock a. m.

THURSDAY, November 25, 1824.

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The board resumed the consideration of the claim of Bernardo Segui, esq., vs. The United States, for 16,000 acres of land, and examining George J. F. Clarke, Pedro Miranda, and Eusebio M. Gomez as witnesses therein on the part of the claimant.

The board resumed the consideration of the following claims, and confirmed the same, viz: Seymour Pickett, for 350 acres of land; Robert Shepard, for 100 acres of land; Henry Martin's heirs, for 400 acres of land.

The board adjourned until to-morrow at 11 o'clock a. m.

FRIDAY, November 26, 1824.

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Robert Walker vs. The United States, for 100 acres of land at Mosquito. This case being called, after examining Gabriel W. Perpall therein, the board confirmed the same.

Robert Gilbert vs. The United States, for 100 acres of land on Matanza river. This case came by its attorney, and being prepared for trial, was confirmed.

The board adjourned until Monday next at 11 o'clock a. m.

MONDAY, November 29, 1824.

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, the same was adjourned until to-morrow at 11 o'clock a. m.

TUESDAY, November 30, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, it was adjourned until to-morrow at 11 o'clock a. m.

WEDNESDAY, December 1, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Pedro Cocifacio vs. The United States, for 522 acres of land on Guana creek. This case being called, came by its attorney, and being prepared for trial, was confirmed by the board.

On motion of the attorneys, the board resumed the consideration of the following cases, and confirmed the same, viz:

Gabriel Priest, 500 acres on Black creek, St John's river; and Edward M. Wanton, 600 acres on Coleson's creek, St. John's river.

The board reconsidered the case of Robert Gilbert vs. The United States, for 100 acres of land on Matanzas river, which was confirmed the 26th ultimo; and as it was found that said tract was undefined in quantity, it was therefore ordered that the same be recommended to Congress.

Emanuel D. Mott, for 640 acres, under the *donation* act. This case coming in for adjudication, and the board rejecting, as evidence, affidavits offered in evidence by claimant, upon the motion of claimant by his attorney, it is ordered that this case stand confirmed, and that he have leave to introduce witnesses, and that the same are ordered to be subpoenaed.

The board adjourned until to-morrow at 11 o'clock a. m.

THURSDAY, December 2, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of claimant, by his attorney, the board took into consideration the case of Nicholas Estefanopoly vs. The United States, for 2,500 acres of land; and examined Francis Ferreira, Bernardo Segui, and José B. Reyes, as witnesses therein on the part of the claimant, which was submitted, as also the claim of Isaac N. Cox for 500 acres, being part of the above claim.

Joseph S. Sanchez vs. The United States, for 20 acres of land on Anastasia island. The attorney for claimant obtained leave and presented the foregoing claim for adjudication; and the board not being sufficiently advised concerning said claim, it was therefore ordered to be continued for further investigation.

The board adjourned until to-morrow at 11 o'clock a. m.

FRIDAY, December 3, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing before the board, the same was adjourned until to-morrow at 11 o'clock a. m.

SATURDAY, December 4, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing, the board adjourned until Monday next, the 6th instant, at 11 o'clock a. m.

MONDAY, December 6, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Mr. Drysdale obtained leave, and filed the following documents, viz:

Robert Harvey Simpson and Ann Simpson, his wife, claim for 5,000 acres of land. Original grant, and certificate of no compensation having been made by the British government.

John Holland and Jane Holland, his wife, claim for 5,000 acres of land. Original grant, and certificate of no compensation by the British government.

Elihu Hall Bay and Margaret Bay, claim for 5,000 acres of land. Original grant, and certificate of no compensation by the British government.



The heirs of Andrew Turnbull, various claims. Certificate that no compensation was ever made by the British government for any lands executed to Andrew Turnbull, and certified copy of Dr. Andrew Turnbull's will.

James Marshall, in a claim, filed certificate of no compensation by the British government.

The board adjourned until to-morrow at 11 o'clock a. m.

TUESDAY, *December 7, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing, the board adjourned until to-morrow at 11 o'clock.

WEDNESDAY, *December 8, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing, the board adjourned until to-morrow at 11 o'clock.

THURSDAY, *December 9, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

William Evans, by his attorney, James Hughes, presented his memorial to this board, praying confirmation of title to 640 acres of land, under the donation act, situated on Durbin's creek, on the road leading from St. Augustine. Filed.

On motion of claimant's attorney, the board took under consideration the claim of John Jones for 640 acres of land, under the donation act; and examined Samuel Fairbanks as a witness on the part of the United States therein, and the claim was submitted.

The board took under consideration the claim of Emanuel D. Mott for 640 acres of land under the donation act; and the affidavits of Samuel Fairbanks and John Jones were read as evidence therein, and the claim was submitted.

The board adjourned until to-morrow at 11 o'clock a. m.

FRIDAY, *December 10, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The board was this day occupied in making up their report to Congress, and no other business appearing, it was adjourned until to-morrow at 11 o'clock a. m.

SATURDAY, *December 11, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

José Simon Sanchez vs. The United States, for 20 acres of land on Anastasia island. This case being called up, on motion of claimant's attorney, the memorial thereof was amended, and the board confirmed the same in favor of the heirs of Francis X. Sanchez.

Elihu Woodruff and others, for 350 acres of land on St. John's river, at a place called New Buena Vista. In this case it was ordered, upon motion of claimants' attorney, that the case be opened, and the same be reinstated on the docket.

The board adjourned until Monday next at 11 o'clock a. m.

MONDAY, *December 13, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The board took into consideration the case of John D. Vaughn, for 950 acres of land situated on Nassau river, and confirmed the same.

The board adjourned until to-morrow at 11 o'clock a. m.

TUESDAY, *December 14, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business appearing, the board adjourned until to-morrow at 11 o'clock.

WEDNESDAY, *December 15, 1824.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the district of Florida, attended the board this day under their order.

Joseph Higginbottom, by his attorney, Waters Smith, presented his memorial to this board, praying confirmation of title to 640 acres of land, under the donation act, situated on the upper landing of Little St. Mary's river. Filed.

Henry Sevenney, by his attorney, Waters Smith, presented his memorial to this board, praying confirmation of title to 640 acres of land, under the donation act, situated on the west side of St. John's river, two and a half miles north of Jacksonville. Filed.

Mary Lewis, by her attorney, Waters Smith, presented her memorial to this board, praying confirmation of title to 640 acres of land, under the donation act, situated on the river Miami, near Cape Florida. Filed.

John D. Braddock, by his attorney, Waters Smith, presented his memorial to this board, praying confirmation of title to 640 acres of land under, the donation act, situated on the south side of Little St. Mary's river. Filed.

The board took into consideration the claim of James Riz and others, for 640 acres of land, situated at Picolata, on St. John's river, and produced as evidence therein the depositions of George Coles and Horatio S. Dexter; and the board being fully advised of and concerning the case, it was ordered to be reported to Congress under the donation act.

Margaret Acosta *vs.* The United States, for 640 acres of land, situated north and without the gates of the city of St. Augustine.

The claimant produced as evidence in said case the depositions of John Gianopoli and Peter Masters; and the board not being sufficiently advised therein, ordered the same to be continued.

William Bardin *vs.* The United States, for six lots of land, situated at a place called St. Anthony, St. John's river. On motion of claimant's attorney, the board took into consideration the said claim, and, after examining Joseph Hagen therein, confirmed the same to the widow and other heirs of Uriah Bowden.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, December 16, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The board was this day occupied in making out their report to Congress.

No other business appearing, the board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, December 17, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The board was this day occupied in making out their report to Congress.

No other business appearing, the board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, December 18, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The board resumed the consideration of the case of Antelm Gay *vs.* The United States for a lot of land in Fernandina, Amelia island, and confirmed the same.

The case of Joseph M. Hernandez, for 635 acres of land, was reconsidered and reconfirmed by the board.

The board adjourned until Monday next, the 20th instant, at 10 o'clock a. m.

MONDAY, December 20, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following cases were this day reconsidered and reconfirmed by the board, viz:

James and Emanuel Ormond, 2,000 acres; Francis Avice, 115 acres; Joseph M. Hernandez, 455 acres.

The board reconsidered the following cases, and recommended the same for confirmation, viz:

Michael Crosby's heirs, 2,000 acres; same, 500 acres; Francis P. Sanchez, 250 acres; Shadrack Standley, 300 acres. The board resumed the consideration of these cases, and confirmed the same.

Joseph Summerall *vs.* The United States, for 150 acres of land. There not appearing sufficient evidence in the opinion of the board to confirm said claim, the same was rejected.

Daniel C. Hart *vs.* The United States, for 150 acres of land. The board reconsidered said case, and ordered that the same lie over for further investigation.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, December 21, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Mary Ann Davis *vs.* The United States, for 175 acres of land, situated on an island called *Key Biscayne*, one of the Florida keys.

On motion of claimant's attorney, this case was called and confirmed by the board.

The board resumed the consideration of the case of Nicolsa Gomez's heirs *vs.* The United States, for 1,200 acres, situated at Hillsboro' river, and confirmed the same.

The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, December 22, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The board was this day occupied in making out their report to Congress.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, December 23, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, December 24, 1824.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of claimant's attorney, the board took into consideration the case of Bartolome de Castro y Ferrer vs. The United States, for 2,266½ acres of land, situated at San Pablo, about forty miles north of St. Augustine, and, Francis J. Fatio being examined therein, the board confirmed the same.

The board resumed the consideration of the claims of Fernando de la Maza Arredondo & Son for four leagues of land to each wind, and Peter Mitchell's claim for one-fourth of the said four leagues, situated at Alachua, and ordered that the same be reported to Congress for confirmation.

The board adjourned.

TUESDAY, December 28, 1824.

The board met this day. Present: all the members.

Edgar Macon, esq., United States attorney, attended the board this day under their order.

Samuel Clark and George S. Brew vs. The United States, for 3,000 acres of land, situated on St. Mary's river. The board resumed the consideration of said claim, and confirmed the same.

On motion of claimant's attorney, the board took under consideration the following claims, and recommended the same for confirmation, viz:

Joseph F. White, two-thirds of 2,000 acres; same, two-thirds of 1,800 acres; Henry Eckford, 1,000 acres.

On motion of claimant's attorney, the board took up the claim of Bartolome de Castro y Ferrer, for 2,000 acres of land, and confirmed the same.

The following claims, as being part of F. M. Arredondo & Son's grant of four leagues of land to each wind, situated in Alachua, were this day recommended by the board for confirmation, viz:

Alexander M. Muir *et al.*, in trust for the Florida Association, for 30,720 acres; N. Brush, 10,000 acres; Elisha Huntington, 10,000 acres; same, 2,000 acres.

On motion of claimant's attorney, the board resumed the consideration of the case of Mary Acosta vs. The United States, for 640 acres of land, situated within the 1,500 varas north of the city of St. Augustine, and confirmed to said claimant 341½ English yards in front on the east side of the road, and in depth running to the North river.

We certify that the foregoing sheets contain a correct transcript from the minutes of the board of land commissioners since the last report to Congress.

DAVIS FLOYD.  
GEORGE MURRAY.  
W. H. ALLEN.

Test:

F. J. FATIO, S. B. L. C.

ST. AUGUSTINE, January 1, 1825.

18TH CONGRESS.]

No. 455.

[2D SESSION.]

# LANDS TO BE TAXED BY THE STATES AFTER SALE BY THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 26, 1825.

Mr. VINTON, from the Committee on the Public Lands, to whom was referred the joint resolution of May 24, 1824, proposing "that the several States which have been admitted into the Union under any compact prohibiting such States from levying and collecting a tax on land for five years next succeeding the sale of such land by the United States, shall be severally permitted, whenever they may deem it expedient, to subject all lands hereafter sold by the United States within their respective limits to the same tax that they may levy and collect on lands not subject to the provisions of such compact," reported:

That the first compact securing the exemption from taxation mentioned in the resolution was entered into between the State of Ohio and the United States upon the admission of that State into the Union. A



similar stipulation has been entered into with each State since admitted into the Union in which the United States were possessed of public lands. At the time of making those contracts the vast quantities of uninhabited public lands were, and still continue to be, of great importance to the United States in respect both to the settlement of those lands and the revenue to be derived from the sale of them.

To afford every reasonable facility and encouragement calculated to effect these objects has been at all times the evident policy and interest of the government. The means adopted have been the sale of the public lands. To hold out every proper inducement to purchasers was the object of the United States in framing its land system, which, in all the subsequent legislation on that subject, has never been lost sight of. This exemption from taxation was no doubt intended to be an inducement to purchasers, and, at the same time, to secure to the government, to a certain extent, the payment of the purchase money by preventing any part of the means of the debtor from being drawn from him by taxation during the time given him to comply with his engagement to the government.

This arrangement with the States was, therefore, unquestionably politic, and has, without doubt, had its effect, among other causes, in advancing the settlement of the country. Under recent modifications, however, of the land system, this exemption from taxation has entirely ceased to operate as a security for the payment of the purchase money, and, in the opinion of the committee, has also ceased to be an inducement of any serious moment with the purchaser that would in any case be likely to determine him to purchase or deter him from doing so. Under the credit system, when the purchaser took upon himself a debt equal to all his means and ability to discharge during the term of credit given him, he might be deterred from entering into the contract with the government, if any portion of his resources were liable to be diverted into another channel. Since the abolition of credit, when the purchaser no longer anticipates his means, but pays when he purchases, it would seem that a liability to contribute, in common with his fellow-citizens, to the support of the government from which he receives the same common protection they enjoy, would not enter into his calculation in making his contract. Your committee know of no State in the Union in which a system of taxation prevails burdensome to its people, or that could for a moment deter any person intending to become an actual settler from purchasing land for the purpose of settlement. The committee, from the view they have taken of the object of the resolution, cannot see that the interest of the general government would be in any way injuriously affected by granting to the States the proposed authority to levy taxes upon all lands hereafter sold by the United States. The abolition of credit has rendered the exemption from taxation subsequent to the sale of the public land of little or no value to the general government, while its operation upon the States that are parties to the compact remains uninfluenced by this modification of the land system. The effect in those States where the public lands have been recently brought into market and meet with a rapid sale is to impose upon a part of the community, perhaps a minority, the burden incident to the maintenance and support of the government of the whole. The expense of every government must necessarily bear some proportion to its population, and the former has generally been found to keep pace in its increase with the increase of the latter. In most of the new States, with the greatest abundance of real estate, there is very little personal property, and that little requires to be fostered. The consequence of this has been, and must continue to be, that the revenue of their governments has been derived almost exclusively from land taxation. An immunity from taxation enjoyed by a large class of citizens will necessarily lead to one of two results: either to impose an undue burden of taxes upon a part of the community, or occasion the necessary revenue for the support of government to be anticipated by contracting a public debt to avoid this unequal burden, and in this way increase the tax of the purchaser of the public land so soon as his exemption terminates.

The State of Ohio furnishes a striking illustration of the operation of this compact, and of what will be its probable operation in Illinois, Missouri, and some of the other new States, for some years to come. For the first fifteen years after the admission of Ohio into the Union the population of that State more than doubled every five years; the consequence of which was, that during that time less than one-half of its people were obliged to bear the whole expense of the government. This is a state of things that ought not to exist without some good reason, and ought to terminate when the reason ceases. The committee, not being able to foresee that the interests of the United States will be likely to suffer any injury, and that an invidious inequality in the taxation of those States where large quantities of public lands may be sold in the course of a few years will be abolished by the adoption of the resolution, recommend it to the House accordingly for adoption.

19TH CONGRESS.]

No. 456.

[1ST SESSION.]

## BOUNTY LAND WARRANTS.

COMMUNICATED TO CONGRESS, BY THE PRESIDENT OF THE UNITED STATES, DECEMBER 6, 1825.

DEPARTMENT OF WAR, *Bounty Land Office*, November 23, 1825.

SIR: Agreeably to instructions, I herewith hand you the annual report of the business of this office for the year ending the 22d instant.

I have the honor to be, with great respect, sir, your most obedient servant,

WM. M. STEUART, *Clerk*.HON. JAMES BARBOUR, *Secretary of War*.

*Abstract of the number of warrants issued for military bounty lands for services in the late war, from November 22, 1824, to November 22, 1825, inclusive, viz:*

1. Authorized by the act of December 24, 1811, and January 11, 1812.....	167
2. Authorized by the act of February 6, 1812, (volunteers,).....	4
3. Authorized by the act of December 10, 1814.....	3
4. Authorized by the act of March 5, 1816.....	3
Total.....	177

Number of warrants of the first and second description, 171 of 160 acres each.....	27,360
Number of warrants of the third description, 3 of 320 acres each.....	960
Number of warrants of the fourth description, 3, (Canadian volunteers,).....	800
Total.....	29,120

N. B.—In this class of claims officers received land in different proportions from privates.

*Return of claims which have been deposited in the office from October 1, 1824, to September 30, 1825, inclusive, viz:*

Discharges and posthumous claims.....	494
Discharges on file at date of last report awaiting further evidence of service, &c.....	474
Total.....	968

Whereof number admitted for which warrants have issued.....	166
Whereof number returned to the applicants for further evidence, or rejected.....	336
Whereof number remaining on file, awaiting further evidence of service, &c.....	466
	968

The number of claims for five years' half-pay pension, in lieu of bounty land, remaining on file at date of last report, awaiting evidence of death in service, &c., were.....	18
Subsequently called up and admitted.....	3
	15

The number of "Canadian volunteer" claims remaining on file at the date of last report, awaiting further evidence of right to claim, were.....	128
Subsequently called up and admitted.....	3
	125

The number of revolutionary claims on file at date of last report, awaiting additional vouchers, were.....	97
Received from October 1, 1824, to September 30, 1825, inclusive.....	462
	559

Disposed of as follows, viz:

Rejected, not being entitled to land, or which had been previously satisfied.....	386
Admitted as being entitled, but awaiting additional documents, or authority to call and receipt for the warrants.....	77
Suspended and still kept on file till known to what line of the army, &c., they were attached.....	52
Number of warrants issued.....	44
	559

Viz:

First class.—To lieutenant colonels, two of 450 acres each.....	900 acres.
Second class.—To surgeon, one of 400 acres.....	400 acres.
Third class.—To captains, eight of 300 acres each.....	2,400 acres.
Fourth class.—To lieutenants, twelve of 200 acres each.....	2,400 acres.
Fifth class.—To ensign, one of 150 acres.....	150 acres.
Sixth class.—To rank and file, twenty of 100 acres each.....	2,000 acres.
	8,250 acres.

There are fifty-nine revolutionary land warrants issued to officers and privates now in the office, signed by Generals Knox and Dearborn when they were at the head of the department, and which have not yet been called for.

WM. M. STEUART, Clerk.

DEPARTMENT OF WAR, *Bounty Land Office, November 22, 1825.*

19TH CONGRESS.]

No. 457.

[1ST SESSION.]

## APPLICATION OF INDIANA FOR RELIEF OF PURCHASERS AND FOR REDUCTION IN PRICE OF PUBLIC LANDS.

COMMUNICATED TO THE SENATE DECEMBER 14, 1825.

## A JOINT RESOLUTION respecting purchasers of public lands.

Whereas many of the citizens of this State, purchasers of public lands, omitted to take advantage of the extended credit granted to them by acts of Congress under certain regulations—some being under a moral conviction that the earnings of honest labor would enable them to accomplish the original purchase, and others being ignorant of the requisition required, of applying to the register of their land district and filing an application under the law, to benefit by its enactments; whereas the honest purposes of many citizens have been frustrated by the increased depression of the staple productions of our soil, the scarcity of money, and the price of both real and personal property, and even the hope of others has darkened into despair by the authorized construction given to acts passed for their relief, which restricts all relinquishments received in payment to such certificates as were registered for extended credit; and whereas it cannot be the policy or the interest of the general government to exact a forfeiture of money for property which, in many cases, reverts, with improvements, without any wilful delinquency, and solely on account of paralyzed enterprise and general distress, but must rather be its aim and desire to grant equitable relief to all: Therefore—

*Resolved by the general assembly of the State of Indiana*, That our senators in Congress be instructed, and our representatives requested, to use their exertions to extend the salutary effects of laws heretofore passed for the relief of purchasers of public land to all holders of certificates who failed to file their application for extended credit, that they, or their legal representatives, shall hereafter be allowed to apply the instalments paid in the same manner and with the same privileges as they could now do if they had filed their application for credit with the register of their respective land districts.

*Resolved*, That his excellency the governor be, and he is hereby, requested to forward a copy of the foregoing preamble and resolution to each of our senators and representatives in the Congress of the United States, as soon as convenient, with a request that they may present the same to the House of Representatives, of which they are members.

STEPHEN C. STEVENS, *Speaker of the House of Representatives.*  
JAMES B. RAY, *President of the Senate pro tempore.*

Approved January 21, 1825.

WILLIAM HENDRICKS.

STATE OF INDIANA, *Secretary's Office.*

I, William W. Wick, secretary of state for the State aforesaid, certify the foregoing to be a correct and faithful copy of the original roll on file in this office. In testimony whereof, I have hereunto set my hand and affixed the seal of the State aforesaid, this 28th day of January, in the year of our Lord 1825.

[L. s.]

WM. W. WICK.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled :*

Your memorialists, the general assembly of the State of Indiana, respectfully submit to the consideration of your honorable body the cases of many of our citizens whose lands were forfeited to the government prior to the passage of the several acts of Congress for the relief of purchasers of public lands. The several acts of indulgence passed by Congress within the last four years, whereby thousands of our citizens have been rescued from impending ruin, and a comfortable home secured for themselves and families, have not only accorded with a just and benevolent policy, but have elicited towards the general government the warmest gratitude of a great and rising community. So far as sacrifices made, hardships endured, and dangers encountered, constitute claims on the tenderness and forbearance of government, it is confidently believed that the early settlers and first purchasers of the public lands in our western wilderness present a more emphatic appeal to the liberality of government than the great majority of those who, at a later period, received its indulgence on a view of the several considerations which the history of our settlements renders familiar to many of your honorable body, and which cannot fail to strike the representatives of the people with their just force. Your memorialists are induced respectfully to suggest the expediency of permitting, by law, those individuals who, prior to the act of Congress for relief of purchasers of public lands passed in 1821, suffered a forfeiture of lands on which one or more payments had been made to apply the amount of their forfeitures in the purchase of other lands, confining them to the districts wherein the forfeitures accrued. In connexion with this subject your memorialists beg leave to introduce another suggestion of still greater importance to the interests of the State. They would respectfully submit the expediency of reducing the price of public lands in those districts where they have been offered for sale for ten or more years, and have not yet found purchasers.

In many of the oldest counties of this State there are extensive tracts of lands of an inferior quality, which it cannot be expected will find purchasers whilst they are held at the same prices for which lands of the best quality can be procured. These lands, if not brought into market by a reduction of the prices, will either remain in a wilderness state, or be deprived of all value by interlopers and trespassers, whose rude and transient settlements are a nuisance to society, and directly tend to the discouragement and suppression of all honest industry and enterprise. It is confidently believed that a course of policy that should favor the compactness of our settlements rather than their extension would be productive of the happiest effects. The natural curiosity and adventurous spirit of our citizens have hitherto prompted and will continue to invite large numbers to the extreme verge of civilization. It is the policy of



enlightened legislation to curtail this unlimited range, and, by social allurements, to reclaim our wandering tribes to the blessings of humanity and refinement. This is alone to be effected by increasing and multiplying the means of education; and, to enable our citizens to enjoy these means in their full extent, the settlements of our country must become more compact. In a pecuniary point of view it is believed that the government would gain rather than lose by the measure proposed. If the price of inferior lands in the old districts continue the same, very few will be sold. It is not indulging a spirit of rash conjecture to say that future sales at the present prices will not more than defray the expenses of the officers in such districts; whereas, if the price is reduced to one-half or a third of the present standard, numerous sales will be effected, and the interest of the money accruing on the sales will insure a greater profit to the government than can reasonably be expected from adhering to the present order of things.

This reduction would furnish strong motives to many a parent to enlarge his domain in such manner as to provide for the settlement of his children around him. It would check that spirit of avarice which severs the dearest ties of blood and friendship in quest of remote wilds. It would foster the spirit of fellowship and kindred feeling by uniting in harmonious neighborhoods friends and kindred, and enable them to realize, in a much shorter time, the rich advantages and social enjoyments of our parent States. If the suggestion hazarded by the general assembly should be favorably received and acted upon, the tide of emigration may not move so rapidly, but it will never retrograde; for the loss of life and health, which is the frequent consequence of the exposures necessary in making new settlements, would seldom be witnessed, and the discouragements which these losses occasion would cease to retard the improvement of our country. By the adoption of the measure proposed government would be enabled in a few years to discontinue several land offices which must shortly become a burden; our State would derive the most sensible advantage from the superior compactness of its settlements; society would be ameliorated by the facilities afforded to education; and the Union at large receive a vast accession of moral and political strength. In offering the preceding suggestions to the consideration of your honorable body, the general assembly disavow and disclaim the slightest intentions of dictating a course of legislation which is safely confided to your superior wisdom. They, in common with their fellow-citizens, have largely experienced the munificent policy of the general government, and will be the last to distrust the equitable spirit by which the affairs of the Union are administered.

DAVID H. MAXWELL, *Speaker of the House of Representatives.*

JAMES B. RAY, *President of the Senate pro tem.*

Approved January 30, 1824.

WILLIAM HENDRICKS.

19TH CONGRESS.]

No. 458.

[1ST SESSION.]

# APPLICATION OF MISSOURI IN FAVOR OF ACTUAL SETTLERS, AND FOR FIELD NOTES, PLATS, AND DESCRIPTIONS OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE DECEMBER 14, 1825.

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :*

The memorial of the legislature of the State of Missouri respectfully represents: That, notwithstanding the liberality of the general government, it is believed that there are many persons who had migrated to the then district of upper Louisiana, now State of Missouri, before the change of government, who were actually here on December 20, 1803; but, owing to the peculiar situation of the country then and their individual circumstances, the laws of Congress heretofore have not embraced their case. Those persons who had removed from other States expressly for the purpose of procuring lands whereon to settle their families, but finding that the article of provision was very scarce, in general the population small and scattering, and the savages, though professedly friendly, were so numerous, and frequently committing depredations on the stock of the inhabitants in such manner as to excite suspicion and occasion alarms, particularly among the women and children, in such manner as to prevent in some instances families from residing on the land selected for that purpose; while some were influenced, as above, to remain with or near their friends for the sake of sustenance and protection, others, and particularly mechanics, were obliged to betake themselves to villages for the same object, and not being able to see what would ultimately be requisite to entitle them to land have been entirely disappointed; whereas, if they had not been deterred from residing on the place of their choice at the time required by law, their claim would have been granted by the board of commissioners appointed for that purpose. Your memorialists, therefore, respectfully represent that in all cases where a notice has been filed, according to law, with the recorder of land titles, and where such persons or their legal representatives remain in the country, it would be an act of justice and liberal policy in your honorable body to provide further for claims of this description as you, in your wisdom, may deem reasonable and just.

*Resolved,* That the executive of this State be required to cause one copy of the foregoing memorial to be forwarded to the Speaker of the House of Representatives of the United States, and one to each of our senators and representatives in Congress.

H. S. GEYER,

*Speaker of the House of Representatives.*

A. J. WILLIAMS,

*President of the Senate pro tempore.*

Approved January 26, 1825.

FREDERICK BATES.

*To the Senate and House of Representatives of the United States in Congress assembled :*

The general assembly of the State of Missouri most respectfully represent to your honorable body that the people of this State labor under great inconvenience relative to their lands. At present there is but one office in the State from which full information can be obtained as to the precise boundaries of much of our land, and that office is not under the control of the State. It is true that at the several land offices in the State partial information may be obtained, but neither are these under the control of the State. Your memorialists fully believe that the prosperity of the Union is deeply connected with that of the individual States, and that the prosperity of this State would be greatly promoted by having, under the control of this State, a complete record or copy of the field notes, plats, and descriptions of all lands which have been surveyed in this State, and also of all the lands in the State which may hereafter be surveyed, as soon as may be convenient after such surveys are completed.

Such a record would greatly aid in collecting the revenue of the State, and would prevent much future litigation. Precision in our boundaries and clearness in our titles would induce emigration, and prosperity would ensue. But these desirable objects cannot be attained in any other way than from the liberality of the general government. Your memorialists believe that the expense which would accrue to the United States by the appointment of a few additional clerks for this purpose, who should, under the superintendence of the surveyor general of public lands in this State, make for this State such a record or copy, would be very inconsiderable, when viewed in connexion with the great good that would result to this State therefrom. Such record, when obtained, it is contemplated to file with the auditor of public accounts, and from thence to send unto each county in this State, to the recorder in such county, a complete record of all the lands within the limits of such county. Your memorialists moreover believe that full knowledge of the situation of all public lands being thus rendered more accessible to all persons, the sale of such land would be thereby promoted. All of which is submitted to the wisdom, discretion, and liberality of your honorable body, &c.

H. S. GEYER,

*Speaker of the House of Representatives.*

B. H. REEVES,

*President of the Senate.*

Approved January 14, 1825.

FREDERICK BATES.

[The following letter was subsequently addressed to the chairman of the Committee on Public Lands of the House of Representatives on the subject of the foregoing memorial:]

GENERAL LAND OFFICE, *January 30, 1828.*

SIR: I return you the memorial of the State of Missouri on the subject of a record of lands in the State of Missouri.

It would unquestionably be a matter of great accommodation to the people of the State of Missouri to have copies of all records in relation to their lands diffused through the State; and I perceive no objection to their having them so diffused at their own expense. If the government undertake to incur the expense of furnishing a copy of the records of the surveyor's office to the State of Missouri, it will necessarily be compelled to extend the same advantage to all the States in which public lands have been sold.

With the view of permanently preserving the field notes and surveys, and to guard against accidents by increasing the number of these records, very substantial folio volumes were some time since procured by this office and forwarded to the surveyor general of St. Louis, with instructions to have all the field notes and surveys recorded in them, and as each volume was completed to return it to this office.

No progress has been made as yet in making these records. The present surveyor, Colonel McRee, having found the records of that office very much in arrear, has not had time, with the aid of the clerks allowed, to make out the records necessary for the use of his office and to attend to the current business; he has repeatedly applied for additional aid, but it has not been granted.

The regulation above referred to was a general one, but from a variety of causes no progress has been made in executing it, except in the State of Ohio. When these records shall have been completed in the offices of the surveyors respectively, it would be advisable that they be deposited either permanently with the executive of each State, or so long as it may be necessary for them to have copies made.

With great respect, sir, your obedient servant,

GEORGE GRAHAM.

Hon. J. C. ISACKS, *Chairman Committee on Public Lands, House of Representatives.*

19TH CONGRESS.]

No. 459.

[1ST SESSION.]

# CLAIM OF THE MARQUIS DE MAISON ROUGE TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1825.

Mr. BRENT, from the Select Committee, to whom was referred the consideration of the report of the Secretary of the Treasury relative to the claim of the representatives of the Marquis de Maison Rouge to a large tract of land situated in the parishes of Ouachita and Catahoula, in Louisiana, by a resolution of the House of Representatives of the Congress of the United States of December 23, 1824, reported:

That on March 17, 1795, the governor of Louisiana entered into a contract with the Marquis de Maison Rouge, of which the following is a copy:

We, Francis Lewis Hector, Baron de Carondelet, knight of Malta, brigadier general of the royal armies of his Catholic Majesty, military and civil governor of the provinces of Louisiana and West

Florida; Don Francis Rendon, intendant of the army, and deputy superintendent of the royal domains in the said provinces; Don Joseph de Orue, knight of the royal and distinguished order of Charles the Third, principal accountant for the royal chests of this army, exercising the functions of fiscal of the royal domains, declare that we agree and contract with the Señor Marquis de Maison Rouge, an emigrant French knight, who has arrived in this capital from the United States, to propose to us to bring into these provinces thirty families, who are also emigrants, and who are to descend the Ohio for the purpose of forming an establishment with them on the lands bordering upon the Washita, designed principally for the culture of wheat and the erection of mills for manufacturing flour, under the following conditions:

1st. We offer, in the name of his Catholic Majesty, whom God preserve, to pay out of the royal treasury two hundred dollars to every family composed of two white persons fit for agriculture, or for the arts useful and necessary to this establishment, as house or ship carpenters, blacksmiths, and locksmiths; and four hundred to those having four laborers; and in the same way one hundred to those having no more than one useful laborer or artificer, as before described, with his family.

2d. At the same time we promise, under the auspices of our sovereign monarch, to assist them forward from New Madrid to Washita with a skilful guide, and the provisions necessary for them till their arrival at their place of destination.

3d. The expenses of transportation of their baggage and implements of labor, which shall come by sea to this capital, shall be paid on account of the royal domains, and they shall be taken on the same account from this place to the Washita, provided that the weight shall not exceed three thousand pounds for each family.

4th. There shall be granted to every family containing two white persons fit for agriculture ten arpents of land, extending back forty arpents, and increasing in the same proportion to those which shall contain a greater number of white cultivators.

5th. Lastly, it shall be permitted to the families to bring, or to cause to come with them, European servants, who shall bind themselves to their service for six or more years, under the express condition that, if they have families, they shall have a right, after their term of service is expired, to receive a grant of land proportioned in the same manner to their numbers. Thus we promise as we have here stated; and that it may come to the knowledge of those families which propose to transport themselves hither, we sign the present contract with the aforesaid Señor Marquis de Maison Rouge, to whom, that it may be made plain, a certified copy shall be furnished.

THE BARON DE CARONDELET.

FRANCIS RENDON.

JOSEPH DE ORUE.

THE MARQUIS DE MAISON ROUGE.

NEW ORLEANS, *March 17, 1795.*

July 14, in the same year, this contract was approved by the King of Spain.

Having laid before the King what you have made known in your letter of the 25th of April last, No. 44, relative to the contract entered into with the Marquis of Maison Rouge, for the establishment on the Washita of the thirty families of farmers destined to cultivate wheat for the supply of these provinces, his Majesty, considering the advantages which it promises compared with the preceding, has been pleased to approve it in all its parts. By his royal direction I communicate it to you for your information.

God preserve you many years.

GARDOQUI.

MADRID, *July 14, 1795.*

To the Intendant of Louisiana:

June 14, 1797, Carlos Trudeau, surveyor general, certifies to have measured thirty superficial leagues for the said Marquis de Maison Rouge, as ordered by the governor general.

No. 1.

[Translation.]

Carlos Trudeau, surveyor general, &c., certifies to have measured, in favor of Marquis de Maison Rouge, the several tracts of land represented in those parts of the plat shaded with vermilion, which may contain thirty superficial leagues, to wit: the tract No. 1, on the right bank of the Washita, to be taken five arpents below the mouth of the Bayou de la Cheniere au Toudre, and thence descending to the Bayou Calumet, with a corresponding depth, to complete one hundred and forty thousand superficial arpents; the tract marked No. 2, on the left bank of the same river, commencing two leagues below Fort Miro, and at the point called L'aine, and extending one league below the Prairie de Lee, with a corresponding depth, to complete seventy thousand superficial arpents; the tract marked No. 3, to be taken in front of the Bayou Loutre, and thence on a line south  $75^{\circ}$  east, to the Bayou de Liar; which line to the Bayou de Liar, the Bayou Bartholemey, and the river Washita, are to include the tract No. 3; No. 4, on the right bank of Washita river, to be taken in front of the entry of Bayou Bartholemey; thence descending the river to Bayou la Loutre, with such depths as that the tracts Nos. 3 and 4 shall include the quantity of eight thousand three hundred and forty-four superficial arpents, which, added to the first two tracts, makes a total superficie of two hundred and eight thousand three hundred and forty-four superficial arpents, equal to the above said thirty leagues, at the rate of two thousand five hundred toises for the side of a league, the land measure in this province. Being well understood, that the land which may be included in the above, either by title in form or first decrees of concession, are not to be counted in computing the preceding thirty leagues; on the contrary, the Marquis de Maison Rouge promises to be of no detriment to the settlers occupying previously any part of the land, but will maintain and support them in their rights, in consideration that, if the said thirty leagues shall suffer any diminution on account of previous occupants, the Marquis de Maison Rouge has the right, and there will be no objection to his supplying the deficiency in any other part where the land is vacant. And that it may so appear I give this, by order of the governor general, Baron de Carondelet. All which I certify.

CARLOS TRUDEAU, &c.

NEW ORLEANS, *June 14, 1797.*



The foregoing is the substance of the proces verbal (certificate) of the surveyor general subjoined to the plat (of which that on the other side is a copy) filed in the claim of Louis Bouligny, holding under Maison Rouge.

L. CHACHIRE, *Translator to the Board of Commissioners.*

Attest: L. POSEY, *Clerk of the Board.*

LAND OFFICE, OPELOUSAS, August 15, 1812.

I certify that the above and the preceding page is a true copy from the report of the land commissioners of the western district of Orleans, dated December 14, 1812; and that the plat attached hereto is a copy of the plat attached to the said report. The original papers, copied in pages 67, 68, and 69, of the book entitled Land Laws, are not in this office.

JOSIAH MEIGS.

GENERAL LAND OFFICE, December 12, 1820.

On June 20, 1797, six days after the survey is stated to have been made, the governor general made the following order:

The Baron de Carondelet, knight of the order of St. John, marshal de camp of the royal armies, governor general, vice patron of the provinces of Louisiana and West Florida, inspector of troops, &c.:

Forasmuch as the Marquis de Maison Rouge is near completing the establishment of the Washita, which he was authorized to make for thirty families by the royal order of July 14, 1795, and desirous to remove, for the future, all doubts respecting other families or new colonists who may come to establish themselves, we destine and appropriate, conclusively, for the establishment of the aforesaid Marquis de Maison Rouge, by virtue of the powers granted to us by the King, the thirty superficial leagues marked in the plan annexed to the head of this instrument, with the limits and boundaries designated, with our approbation, by the surveyor general, Don Charles Laveau Trudeau, under the terms and conditions stipulated and contracted for by the said Marquis de Maison Rouge; and that it may at all times stand good, we give the present. Signed with our hand, sealed with our seal at arms, and countersigned by the underwritten honorary commissary of war, and secretary of his Majesty for this commandancy general.

THE BARON DE CARONDELET.

ANDRES LOPEZ ARMISTO.

NEW ORLEANS, June 20, 1797.

On August 5, 1803, Don Gilbert Leonard and Don Manuel Gonzales Armirez, Spanish officers, certified that the condition of the contract had been complied with.

#### No. 2.

Don Gilbert Leonard, treasurer of the army, exercising the functions of the royal accountant, and Don Manuel Gonzalez Armirez, exercising those of the treasurer, par interim, of the royal chests of this province of Louisiana:

We certify that the two foregoing copies are conformable to the originals which remain in the archives of the ministry of the royal domains under our charge, and that the contractor, the Marquis de Maison Rouge, complied punctually with the terms which he proposed in the said contract; and that this may be made manifest, conformably to the order above inserted of this intendency general, we give the present in New Orleans, August 5, 1803.

GILBERT LEONARD.  
MANUEL ARMIREZ.

Upon this evidence the land commissioners, acting under the act of Congress of March 3, 1807, by their report, placed this claim amongst a class of cases recommended for confirmation.

#### No. 3.

##### *Claims to land in the county of Washita.*

Reported number.	Register's number.	By whom claimed.	Original proprietor or claimant.	Quantity claimed.	Nature and date of title or claim.	Class.
Sixteen . . .	Eleven . . . . .	Louis Bouligny . . . . .	Marquis de Maison Rouge..	Thirty square leagues..	Spanish grant, June 20, 1797..	B.

#### No. 16.

The undersigned commissioners have compared the documents, title filed in this claim, with the translation of them in pages 67, 68, and 69, of the appendix to the book entitled "Land Laws," &c., and find the said translation to be correct so far as it goes. The certificate, or proces verbal, which the surveyor general has annexed to his plat, not appearing in said book, a translation of that document, together with a copy of the plat, is transmitted for the further elucidation of the claim. No oral or other testimony has been adduced before the board to establish the occupancy of any part of these lands, or that there has been a compliance, upon the part of the grantee, with the conditions stipulated in the contract, except the certificate under date of August 5, 1803, signed by Gilbert Leonard and Manuel Armirez, to the translation of which, in page 69 of the appendix of said book, the commissioners beg leave to refer.

The undersigned have observed a remark in the 25th page of the introductory part of the book entitled "Land Laws," that no patent has issued on the claim under consideration. With great deference for that authority, the undersigned commissioners cannot but be of opinion that the instrument under date of June 20, 1797, is a patent (or what was usually, in Louisiana, denominated a title in form) transferring to the Marquis de Maison Rouge the title in as full and ample a manner as lands were usually granted by the Spanish government, subject, however, to the conditions stipulated in his contract with the government. The plat of survey above referred to will be found subjoined to this report.

All claims which did not exceed a league square were confirmed by act of Congress of April 29, 1816; and this being for a greater number of acres than are contained in a league square, was excluded from confirmation by said act, and is now presented for confirmation or rejection by Congress.

The confirmation of this claim is resisted by the government of the United States upon several grounds, amongst which are the following:

1. That the documents relied upon to establish the claim of the representatives of the Marquis de Maison Rouge to the thirty superficial leagues claimed, show that no contract or grant has ever been made to the Marquis de Maison Rouge in his own individual right, and that it was only a contract with him as agent of the persons he was to bring with him, by which the Spanish government bound itself to grant to each person, according to the conditions of the contract, a certain number of acres of land, and that De Maison Rouge did not acquire, by said contract, a right to dispose of said land by sale, deed, or last will and testament, or in any other way.

2. That the conditions of said contract were never fulfilled by the said Marquis de Maison Rouge.

3. That the said land never was surveyed, as certified, under the Spanish government; and if it were, that it was not done with a view to vest the Marquis de Maison Rouge with any right, individually, but for the sole purpose of designating a certain number of acres of land upon which the new settlers might establish themselves as they came in, and out of which the promised grants of 400 arpents each was to be made to each family containing two white persons, according to the fourth condition in said contract, and that said families not having settled the land as agreed, it remains as public land.

4. That the said land never was intended, nor never was located, as pretended by the representatives of De Maison Rouge, but was at a different place.

\*In support of these objections, and of others, to the confirmation of this claim, a reference has been made to the documents aforesaid, and to the depositions of sundry old inhabitants of Louisiana, and of Spanish officers, which were taken by proper authority, after due notice given, and which testimony is marked W, and accompanies this report; also to the certificate of Carlos Trudeau, translated by L. Derbigny April 17, 1804.

[Translation.]

I, Don Carlos Trudeau, surveyor royal and particular of the province of Louisiana, &c., do certify that the present draught contains 144 superficial leagues, each league forming a square, the sides of which are in length 2,500 toises, (a toise is six French feet long,) measure of the city of Paris, according to the custom and practice of this colony, the said land being situated in the post of Ouachita, about eighty leagues above the mouth of that river, falling into Red river, adjoining on the part of the southwest to the eastern shore of the river and Bayou Ouachita, Bartholemy, and Sicard, conformable to the red line which borders the said river and bayous, bounded on the south part by a line drawn from the south 75° east, about three leagues and one mile long: beginning from the shore C, of the Bayou Sicard, and continuing as far as the height of the junction A of the said Bayou Sicard with the Bayou Bartholemy; the said point A being as a basis on the line of measurement A B, of twelve leagues in length, parallel with the plane of Bayou Bartholemy, from the point A to the end of the said 12 leagues which terminates at point B, where is the mouth of the rivulet named Bayou Turniro; the lines D E and F G are parallel lines directed north 52° east, without minding the variation of the compass, which varies eight degrees to the northeast. In testimony, I deliver the present certificate, with the draught hereto affixed, for the use of the Baron de Bastrop, June 14, 1797. I, the surveyor, having signed the same, and recorded in the book A, No. 1, folio 38, department No. 922 of the surveys. I do certify the present copies to be conformable to the original which are lodged in the office under my care, to which I refer, and at the request of a party I deliver the present, same date as above.

CARLOS TRUDEAU, *Surveyor*.

I certify the above to be a true and faithful translation of the original certificate of survey written in the Spanish language, and to which is prefixed the plat of the land therein mentioned.

L. DERBIGNY, *Interpreter to the Government*.

NEW ORLEANS, April 17, 1804.

From a careful examination of the foregoing documents and testimony, the committee are of the opinion that the decision in the present claim depends entirely upon a question of law as to the title, and upon the examination of witnesses as to several important points to be ascertained; and that an investigation of the claim by Congress would not only be attended with great delay, but with so many difficulties, that justice, as well to the parties interested as to the government of the United States, requires a reference of the decision of this claim to the United States court for the western district of Louisiana, with an appeal to the Supreme Court of the United States; and for that purpose report a bill.

19TH CONGRESS.]

No. 460.

[1ST SESSION.]

# CLAIM OF THE BARON DE BASTROP TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 20, 1825.

Mr. BRENT, from the Select Committee to whom were referred, December 13, 1825, the petitions of the inhabitants of the county of Ouachita, in the State of Louisiana, and the owners of the land in the tract called "Bastrop's grant," in said county, together with the accompanying documents, reported:

That from the documents furnished, and from the title papers as published in the Land Laws of the United States, (of the authenticity of which they are unable to form any opinion,) it appears a petition was addressed to the governor general of Louisiana by De Bastrop, June 20, 1795, of which the following is a copy:

*To the governor general :*

The Baron de Bastrop, desirous of encouraging the population and cultivation of the Ouachita and its neighborhood, of passing into the United States to complete the plan of emigration which he has projected, and from thence to return with his family, makes known to your lordship that it is absolutely indispensable, on the part of the government, that a district be designated of about twelve leagues square, including the Bayou Liar and its vicinity, in which your petitioner may, without the least obstacle or delay, place the families he is about to bring in, on the express condition that concessions of land are to be made gratis, and under no title or pretext to exceed, at most, four hundred arpents square, with a view to prevent the introduction of negroes, and the making of indigo, which in that district will be entirely contrary and prejudicial to the cultivation of wheat, and will cause your petitioner irrecoverably to lose the expenses of his establishment. Your petitioner prays, also, that you will be pleased to grant him permission to export, for the Havana, the flour which may be manufactured at the mills on the Ouachita, without confining him to sell it, absolutely, in New Orleans and other posts in this province, unless it should be necessary for their subsistence, in which case they ought always to have the preference. It is also indispensable that the government should charge itself with the conducting and support of the families which the petitioner may introduce from the post of New Madrid to Ouachita, by furnishing them with some provisions for the subsistence of the first months, and assisting them to commence the sowing of their seed, granting to those inhabitants who are not Catholics the same liberty of conscience as is enjoyed by those of Baton Rouge, Natchez, and other districts of the province, and without fixing, on the part of the government, conclusively, the number of families which your petitioner is to introduce. The zeal which I feel for the prosperity and encouragement of the province, joined to a desire of securing tranquillity and quietude to that establishment by removing at once whatever obstacles might be opposed to those interesting objects, have induced me to represent to you what I have here done, hoping that you will recognize in these dispositions the best service of the King, and advancement of the province confided to your authority. New Orleans, June 20, 1795.

DE BASTROP.

Upon the 21st of June, 1795, an order was given upon said petition, of which the following is a copy:

NEW ORLEANS, June 21, 1795.

Seeing the advantages which will result from the establishment projected by Baron Bastrop, the commandant of Ouachita, Don John Fathiol, will designate twelve leagues square, half on the side of the Bayou Liar and half on the side opposite the Ouachita, for the purpose of placing there the families which the said baron may direct, it being understood that no greater concession of land is to be given to any one than four hundred square arpents at most, gratis, and free from all dues. With regard to the object of this establishment, it is to be for the cultivation of wheat alone. The exportation of the products of this province being free, the petitioner need not doubt that it will be allowed to him, for the flour which he may manufacture at the mills of the Ouachita, to the Havana and other places open to the free commerce of this province. The Government will charge itself with the conducting of the families from New Madrid to Ouachita, and will give them such provisions as may appear sufficient for their support during six months, and proportionably for their seeds. They shall not be molested in matters of religion, but the apostolical Roman Catholic worship shall alone be publicly permitted. The petitioner shall be allowed to bring in as many as five hundred families: provided that, after the lapse of three years, if the major part of the establishment shall not have been made good, the twelve leagues square he destined for those whom the petitioner may place there shall be occupied by the families who may first present themselves for that purpose.

THE BARON DE CARONDELET. [L. s.]

Registered: ANDREZ LOPEZ ARMISTO.

Upon the 20th of June, 1796, a decree was given by the same governor general, as follows:

The Baron de Carondelet, chevalier of the religion of St. John, marshal de camp of the royal armies, governor general, vice patron of the provinces of Louisiana, West Florida, and inspector of the troops, &c.: Whereas Baron Bastrop, in pursuance of his petition, dated 20th of June, of the year last past, and the decree of the 21st of the same month, has commenced the establishment of the Ouachita; that, for the fulfilment of the stipulation on the part of the government for avoiding, progressively, all obstacles, difficulties, and delays, and that the said baron might proceed, with every facility, in fixing the families which, to the number of five hundred, he was held to place or caused to be placed there, we have proceeded to designate the twelve leagues intended for the said establishment, in the terms, with the limits, metes, and bounds, and in the place marked, fixed, and defined by the figured plan and description affixed to the head of this instrument, verified by the surveyor general, Don Charles Laveau Trudeau, it having now appeared to us to be also most expedient for avoiding all contest and dispute; and approving them, as we do approve them, by virtue of the authority which the King has granted to us, we do destine and appropriate, in his royal name, the aforesaid twelve leagues, in order that the said Baron Bastrop may establish them in the manner and under the conditions expressed in said petition and decree. We give the present, signed with our hand, sealed with the seal of our arms, and countersigned by the underwritten honorary commissary of war and secretary for his Majesty for this commandancy general. New Orleans, June 20, 1796.

THE BARON DE CARONDELET. [L. s.]

ANDREZ LOPEZ ARMISTO.

Upon the 12th of June, 1797, De Bastrop presents another petition to the governor general, in the following words:

*To the governor general :*

Baron de Bastrop has the honor to make known to you that, it being his intention to establish in the Ouachita, it is expedient that you should grant to him a corresponding permission to erect there one or more mills, as the population may require, as also to shut up the Bayou de Liar, where he proposes to establish the said mills, with a dike in the place most convenient for his works; and as it appears necessary to prevent disputes in the progress of the affair, he begs also the grant along the Bayou Bartholomy,



from its source to its mouth, of six toises on each bank, to construct upon them the mills and works which he may find necessary; and prohibiting every person from making upon said bayou any bridge, in order that its navigation may never be interrupted, as it ought at all times to remain free and unobstructed. This request, sir, will not appear exorbitant when you are pleased to observe that your petitioner, who will expend in these works twenty thousand dollars or more, will be exposed without these grants to lose all the fruits of his labors by the caprice or jealousy of any individual who, being established on this bayou, may cut off the water or obstruct the navigation, not to mention the loss which the province will sustain of the immense advantages to result from the useful project proposed for the encouragement of the agriculture and population of these parts. New Orleans, June 12, 1797.

DE BASTROP.

And upon the same day the governor general gave the grant, a copy of which follows:

New Orleans, June 12, 1797. Considering the advantages to the population on the Ouachita, and the province in general, to result from the encouragement of the cultivation of wheat and the construction of flour mills, which the petitioner proposes to make at his own expense, I grant him, in the name of his Majesty, and by virtue of the authorities which he has conferred upon me, liberty to shut the Bayou de Liar, on which he is about to establish his mills, with a dike at the place most proper for the carrying on of his works. I also grant him the exclusive enjoyment of six toises of ground on each side of the Bayou Bartholemey, from its source to its mouth, to enable him to construct the works and dams necessary for his mills, it being understood that by this grant it is not intended to prohibit the free navigation of the said bayou to the rest of the inhabitants, who shall be permitted to use the same, without, however, being permitted to throw across it any bridge, or to obstruct the navigation, which shall at all times remain free and open. Under the conditions here expressed, such mills as he may think proper to erect may be disposed of by the petitioner, together with the lands adjoining, as estates belonging entirely to him, in virtue of this decree, in relation to which the surveys are to be continued, and the commandant, Don John Fathiol, will verify and remit them to me, so that the person interested may obtain a corresponding title in form. It being a formal and express condition of this grant that at least one mill shall be constructed within two years, otherwise it is to remain null.

THE BARON DE CARONDELET. [L. s.]

Registered: ANDRE LOPEZ ARMISTO.

It also appears that a petition was made and decree granted, the same as the last mentioned, except that the petition asks for six toises of ground on each side of the Bayou de Liar, from its source to its mouth.

It also appears that, upon the 16th of June, 1797, De Bastrop made a contract with the Spanish government, as follows:

The Baron de Bastrop contracts with his Majesty to furnish, for the term of six months, rations to the families which he has latterly introduced at the post of the Ouachita, which are to be composed of twenty ounces of fresh bread, or an equivalent in flour, twelve ounces of fresh beef, or six of bacon, two ounces of fine *menestra*, or three of ordinary, and one-thousandth part of a *celemin* (about a peck) of salt, for which there is to be paid to him by the royal chests at the rate of a real and a half for each ration. For which purpose there shall be made out monthly a particular account, the truth and regularity of which shall be attested at foot by the commandant of that post. Under which conditions I oblige myself, with my person and estate, to the fulfilment of the present contract, subjecting myself in all things to the jurisdiction of this general intendency.

In testimony of which, I sign it at New Orleans June 16, 1797.

BARON DE BASTROP.

And upon the same day the last contract was approved, as follows:

New Orleans, (date as above.) I approve this contract in the name of his Majesty, with the intervention of Señor Gilbert Leonard, principal contador of the army in those provinces, for its validity. Two certified copies are to be directed to the secretary, Juan Ventura Morales. With my intervention, Gilbert Leonard. Copy of the original, which remains in my keeping, and which I certify, and is taken out to be passed to the secretary of this general intendency. New Orleans, *ut supra*.

GILBERT LEONARD.

NEW ORLEANS, June 18, 1797.

Upon the 18th of June, 1797, the governor general directed the following order and decree to "De Bastrop:"

Whereas the intendant, from the want of funds, has solicited the suspension of the last remittance of families until the decision of his Majesty, there ought to be no prejudice occasioned to you by the last paragraph of my decree, which expresses that if within three years the major part of the establishment shall not have been made good, such families as may first present themselves shall be located within the twelve leagues destined for the settlement which you have commenced; and this shall only have effect two years after the course of the contract shall have again commenced to be executed, and the determination of his Majesty shall have been made known to you. You will always remain persuaded that, on my part, I will observe religiously the engagement I have contracted—a principle which has constantly distinguished the Spanish nation.

God preserve you many years.

THE BARON DE CARONDELET.

BARON DE BASTROP.

The above statement contains all the title papers which have been presented, and which were before the land commissioners for the western district of the late territory of Orleans, who reported against the legal representatives of De Bastrop, or the right of De Bastrop to any part of the intended grant of twelve leagues square, as will be seen by their several reports as made and numbered in their report upon land claims in said western district, made to the Secretary of the Treasury of the United States upon December 14, 1812.

The land commissioners of the United States having refused the confirmation of this claim as aforesaid, the owners now present themselves, and ask that Congress will confirm to them the aforesaid twelve leagues square, which they claim as deriving a legal title from De Bastrop.

From the evidence and documents which have been before the committee, it is proven that many persons were introduced under the contract of De Bastrop, but not to the number contracted for; and without touching the question as to the individual right of De Bastrop to the land, or of any person claiming under him, by purchase or otherwise, except those who came to Ouachita under the contract, the committee think that, in equity, the government of the United States ought to confirm to every person, or those claiming under them, who went to Ouachita under the contract with De Bastrop, the number of acres of land which the governor general of Louisiana agreed to give to each family or person according to said contract.

The government of the United States resists the confirmation of this claim to De Bastrop, or those claiming under him, by purchase or otherwise, for the following reasons, amongst others, viz:

1st. That the contract and grant, if any there was, were for the 500 families De Bastrop was to settle upon the lands, and not to De Bastrop in his individual right, so that he could sell or dispose of the same.

2d. That the conditions never were fulfilled.

3d. That the contract was revoked by the Spanish government.

4th. That the contract was never approved by the King of Spain.

5th. That the governor general had not the power of making such contract without the authority of the Spanish government.

6th. That if De Bastrop was entitled to any part of said land, that it could only be for the surplus, after the 500 families had taken, each family 400 arpents, according to said contract.

In support of these objections and others to the confirmation of this claim, or any part of it, to those who hold under De Bastrop in his individual rights, a reference has been made to the documents aforesaid.

From a careful examination of the foregoing documents and evidence, the committee are of the opinion that the decision in the present claim (as to the right of De Bastrop, or those who claim under him in his individual right) depends entirely upon a question of law, and upon the examination of many witnesses as to several important points; and that an examination of it by Congress would be attended with great delay and many difficulties, and that justice to the interested as well as to the government requires a reference of this particular point to the United States courts. The committee are also of opinion that, in case it should ultimately be decided that the said land belongs to the United States, it would be but fair and just to extend to all those who were settled upon the said land at the time the United States took possession of that part of the country the same provisions and privileges and donations as were granted to the actual settlers under the act of Congress of March 2, 1805, and the amendments thereto, as well as all other privileges extended to the inhabitants of Louisiana settled upon other public lands by any subsequent act of Congress, so as to place the settlers upon the said land upon an equality with the settlers upon other public lands.

To prevent further delay, and with a view of finally adjusting the claim upon what the committee consider to be fair and equitable principles, they report a bill.

19TH CONGRESS.]

No. 461.

[1ST SESSION.]

## APPLICATION OF ILLINOIS FOR A DONATION OF LAND FOR A CANAL IN THAT STATE.

COMMUNICATED TO THE SENATE DECEMBER 20, 1825.

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

The memorial of the general assembly of the State of Illinois respectfully represents: That the construction of a canal uniting the waters of Lake Michigan with the Illinois river will form an important addition to the great connecting links in the chain of internal navigation, which will effectually secure the indissoluble union of the confederate members of this great and powerful republic. By the completion of this great and valuable work, the connexion between the north and the south, the east and the west, would be strengthened by the ties of commercial intercourse and social neighborhood; and the Union of the States might bid defiance to internal commotion, sectional jealousy, and foreign invasion. All the States of the Union would then feel the most powerful motives to resist every attempt at dissolution. To effect so great and desirable an object your memorialists believe to be of sufficient importance to engage the attention and awaken the munificent patronage of a government whose principle of action is the promotion of the general welfare. Your memorialists are sensibly alive to the spirit of improvement that manifests itself in almost every section of our extensive country, and would fain lend a helping hand in so great and good a cause; their situation, however, forbids their doing much without the aid of the federal government, into whose treasury almost all the funds, whether brought hither by emigrants or earned by the industry of their citizens, are paid for the purchase of the public lands. While this state of things shall continue, and the money thus paid into the treasury of the Union is taken out of our State, our people will not be able to engage in the glorious work of improving our common country. Ought the people of this State to stand by with folded arms and behold the great work of internal improvement progress in other States without making an effort to improve their own condition, and at the same time advance the interests of our beloved country? A condition thus paralyzed is at war, not only with our interests, but with the best feelings of our hearts. Did this State possess the public domain lying within its bounds, as is the case with the older members of this confederacy, your memorialists would not appear before your honorable body to solicit aid in this important work. If, as your memorialists believe, the construction of this canal would be highly beneficial to the Union at large; if the receipts into the treasury of the United States would be augmented by the increased sales of public land; and if the interest of this State would be also advanced thereby, is it unreasonable to apply to a paternal government for assistance in the promotion of such beneficial ends? It is unnecessary for your memorialists to enlarge on the great advantages of this canal to the Union in the facilities to be afforded in the event of

a war, either with the Indian tribes inhabiting our frontier or with the British nation. Your honorable body is aware that this State is situated on the borders of an Indian country, filled with numerous and powerful tribes of the sons of the forest. If our country should be again engaged in war, the saving of expense in the transportation of munitions of war would alone defray the expense of the contemplated canal, and justify the United States in making a liberal appropriation for its construction. Your memorialists do not, however, ask your honorable body to appropriate money out of the treasury to aid them in this work. They only ask for a tract of land through which the contemplated canal may pass, and which, for a series of years, will be wholly unproductive to the government, unless the canal shall be commenced under auspices favorable to its completion, in which event all the land in the vicinity would immediately become available to the United States. Your memorialists sincerely believe that a liberal appropriation of land for this object would, even in a pecuniary point of view, be of immense importance to the treasury of the Union. The public lands in the vicinity would not only sell, but at a considerable advance upon the minimum price. Should this opinion be correct, (and does not experience justify it?) the United States would be gainers by the proposed donation to the State. Your memorialists further state that at their last session they passed an act of incorporation upon very liberal terms, authorizing a company to construct the projected canal; but the remoteness of the country from the residence of capitalists has prevented them from engaging in the work. At their present session your memorialists have repealed the charter, and their only hope of soon beginning the work depends upon the liberality of your honorable body. Your memorialists have caused the route to be explored and estimates to be made of the probable expense of the work, from which it appears that the cost of constructing the canal will not be less than \$600,000, and may possibly amount to \$700,000.

To the end, therefore, that your memorialists may be enabled to commence and complete this great and useful work, we pray your honorable body to grant to this State the respective townships of land through which the contemplated canal may pass, the avails of which to be appropriated exclusively to the construction of said canal upon such terms and conditions as to your honorable body may seem proper.

DAVID BLACKWELL, *Speaker of the House of Representatives.*

RAPHAEL WIDEN, *Speaker of the Senate pro tem.*

19TH CONGRESS.]

No. 462.

[1ST SESSION.]

### CLAIMS TO LAND IN THE ST. HELENA DISTRICT, LOUISIANA.

COMMUNICATED TO THE SENATE DECEMBER 28, 1825.

TREASURY DEPARTMENT, *December 28, 1825.*

SIR: I have the honor to transmit herewith a copy of the report of the register and receiver of the land office of the district of St. Helena, prepared in obedience to an act of Congress of May 26, 1824.

I have the honor to be, very respectfully, your obedient servant,

RICHARD RUSH.

Hon. JOHN C. CALHOUN, *President of the Senate.*

Register A contains complete Spanish patents, which we recommend for confirmation on the principle recognized by the acts of Congress of March 3, 1819, and May 8, 1822.

Register B, first class, contains incomplete titles derived from the Spanish authority, accompanied with such proof of settlement and cultivation as induces us to recommend them for confirmation to the same extent and under the same restraints that such claims have been confirmed by the former laws for adjusting similar claims in this district.

The second class on this register comprehends claims that have been sold for taxes, and the only titles the present claimants have to these lands are the collector's bills of sale or transfer. Many of these claims we believe to be as fairly entitled to confirmation as those on the first class; but the doubt with us is whether sales for taxes are valid until the claimant have a more valid title to the land.

There are on this register (first class) three claims, to wit: Henry Flower for eight hundred and eighty-six arpents; Luther L. Smith, for one hundred arpents; and Robert Young, for eight hundred and twenty arpents; all of which are in the same situation, being swamp land, and no part of it susceptible of either habitation or cultivation. This land was granted to the claimants, or those under whom they claim, for the purpose of getting timber, and the claimants have proved that they have regularly used the said tracts of land for that purpose since the time of their respective grants from the Spanish government; and we are of opinion that the use the claimants have made of these lands, (it being the only use of which they are susceptible,) although it amounts neither to habitation nor cultivation, may be fairly considered equal to either or both, and on this ground we recommend them for confirmation.

Register C contains British patents on which the claimants have not proven either habitation or cultivation. These we beg to leave to the consideration of Congress without any remarks.

Register D contains incomplete titles, which, in the opinion of the commissioners, ought not to be confirmed, the claimants not having complied with the requisitions of the law as regards either habitation or cultivation.

Register E contains settlement claims on which satisfactory proof has been adduced of cultivation or habitation as early as is represented on the register opposite each claim. We therefore recommend them for confirmation.

SAML J. RANNELLS, *Register.*  
WM. KINCHIN, *Receiver.*

LAND OFFICE, *St. Helena Court-house, January 19, 1825.*



## REGISTER A.

*Claims to land in the St. Helena district, founded on complete Spanish patents, which, in the opinion of the undersigned register and receiver, are valid, agreeably to the laws, usages, and customs of said government.*

No.	By whom claimed.	Original claimant.	Nature of claim and from what authority derived.	Date of claim.	Quantity claimed.			Where situated.	By whom issued.	When surveyed.	By whom surveyed.	Inhabitation and cultivation.	
					Front.	Depth.	Area in arpents.					From—	To—
1	Hairs of William Fort.	Alexander McCoy.	Spanish patent.	May 21, 1796	.....	.....	554	West Feliciana	Baron de Carondelet	1796	Trudeau	1802	1824
2	Susan Wickoff & Margaret Stille.	Francis Ashton Watts.	do.	Dec. 24, 1796	.....	.....	1,200	do.	Gayoso de Lemos	1796	do.	1800	1824
3	Emily Bridges	Nathan Lytle.	do.	Dec. 24, 1797	.....	.....	730	do.	do.	1797	do.	1800	1824
4	George and Robert Ross.	David Ross	do.	Nov. 23, 1798	25	40	1,000	East Feliciana	Ezequiel Miro	1798	do.	1799	1824
5	Philip Thomas.	Francisco Puelan.	do.	Oct. 29, 1802	.....	.....	340	East Baton Rouge	J. V. Morales	1799	V. Pinache	.....	.....
6	Mrs. Greenfield.	Juan Barclay	do.	June 20, 1793	.....	.....	200	West Feliciana	Carondelet	1793	Trudeau	.....	.....
7	do.	do.	do.	Dec. 24, 1797	.....	.....	500	do.	Gayoso de Lemos	1797	W. Dunbar	.....	.....
8	Prosper King	John Eldergill.	do.	Sept. 27, 1798	.....	.....	1,000	do.	do.	1797	Trudeau	.....	.....
9	J. B. Baham	David Ross	do.	Jan. 27, 1798	.....	.....	2,800	St. Tammany	do.	1798	do.	.....	.....
10	Thomas Butler	Juan Allen	do.	Dec. 5, 1793	.....	.....	400	West Feliciana	Carondelet	1795	do.	.....	.....
11	Sam'l McLasers, Philip Hicky, and the heirs of Louis Vales.	Fra. Fousset and David Ross.	do.	Nov. 23, 1793	.....	.....	1,000	East Baton Rouge	Ezequiel Miro	Nov. 4, 1795	Trudeau	.....	.....
12	William Collins	Cludio Bougard	do.	March 6, 1789	.....	.....	1,000	40½ arpents in West Feliciana, and 59½ arpents in Mississippi State.	do.	July 30, 1787	do.	.....	.....
13	do.	do.	do.	Aug. 30, 1794	.....	.....	1,034	896½ arpents in West Feliciana, and 127½ arpents in Mississippi State.	Carondelet	1794	do.	.....	.....

SAMUEL J. RANNELLS, Register.  
WILLIAM KINCHIN, Receiver.

## REGISTER B.

*Claims to land in the district of St. Helena, founded on orders of survey, permission to settle, or other written evidence of claims, derived from either the French, British, or Spanish authorities, which, in the opinion of the register and receiver, ought to be confirmed.*

## FIRST CLASS.

No.	By whom claimed.	Original claimant.	Nature of claim, and from what authority derived.	Date of claim.	Quantity claimed.			Where situated.	By whom issued.	When surveyed.	By whom surveyed.	Inhabitation and cultivation.	
					Front.	Depth.	Area in arpents, acres.					From—	To—
1	S. Beauchamp and heirs of B. Collins.	Jean Raffray	Primerio Decreto	Dec. 24, 1797			400	West Feliciana.	G. de Lemos.	1797	C. Bolling	1802	1824
2	Luther L. Smith.	Mathew Hughes	Certificate of survey	Mar. 24, 1798			500	do.	do.	1797	do.	1800	1824
3	William Dawson.	William Dawson	Spanish permit.	Aug. 23, 1803			60	West Feliciana.	Grandpre			1803	1813
4	T. T. and S. Rawlings	W. Dawson and wife.	Bill of sale.	Dec. 24, 1803			400	West Feliciana.	do.			1802	1824
5	Benjamin Howard	Daniel Walter	Spanish permit.	Mar. 23, 1797			1,000	Washington.	G. de Lemos.	1806	Kneeland	1798	
6	Margaret Endic	Heirs of Bradrick	Certificate of survey	April 5, 1804			230	West Feliciana.	Grandpre	do.		1806	1834
7	Samuel Barker	Moses Shoddy	Order of survey.	June 10, 1806			300	do.	Grandpre	do.		1806	1808
8	Heirs of R. Williams	Robert Williams	do.	June 10, 1806			1,400	St. Helena.	Grandpre	1806	Kneeland.	1805	1824
9	Gannalia Peas.	George Kimball.	do.	Oct. 28, 1806			1,250	West Feliciana.	Grandpre	1806	do.	1808	1815
10	Heirs of A. Adkins	Benjamin Burnet	Bill of sale.				480	do.				1802	1824
11	Heirs of J. Moore	Heirs of J. Moore	Order of survey.	1802			750	East Feliciana.	Grandpre	1802	C. Bolling	1807	1824
12	Heirs of A. Adkins.	John Gale	Certificate of survey	Jan. 9, 1798			500	West Feliciana.	do.	1798	Trudeau	1800	1824
13	Jessie Gray.	Barniel Reasos	do.	Feb. 23, 1795			400	do.				1796	1824
14	Anthony Doherty	Patrick Collins.	do.				400	do.				1800	1824
15	do.	James Trevel	do.				60	East Feliciana.	do.			1804	
16	Ant. Bessy	William Hunt	Order of survey.	Oct. 6, 1806	15	40	600	Washington	Grandpre			1811	1824
17	Unah Murphree	Thomas Williams.	do.	Oct. 6, 1806			500	East Feliciana.	Grandpre			1808	1824
18	Charles McMecken	Charles McMecken	Certificate of survey.	May 1, 1808			2,280	do.	do.	May 1, 1808	do.	1808	1824
19	Thomas James	Francisco Villegas	do.	Oct. 17, 1799			300	East Baton Rouge.	G. de Lemos	April 4, 1799	Putalo	1808	1824
20	Thomas Butler	Patrick Holland.	Patent lost or mislaid.	1796			250	West Feliciana.				1797	1824
21	Heirs of Samuel Stier and Mrs. Sarah Rowell.	Thomas Gamble	Spanish confirmation of British title.	Nov. 10, 1797			1,000	East Baton Rouge.	G. de Lemos	1797	Putalo	1775	1824
22	David Ross	do.	do.	Nov. 10, 1797			500	do.	do.	1797	do.	1775	1824
23	do.	do.	do.	Nov. 10, 1797			700	do.	do.	1797	do.	1775	1824
24	do.	do.	do.	Nov. 10, 1797			330	do.	do.	1797	do.	1775	1824
25	do.	Samuel Stier.	do.	Nov. 10, 1797			600	do.	do.	1797	do.	1775	1824
26	do.	do.	do.	Nov. 10, 1797			600	do.	do.	1797	do.	1775	1824
27	do.	do.	Complete Spanish title.	Mar. 17, 1795			800	do.	do.	1797	Trudeau.	1775	1824
28	Victor DeForest	do.	Spanish recognition of title.	Oct. 29, 1804			2444	do.	Vizente Poch	May —, 1805	Putalo	1800	1824
29	William Dawes.	Jama Marshall	Spanish confirm'n of Brit. title				240	do.	do.			1780	1824
30	Levi O. Sholar.	John O'Connor	Pat and certificate of survey.	Oct. 9, 1802	5	40	200	West Feliciana	Grandpre	1806	Kneeland	1802	1824
31	Henry Flower	Henry Flower	Order of survey.	July 1, 1806			886	do.	Grandpre	1806	do.	Swamp land.	
32	William Down	John Clark	Spanish permit	June 13, 1810	15	40	600	St. Tammany	J. B. Polerin			1810	1813
33	Thomas W. Scott.	David Lefune.	do.	June 22, 1804			400	East Feliciana	do.			1810	1824

REGISTER B.—*Claims to land in the district of St. Helena, &c.*—Continued.

## FIRST CLASS.—Continued.

No.	By whom claimed.	Original claimant.	Nature of claim and from what authority derived.	Date of claim.	Quantity claimed.			Where situated.	By whom issued.	When surveyed.	By whom surveyed.	Allocation and cultivation.	
					Front.	Depth.	Area in acres.					From.	To.
34	William Stewart.	William Stewart.	Order of survey.	1802.			1,000	East Feliciana.		1802.	P. Tregart.	1803.	
35	Mrs. Mercy McArthur.	Mercy McArthur.	do.	1805.			885	East Baton Rouge.		1806.	Kneeland.	1807.	1824
36	Heirs of E. Randolph.	Thomas and Philip Say	do.				470	East Feliciana.	Grandpre	1806.			
37	Jane Karr.	Jane Karr.	do.				533	West Feliciana.	do.				1824
38	William Collins.	Parker Chadrue	do.	Sept. 10, 1806.			500	do.					1824
39	Robert Young.	Pedro Delaney	Patent.	1797.			830	do.				Swamp	
40	Heirs of Joseph Foreman.	Order of survey.	do.	Feb. 17, 1804.			3,000	East Baton Rouge.	Grandpre			Swamp	
41	Heirs of Joseph Foreman.	Order of survey.	do.	Oct. 2, 1806.			450	East Feliciana.	Grandpre			Swamp	
42	Robert Yarr.	William Cunningham.	do.	1806.			1,000	St. Helena.	Grandpre	1807.	C. Bolling	1808.	1824
43	Joseph Cabo.	Joseph Cabo.	do.	Dec. 24, 1790.	5	40	300	East Baton Rouge.	Grandpre				1824
44	Heirs of George Freeland.	George Freeland	do.		6	40	240	West Feliciana.	Miro				1824
45	Maria Willis.	Margaret Punctet.	do.		Lot	No. 16	of four acres	Town of Baton Rouge.					1824
46	Jos. Young and Hen. Carl.	Thomas Anderson.	Spanish patent.	Dec. 2, 1803.			500	East Baton Rouge.					1824
47	Edith Devall.	W. Auz.	Order of survey.	July 3, 1804.			300	West Feliciana.	J. V. Morales.				1824
48	W. Stewart, for T. W. Baxter.	Concitus Seely.	Spanish patent.	Mar. 23, 1804.			155	do.	Grandpre	1806.	J. C. Kneeland.	1807.	1824
49	John Rhea.	John Higgins.	do.	June 25, 1804.			400	do.	Morales				1824
50	do.	James Clark.	do.	June 21, 1804.			900	do.	do.				1824
51	do.	James Foster	Titles lost.				936 $\frac{2}{3}$	do.	do.				1824
52	do.	James Foster	Spanish patent.	July 4, 1804.			1,300	West Feliciana.	do.				1824
53	do.	J. B. O. Com.	do.				340	do.	do.				1824
54	do.	James Kavenagh.	Order of survey.	Jan. 16, 1806.			1,000	do.	Grandpre				1824
55	do.	John Suddon.	do.	Mar. 20, 1794.			500	East Feliciana.	G. de Lemos.	1807.	Kneeland.	1798.	1824
56	Marie Louise de la Gaurais.	Harpe de la Gaurais	Spanish confirmat'n of British title.	April 23, 1807.			5,000	St. Tammany.	Morales	1810.	Pinalo.	1799.	1824
57	Widow Gonsoulin.											Swamp	
												1799.	1775



REGISTER B.—*Claims to land in the district of St. Helena, &c.—Continued*

## SECOND CLASS.

No.	By whom claimed.	Original claimant.	Nature of claim and from what authority derived.	Date of claim.	Quantity claimed.			Where situated.	By whom issued.	When surveyed.	Inhabitation and cultivation.	
					Front.	Depth.	Area in arpents.				From.	To.
1	J. P. Mitchell and heirs of J. Drake.	Isaac Tibor	Sheriff's sale for taxes.	July 29, 1810			500	East Baton Rouge.			1806	
2	J. P. Mitchell.	Maria Lawrence	do.	June 29, 1816			400	do.			1805	
3	do.	Henry Cutts	do.	June 30, 1818			800	do.			1783	
4	do.	Elijah Holly	do.	June 29, 1816			675	do.				
5	do.	Joseph McNeal	do.	June 30, 1818			49	do.			1800	
6	Charles McMicken.	William Beauvais.	do.	March 2, 1816			300	West Feliciana.			1809	
7	do.	Mrs. Beavilla.	do.	do.			400	do.				
8	do.	Budreau	do.	do.			400	do.				
9	do.	Leander Dugan.	do.	March 7, 1816			240	do.			1803	1834
10	do.	William Brum.	do.	Feb. 3, 1816			220	do.			1805	

SAMUEL J. BAXWELL, Register.  
WILLIAM KINCHIN, Receiver.

## REGISTER C.

*Claims to land in the district of St. Helena, founded on British patents, on which no settlements have been proved.*

No.	Present claimant.	Original claimant.	Nature of claim.	Date of claim.	Quantity claimed.			Where situated.	By whom issued.	When surveyed.	Inhabitation and cultivation.	
					Front.	Depth.	Area in arpents.				From.	To.
1	S. Robinson, and Mary his wife.	James Hamilton	British patent.	July 30, 1772				East Baton Rouge.	Peter Chester.	July 31, 1772	E. Dumfard	
2	do.	John Gradengo	do.	July 4, 1772			550	do.	do.	May 1, 1772	do.	
3	do.	Patrick Conway	do.	July 28, 1772			150	do.	do.	July 8, 1772	do.	
4	do.	Oliver Pollock	do.	Oct. 21, 1774			400	St. Tammany	do.	Oct. 15, 1774	do.	
5	do.	James, John, and W. Mitchell.	Lease and release.	Oct. 7, 1777			200	East Baton Rouge.	do.			
6	D. McCaleb and S. McCullagh.	Alexander McCullagh.	British patent.	May 14, 1772			100	do.	Peter Chester.	April 10, 1772	E. Dumfard	
7	D. McCaleb and heir of Alexander McCullagh	do.	Copy plat.				1,000	do.				
8	McCaleb and heir of Alexander McCullagh	James Barbeck.	Title lost or mislaid.	Sept. 30, 1776			1,500	East Baton Rouge.	Peter Chester.			
9	Luther Bernard	Major Timothy Hieffly.	British patent.	Aug. 25, 1770			1,850	West Feliciana.	Peter Chester.	June 10, 1770	W. Wilson.	
10	do.	David Waugh.	do.	July 4, 1769			1,000	East Baton Rouge.	Montford Brown.	April 26, 1769		

SAMUEL J. BAXWELL, Register.  
WILLIAM KINCHIN, Receiver.



## REGISTER E.—Settlement claims.

No.	Names.	Where situated.	Original.	Purchase.	Month.	Year.	
						From—	To—
1	Sidorus Regello.....	East Feliciana.....	1			1810	.....
2	Polly Caspio Regello.....	do.....		1	March	1813	.....
3	Isaac Freeland.....	do.....	1			1811	.....
4	David Neilson.....	do.....		1		1811	1824
5	Alexander Scott, jr.....	do.....	1			1810	1824
6	Heirs of John Scott.....	do.....	1			1808	1824
7	Janet Howard.....	do.....	1			1808	1824
8	John Selsor.....	do.....		1		1811	1824
9	Moses Moore.....	St. Tammany.....		1		1811	1824
10	Heirs of E. Randolph.....	St. Helena.....		1		.....	.....
11	Michael Fenn.....	do.....	1			1812	.....
12	Heirs of Vaney Huston.....	East Baton Rouge.....	1			1812	.....
13	J. J. Cheney.....	West Feliciana.....	1			1806	.....
14	R. Singleton.....	Washington.....	1			1811	1824
15	John C. Williams.....	East Feliciana.....		2		1802	1824
16	William Orr.....	St. Helena.....		1		1809	.....
17	J. Norton.....	do.....		1		1809	.....
18	Adam Bingham.....	West Feliciana.....	1			1810	.....
19	Parsons Carter.....	East Feliciana.....		1	March	1813	.....
20	George Shinn.....	do.....	1			1812	.....
21	Heirs of Julius Alford.....	East Baton Rouge.....	1			1811	1812
22	Thomas Freeman.....	St. Helena.....	1			1810	.....
23	J. B. Vickner.....	do.....		1		1809	1822
24	Charly Sweat.....	Feliciana.....	1		January	1813	.....
25	E. Dismukes.....	St. Helena.....	1			1805	1807
26	William Carruth.....	do.....	1			1812	1824
27	Heirs of William Lee.....	do.....	1			1800	.....
28	Samuel Hide.....	St. Tammany.....		1		1810	1824
29	Malachi Burns.....	East Feliciana.....	1			1811	1824
30	Robert Willson.....	do.....	1		March	1814	.....
31	Elijah Ferguson.....	do.....		1		1811	.....
32	Thomas H. Crawford.....	St. Tammany.....				1812	.....
33	John Kennard.....	East Baton Rouge.....	1			1810	.....
34	Charles Baldwin.....	St. Tammany.....		1		1806	.....
35	Lucretia Burgess.....	East Feliciana.....	1			1808	1824
36	Nimrod Glasscock, jr.....	St. Helena.....	1			1811	.....
37	Abram Beaks.....	Feliciana.....		1		1812	.....
38	Henry Kinchin.....	St. Helena.....		1	March	1813	.....
39	John Petcher, for Edward Gorman.....	do.....	1			1807	1824
40	J. B. Hill, for heirs of W. Wood.....	East Baton Rouge.....		1	March	1813	.....
41	Peter Galaway.....	St. Tammany.....	1			1811	.....
42	William Dykes.....	do.....		1		1812	.....
43	Muzeer Cryer.....	do.....	1			1811	.....
44	John F. Carmichael.....	West Feliciana.....		1		1801	.....
45	William Justice.....	do.....		1		1804	.....
46	Heirs of William Scott.....	East Baton Rouge.....	1			1806	.....
47	Fielding W. Collins.....	do.....		1		1803	.....
48	John Noblet.....	St. Helena.....	1			1812	1824
49	Alexander Kinchin.....	do.....		1		1812	1824
50	Heirs of Peter Browner.....	do.....	1			1808	.....
51	Jeromiah Spiller.....	do.....	1			1812	.....
52	Heirs of Peter Sides.....	East Baton Rouge.....		1		1800	.....
53	Benjamin O. Williams.....	St. Helena.....	1			1803	.....
54	Francis Klinepeter and Philemon Thomas.....	East Baton Rouge.....		1		1800	.....
55	David Dortch.....	East Feliciana.....		1		1806	1824
56	Heirs of Jacob Facundus.....	St. Helena.....	1	1		1809	.....
57	Moses Ferguson.....	East Baton Rouge.....		1		1806	.....
58	Amos Webb.....	West Feliciana.....		1		1806	1809
59	C. B. Howard.....	Washington.....	1	1		1812	1824
60	John Shaflet.....	East Feliciana.....		1		1812	.....
61	Heirs of D. Kemp.....	East Baton Rouge.....		1		1810	.....
62	Elizabeth Bryson.....	do.....	1			1812	1824
63	David B. Morgan.....	St. Tammany.....		1		1795	1821
64	Abner Willson.....	do.....		1		1812	.....
65	William Ingram.....	East Feliciana.....		1		1812	.....
66	John McCall.....	St. Tammany.....	1			1812	.....
67	Christopher Nordan.....	St. Helena.....	1			1810	.....
68	John Mitchell.....	Washington.....	1			1812	.....
69	Thomas C. Holmes.....	St. Tammany.....	1			1810	.....
70	Duncan McCall.....	do.....	1			1812	.....
71	Newhampton Tapley.....	do.....	1			1810	.....
72	Stephen Aplewhite.....	do.....	1			1812	.....
73	Isaac Graves.....	do.....	1			1810	.....
74	Thomas Holmes.....	do.....	1			1811	.....
75	Ignatius Durbin.....	Washington.....		1		1812	.....



REGISTER E.—*Settlement claims*—Continued.

No.	Names.	Where situated.	Original.	Purchase.	Month.	Year.	
						From—	To—
77	R. S. Chappel.....	St. Tammany.....	.....	1	.....	1812	.....
78	Abner Wilson.....	West Feliciana.....	1	.....	January..	1813	.....
79	Mary Radford.....	do.....	1	.....	.....	1811	.....
80	William Barker.....	do.....	1	.....	.....	1811	.....
81	Rice Wells.....	Washington.....	1	.....	.....	1811	.....
82	Moses Moore.....	St. Tammany.....	.....	1	.....	1812	.....
83	Hillary Lanier.....	do.....	.....	1	.....	1812	.....
84	Gilbert Piper.....	West Feliciana.....	1	.....	.....	1809	.....
85	John Glascock.....	St. Helena.....	.....	1	.....	1801	.....
86	Elizabeth Bevin.....	St. Tammany.....	1	.....	.....	1810	.....
87	Heirs of Richard Graves.....	Washington.....	.....	1	.....	1809	.....
88	Aaron Miller.....	do.....	1	.....	March..	1811	.....
89	Thomas C. Warner.....	do.....	.....	1	March..	1813	.....
90	John Jamieson.....	do.....	1	.....	.....	1813	.....
91	L. H. Moore.....	St. Helena.....	.....	1	.....	1803	.....
92	Joshua Kennedy.....	St. Tammany.....	.....	1	.....	1800	.....
93	Louis Brigue.....	.....	1	.....	.....	1810	.....
94	William Miller.....	East Feliciana.....	1	.....	.....	1810	.....
95	Thomas Tate.....	St. Tammany.....	.....	1	February..	1813	.....
96	Edmund Doyle.....	East Feliciana.....	1	.....	.....	1805	.....
97	George H. Cunningham.....	East Baton Rouge.....	1	.....	.....	1802	.....
98	Margaret McGlathau.....	do.....	1	.....	.....	1802	.....
99	Elijah Ferguson.....	Feliciana.....	.....	2	.....	1810	.....
100	W. M. Cooper.....	East Baton Rouge.....	1	.....	.....	1808	.....
101	Catharine Cunningham.....	do.....	1	.....	.....	1800	.....
102	W. M. Cooper.....	do.....	.....	1	.....	1802	.....
103	Heirs of J. McChristy.....	do.....	1	.....	.....	1799	.....
104	William Carson.....	West Feliciana.....	1	.....	.....	1806	.....
105	N. Kemper.....	East Feliciana.....	1	.....	.....	1803	.....
106	Peter Paget.....	West Feliciana.....	1	.....	.....	1805	.....
107	James and William Culfeld.....	St. Helena.....	2	.....	.....	1812	.....
108	Samuel and David Canadine.....	St. Tammany.....	1	.....	.....	1802	.....
109	Patience Kimble.....	West Feliciana.....	1	.....	.....	1806	.....
110	John Crockett.....	do.....	1	.....	.....	1800	.....
111	John Chambers.....	St. Helena.....	1	.....	March..	1813	.....
112	Thomas East.....	East Feliciana.....	1	.....	.....	1812	.....
113	James Hamilton.....	West Feliciana.....	1	.....	.....	1812	.....
114	Robert Cochran.....	do.....	.....	1	.....	1804	.....
115	George Packwood.....	St. Helena.....	1	.....	.....	1812	.....
116	G. B. Demuran.....	St. Tammany.....	1	.....	.....	1812	.....
117	John Rhodes.....	East Feliciana.....	.....	1	.....	1812	.....
118	William Marbury.....	St. Tammany.....	.....	1	.....	1812	.....
119	John Powell.....	Washington.....	.....	1	.....	1807	.....
120	William Watson.....	St. Helena.....	.....	2	.....	1793	.....
121	Moses Tyler.....	do.....	.....	1	March..	1813	.....
122	James T. West.....	do.....	1	.....	March..	1813	.....
123	David Jones.....	do.....	1	.....	.....	1804	.....
124	Heirs of Nimrod Glascock.....	do.....	1	.....	.....	1809	.....
125	John Irwin.....	East Feliciana.....	1	.....	.....	1809	.....
126	Sarah Stocum.....	Washington.....	1	.....	.....	1809	.....
127	Jesse R. Jones.....	St. Tammany.....	1	.....	March..	1813	.....
128	Jonathan Gilmore.....	do.....	.....	1	.....	1812	.....
129	Heirs of Jonathan Kemp.....	St. Helena.....	1	.....	.....	1811	.....
130	Richard Wade.....	do.....	.....	1	.....	1812	.....
131	Ezra Courtney.....	East Feliciana.....	.....	1	.....	1812	.....
132	William Fulson.....	do.....	.....	1	.....	1809	.....
133	David Singleton.....	St. Helena.....	.....	1	.....	1812	.....
134	Robert Kirland.....	do.....	.....	1	.....	1809	.....
135	J. Raoul.....	East Feliciana.....	.....	1	.....	1786	.....
136	Jesse Hagan.....	St. Helena.....	.....	1	.....	1810	.....
137	Samuel Ott.....	St. Tammany.....	.....	1	.....	1811	.....
138	Isalah Booker.....	East Feliciana.....	.....	1	.....	1812	.....

SAMUEL J. RANNELS, Register.  
WILLIAM KINCHIN, Receiver.

19TH CONGRESS.]

No. 463.

[1ST SESSION.]

## LAND CLAIMS IN WEST FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 28, 1825.

TREASURY DEPARTMENT, *December 27, 1825.*

SIR: In obedience to a resolution of the House of Representatives of the 13th instant, directing the Secretary of the Treasury to communicate to the House any report he may have received from the receiver and register of the district of West Florida, under the provisions of an act of the last session of Congress entitled "An act to extend the time for the settlement of private land claims in the Territory of Florida," I have the honor to transmit a report herewith, signed by those officers, together with an explanatory letter which accompanied it, dated the 13th of July last. By the seventh section of the act the claimants described in it were allowed until the first of November to file their claims, but by the statement of the register and receiver it appears that none were expected to be filed after the date of their letter, and as no additional report has since arrived from them, it is inferred that such was the fact.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER of the House of Representatives.

TALLAHASSEE, *July 13, 1825.*

SIR: In obedience to an act of Congress approved March 3, 1825, the undersigned have the honor to transmit herewith a report of their proceedings, in the shape of a general abstract, embracing all the claims in support of which any testimony has been exhibited, and upon which it became their duty to decide. It is a continuation of the abstract of the same description, marked N, (see No. 433, page —,) and forwarded to the Secretary of the Treasury during the last session of Congress. The reasons upon which the present decisions have been made are to be found in the reports of the former board of commissioners upon abstracts to which the undersigned have referred, and now in the possession of the Secretary of the Treasury.

The undersigned have been induced to make their report thus early from a belief that the business of the board has been brought to a final close; that no additional claims will be filed, or further evidence exhibited to establish their validity. Notwithstanding the notice of the undersigned to claimants, published for three months past, no testimony has been adduced in favor of any claim except in an individual instance. The secretary completed the recording on the 9th of June, and the undersigned are of the opinion that no further duties will be required of the register and receiver under the act of Congress above cited. Should the contrary, however, prove to be the fact, the case or cases may be readily reported before the meeting of the next Congress.

With the highest respect and consideration, the undersigned remain your most obedient servants,  
SAMUEL R. OVERTON, *Register.*  
R. K. CALL, *Receiver.*

Hon. SECRETARY OF THE TREASURY, *Washington city.*

## No. 2.

22. Charles Lavalette present claimant; José Bernardo de Hevia original grantee. A gratuitous concession for a lot in the city of Pensacola, No. 253, 80 feet front by 166½ feet deep, issued by Intendant Morales, dated July 5, 1811, and built upon and enclosed from 1811 to 1812. Confirmed as belonging to class of claims marked D.

23. Francisco Balderas present claimant; Francisco Rodriguez original grantee. A gratuitous concession for the southern half of a lot in the city of Pensacola, No. 155, 86 feet 1½ inch, English measure, front by 80 feet, same measure, deep, issued by Intendant Morales, dated March 23, 1810, and built upon and enclosed in the same year. Confirmed as belonging to a class of claims marked D.

24. The heirs and legal representatives of Perina Masitte present claimants; Perina Masitte original claimant. No title papers filed in this case. The parol testimony shows that Perina Masitte obtained a grant of the Baron de Carondelet, in the year 1796, for a lot in the city of Pensacola, No. 93, 80 feet front by 170 feet deep; that it was built upon and enclosed within a year after the date of the grant, and occupied until 1803 or 1804. Recommended for confirmation.

25. Reuben Starke present claimant; Manuel Durante original claimant, as recited in an act of sale from Benito Gareza to Starke, duly authenticated, and dated July 6, 1818, for a lot in the city of Pensacola, No. 16, 80 feet front by 80 feet deep. The mesne conveyance from Gareza to Starke also recognizes the existence of edifices, &c., on the lot at the time of the transfer. Recommended for confirmation as belonging to class of claims marked E.

26. William King claims 640 acres in Escambia county, forming the suburbs of the city of Pensacola, and immediately contiguous to the two old forts, St. Michael and St. Bernard. He is proved to have been twenty-one years of age, the head of a family, and to have cleared and cultivated about four acres from the year 1818 to February 22, 1819, during which time he was a permanent resident of Pensacola; that between the years 1820 and 1821 three additional acres were cleared and enclosed, and a large two story framed house built thereon. This claim was reported as rejected at the last session of Congress, amongst the Spanish claims marked G, and is now recommended for confirmation under the first class of donation claims, marked H. All which is respectfully submitted.

SAMUEL R. OVERTON, *Register of the Western District of Florida.*  
R. K. CALL, *Receiver of Public Moneys, Land Office at Tallahassee.*

19TH CONGRESS.]

No. 464.

[1ST SESSION.]

## SALE OF THE MORAVIAN LANDS IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 2, 1826.

GENERAL LAND OFFICE, *January 2, 1826.*

SIR: I enclose you a list of the lots of land ceded by the Society of the United Brethren to the United States, (see act of May 26, 1824,) and which have been valued at more than \$1 25 per acre. These lands have been improved, and the improvements daily deteriorating; they are subject to a State tax, and having been subject to entry for more than twelve months at the price at which they were valued, I think it probable that they will not sell for their appraised value, and that it is expedient to offer them at public sale in the same manner as other public lands; for which purpose I enclose you a copy of a bill.

With great respect, your obedient servant,

GEORGE GRAHAM.

Hon. JOHN SCOTT, *Chairman of the Committee on Public Lands, H. R.*

*List of improved lots in the tracts ceded to the United States by the Society of United Brethren which remain unsold.*

Tracts and number of lots.	Quantity in each lot.	Apprentment under the United States law of 1824, per acre.	Amount of tax on each lot, levied by the State of Ohio, for 1825.	Tracts and number of lots.	Quantity in each lot.	Apprentment under the United States law of 1824, per acre.	Amount of tax on each lot, levied by the State of Ohio, for 1825.
	<i>Acres.</i>				<i>Acres.</i>		
Salem, lot No. 8.....	146.38	\$4 00	\$7 66.5	Gnadenhutzen, lot No. 27.....	49.98	\$8 00	\$3 09.0
Do.....9.....	130.75	3 50	6 87.7	.....do.....28.....	75.37	10 60	4 73.5
Do.....10.....	131.39	4 00	6 33.3	.....do.....29.....	67.95	10 61	4 25.2
Do.....11.....	112.99	3 00	2 36.2	.....do.....30.....	64.27	11 48	4 70.3
Gnadenhutzen, lot No. 12.....	141.98	4 08	7 42.5	Shoenbrun, lot No. 4.....	97.45	5 00	5 23.8
Do.....13.....	174.36	2 61	4 26.7	.....do.....7.....	99.62	6 25	7 10.6
Do.....14.....	97.41	10 08	6 11.3	.....do.....11.....	91.55	6 50	6 52.8
Do.....15.....	107.47	9 88	6 74.2	.....do.....14.....	79.38	5 50	3 31.5

19TH CONGRESS.]

No. 465.

[1ST SESSION.]

## LAND CLAIMS IN WEST FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 5, 1826.

TREASURY DEPARTMENT, *January 4, 1826.*

SIR: Since my letter of the 27th of December, in compliance with the resolution of the House of Representatives of the 13th of that month, relative to reports from the register and receiver of the land office for the western land district of Florida, I have received from those officers a supplemental and final report, dated the 2d of December, which, with the documents accompanying it, I have the honor herewith to transmit.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER of the House of Representatives.

TALLAHASSEE, *December 2, 1825.*

SIR: Herewith enclosed we have the honor to report an abstract of claims to land in West Florida, founded on habitation and cultivation, between February 22, 1819, and July 17, 1821, with the evidence in support of them.

Having completed all the business before us, and the time allowed for the presentation of claims having expired, we have the honor to report the commission for the settlement of land claims in West Florida finally closed.

Very respectfully, your obedient servants,

R. K. CALL, *Receiver.*  
G. W. WARD, *Register.*Hon. RICHARD RUSH, *Secretary of the Treasury.*



*A report of claims to land in West Florida, founded on habitation and cultivation, between February 22, 1819, and July 17, 1821; reported in obedience to an act of Congress approved May 26, 1824.*

No.	Names of claimants.	Age.	No. of acres.	Where situated.	Date of settlement and cultivation.
1	William Ellis.....	21	5 or 6	East side of Apalachicola river.....	1821
2	John Collins.....	21	10 or 12	.....do..... do.....	1821
3	Henry A. Yonge.....	21	4 or 5	West side of Apalachicola river.....	1821
4	Henry Yonge.....	21	20	East side of Apalachicola river.....	1820
5	William S. Pope.....	21	10 or 12	.....do..... do.....	1820
6	Heirs of John Tanner.....	21	20	.....do..... do.....	1820
7	* John Carnochan.....	21	50	.....do..... do.....	1820
8	† John W. Bush.....	21	20	Holmes' valley, Walton county..	1819
9	Eli Seurlock.....	21	.....	.....do..... do.....	1820

\* John Carnochan is one of those interested in the large grant to Forbes & Co., and settled on said grant. He is a large planter.

† John Bush, we learn, had his claim rejected by the commissioners. He presented it to us, and the testimony, on the last day; since which we have heard objections to it, and said such testimony as can be had. It accompanies this report.

R. K. CALL, Receiver.  
G. W. WARD, Register.

### No. 1.

#### *To the commissioners of land claims at Pensacola:*

The memorial of William Ellis, of Gadsden county, Territory of Florida, humbly sheweth: That your memorialist emigrated from McIntosh county, in the State of Georgia, and arrived in this country early in the spring of 1820; that your memorialist made a crop on the Apalachicola river that and the succeeding year; that your memorialist, in 1822, improved on the waters of Ocklockney, in said county, and has continued to improve there to this present day. Your memorialist, therefore, claims a right to the first improvement made on the Apalachicola prior to July 17, 1821, or the improvement near the Ocklockney river, where he now resides with a large family.

Your memorialist begs leave to refer you to the annexed proof of the facts which he now asserts, and that you will be pleased to take his case into your serious consideration, and grant him such relief as you shall deem meet, as it is evident your memorialist built, planted, and cultivated the soil in Gadsden county within the time limited by the act of May 24, 1824; and your petitioner will ever pray, &c.

WILLIAM ELLIS.

OCKLOCKNEY SETTLEMENT, July 12, 1824.

#### TERRITORY OF FLORIDA, Gadsden County:

This day personally appeared before me, Michael Harvey, a justice of the peace for the county aforesaid, John Collins and William Heaton Ellis, residents of the county aforesaid, and, being duly sworn on the Holy Evangelists, depose and say: That they have perused and examined the within petition or memorial of William Ellis, and that the contents of the same are just and true to the best of their knowledge and belief.

JOHN COLLINS.  
WILLIAM H. ELLIS.

Sworn to and subscribed before me, August 12, 1824.

M. HARVEY, *Justice of the Peace.*

I certify that this instrument of writing was executed in my presence August 12, 1824, and that the 12th day of July was inserted through a mistake.

EDMUND DOYLE.

John Collins, a witness in support of the claim of William Ellis, being duly sworn, deposeth and saith: That William Ellis, who was the head of a family and over twenty-one years of age, settled and improved a certain tract of land situated on the east side of the Apalachicola river, in the Territory of Florida, one mile below the Cut-off, in the spring of the year 1821; that he built houses and planted a crop of corn on the said tract of land; and that the said William Ellis was an actual inhabitant and cultivator of said tract of land July 17, 1821; and further this deponent saith not.

his  
JOHN COLLINS.  
mark.

Edmund Doyle, a witness in support of the claim of William Ellis, being duly sworn, deposeth and saith: That William Ellis, who was the head of a family and over twenty-one years of age, settled and improved a certain tract of land situated on the east side of Apalachicola river, in the Territory of Florida, one mile below the Cut-off, in the spring of the year 1821; that he built houses and planted a crop of corn on the said tract of land of five or six acres; and that the said William Ellis was an actual inhabitant and cultivator of said tract of land July 17, 1821; and further this deponent saith not.

EDMUND DOYLE.

## No. 2.

*To the commissioners of land claims at Pensacola :*

The memorial of John Collins, of Gadsden county, humbly sheweth: That your memorialist arrived in this country in the month of April, 1820, and made a crop on the river Apalachicola that year; that your memorialist, wishing to remove to a more convenient situation, improved, in the fall of 1823, a tract of land of upwards of twenty acres on the waters of Rocky Comfort creek, a branch of Ocklockney river, on which he built a temporary cabin; that your memorialist was prevented from the further improvement of said tract on being informed that the aforesaid tract was included in the reserve made to Neamathla, the principal chief of the Seminole Indians; that your memorialist came into this country for the purpose of actual settlement, and would have done so if it was not for the unsettled state of the Indians at the time of his first arrival in the country, as will more fully appear by the evidence produced herewith. Your memorialist therefore prays you will be pleased to take his case into your consideration, as it will fully appear that your memorialist was an actual settler in the country prior to July 17, 1821; and your petitioner will pray, &c.

JOHN COLLINS.

TERRITORY OF FLORIDA, *Gadsden County :*

This day personally appeared before me, Michael Harvey, justice of the peace for the county aforesaid, William Ellis and William Heaton Ellis, residents of the county aforesaid, of lawful age, and, being duly sworn, depose that the contents of the foregoing petition are just and true, to the best of their knowledge and belief.

WILLIAM ELLIS.  
WILLIAM H. ELLIS.

Sworn to before me, and subscribed, August 12, 1824.

M. HARVEY, *Justice of the Peace.*

I certify that the above instrument of writing was sworn to and subscribed in my presence August 12, 1824, and that July 12, 1824, was inserted through mistake.

EDMUND DOYLE.

William Ellis, a witness in support of the claim of John Collins, being duly sworn, deposeth and saith that, in April, 1820, said Collins, who was the head of a family, and above twenty-one years of age, commenced clearing a tract of land on the east of the Apalachicola river, north of a plantation settled by Carnochan, and cultivated the same land; and that the said John Collins was an actual inhabitant and cultivator of said land July 17, 1821; and furthermore this deponent saith not.

WILLIAM ELLIS.

Edmund Doyle, a witness in support of the claim of John Collins, being duly sworn, deposeth and saith that, for some time previous to July 17, 1821, the said John Collins, who was the head of a family, and above twenty-one years of age, had settled and planted a crop of corn on a tract of land situated on the east side of the Apalachicola river, of ten or twelve acres; and that he was in actual possession of that tract of land at that time; and furthermore this deponent saith not.

EDMUND DOYLE.

## No. 3.

*To the commissioners of land claims, Tallahassee :*

The petition of Henry A. Yonge humbly sheweth: That, in April, 1821, he located a tract of land on the west side of the Apalachicola river, bounded on the south by the plantation of Mr. William Hambly, east by the river, and north and west by Indians under chief Cochrane; and that he was actually an inhabitant and cultivator of said land July 17, 1821, during which time he sustained most disadvantages attending on new settlers, say the loss of crops and two slaves. Your petitioner, under all these circumstances, wishing to avail himself of the provisions of an act of Congress dated May 26, 1824, granting donations to certain actual settlers in Florida, submits to the commissioners the propriety of his claim under said act. And your petitioner will ever pray.

HENRY A. YONGE.

TALLAHASSEE, October 4, 1825.

William Ellis, a witness in support of the claim of Henry A. Yonge, being duly sworn, deposeth and saith that, in the spring of the year 1821, Henry A. Yonge cultivated a field on the west side of the Apalachicola river, on the north side of a tract of land cultivated by William Hambly, at the Spanish bluffs, on said river, and that he resided at the said bluffs; and that he was an actual inhabitant and cultivator of said land July 17, 1821; and further this deponent saith not.

WILLIAM ELLIS.

Edmund Doyle, a witness in support of the claim of Henry A. Yonge, being duly sworn, deposeth and saith that, in the spring of the year 1821, the said Henry A. Yonge cultivated a field of between four and five acres, situated on the west side of the Apalachicola river, and adjoining the field of William Hambly, at the Spanish bluffs, on said river; and that the said Henry A. Yonge was an actual cultivator of said tract of land July 17, 1821; and furthermore this deponent saith not.

EDMUND DOYLE.

The deposition of John Collins, taken in the case of Henry A. Yonge, claimant under the donation act of May 26, 1824:

John Collins, being duly sworn, saith that, in the spring of 1821, the said Henry A. Yonge settled a tract of land on the west side of the Apalachicola river, cleared land, built houses, &c.; and that he was actually a cultivator and inhabitant of that land July 17, 1821.

JOHN <sup>his</sup> COLLINS.  
mark.  
GEO. T. WARD, *Clerk.*

Attest:

Personally appeared before Ambrose Crane, justice of the peace for Leonne county, Henry Yonge, who, being duly sworn, deposeth and saith that his son, Henry Alexander Yonge, was over the age of twenty-one years, and the head of a family, at the time he settled a tract of land lying on the river Apalachicola, for which he claims a donation right under the act of Congress of May 26, 1824.

HENRY YONGE.

Sworn to before me, at Tallahassee, this 17th of September, 1825.

AMBROSE CRANE, *J. P. L. C.*

#### No. 4.

*To the commissioners of land claims, Tallahassee:*

The petition of Henry Yonge, of Gadsden county, humbly sheweth: That, in June, 1819, he visited this Territory for the purpose of exploring it and locating a situation for cultivation; that he selected a place on the eastern side of the Apalachicola river, and the following year, say 1820, actually commenced a settlement; that, having persevered for two years under every disadvantage attendant on first settlers in new countries, from the loss of crops by freshets, and slaves by the unhealthiness of the situation, he was compelled to remove to his present residence in Gadsden county, thereby adding to his losses two years' labor, in improvements, of upwards of twenty negroes.

Your petitioner, under all these losses, wishing to avail himself of the provisions of an act of Congress dated May 26, 1824, granting donations to certain settlers in Florida, submits to the commissioners the propriety of his claim under said act. And your petitioner will ever pray, &c.

HENRY YONGE.

TALLAHASSEE, *September 17, 1825.*

The deposition of John Carnochan, taken in the case of Henry Yonge, claimant under the donation act of May 26, 1824:

John Carnochan, now being duly sworn, deposeth and saith that, in the year 1820, Henry Yonge did commence a settlement on the east side of the river Apalachicola, in the Territory of Florida, and that he then and there made very considerable improvements, built houses, and cultivated the soil with upwards of twenty hands; that he was actually a cultivator of the land July 17, 1821, and that he was the head of a family, and over twenty-one years of age.

JOHN CARNOCHAN.

TERRITORY OF FLORIDA, *Gadsden County:*

This day came before me, Ambrose Crane, justice of the peace for the county aforesaid, Edmund Doyle, of lawful age, who, being duly sworn on the Holy Evangelists, deposeth that Henry Yonge did actually build, improve, and cultivate on a tract of land on the river Apalachicola, on the eastern side, at a point known by the mouth of the Cut-off, more than twenty acres, prior to July 21, 1821.

EDMUND DOYLE.

Sworn to before me, and subscribed, this 30th of October, 1824.

AMBROSE CRANE.

#### No. 5.

*To the receiver and register of the land office at Tallahassee:*

William S. Pope, a citizen of West Florida, petitions for a tract of land of six hundred and forty acres, situated on the east bank of the Apalachicola river, in the Territory of Florida, founded on habitation and cultivation prior to July 17, 1821.

JOHN M. POPE, *Agent.*

The deposition of John M. Pope, taken in the case of William S. Pope, claimant under donation act of Congress of May 26, 1824:

John M. Pope, being duly sworn, deposeth and saith that the said William S. Pope, in the month of November, 1820, settled on the east side of the Apalachicola river, in the Territory of Florida, and that he cleared and improved land, built houses, &c.; and that he was, July 17, 1821, a cultivator and inhabitant of that land; that he was the head of a family, and over twenty-one years of age.

JNO. M. POPE.

Edmund Doyle, a witness in the case of William S. Pope, claimant under the donation act of May 26, 1824, being duly sworn, deposeth and saith that the said William S. Pope settled, in the spring of the year 1821, on the east side of the Apalachicola river, and improved about ten or twelve acres, and was actually an inhabitant and cultivator of that land July 17, 1821.

EDMUND DOYLE.



## No. 6.

*To the receiver and register of the land office at Tallahassee :*

The heirs of John Tanner, late a citizen of West Florida, petition for a tract of land of six hundred and forty acres, situated on the east bank of Apalachicola river, in the Territory of Florida, founded upon habitation and cultivation prior to July 17, 1821.

JOHN M. POPE, *Agent.*

The deposition of John M. Pope, taken in the case of the heirs of John Tanner, late a citizen of the Territory of Florida, and claimant under the donation act of Congress of May 26, 1824:

John M. Pope being duly sworn, deposeth and saith that the said John Tanner, in the month of November, 1820, made a settlement on the east side of Apalachicola river, in the Territory of Florida; that he cleared and improved land and built houses, and that he was, on July 17, 1821, actually an inhabitant and cultivator of that land, and that he was at that time the head of a family and over 21 years of age.

JOHN M. POPE.

The deposition of Edmund Doyle, taken in the case of the heirs of John Tanner, late a citizen of the Territory of Florida, and claimant under the donation act of May 26, 1824, sheweth: That the said John Tanner, in the spring of the year 1821, settled on the east side of the river Apalachicola, near the Cut-off in that river, and nearly opposite the Spanish bluff; that he there made improvements, cultivated the soil, and was actually an inhabitant of said land, about twenty acres, July 17, 1821; that he was the head of a family, and over 21 years of age at that time.

EDMUND DOYLE.

## No. 7.

*To the commissioners of land claims, Tallahassee :*

The petition of John Carnochan, of Gadsden county, humbly sheweth: That in the month of April, one thousand eight hundred and twenty, he removed from Georgia some negroes into this Territory, and made a settlement on the east side of the Apalachicola river, where the said slaves planted and made a crop that year and every season since; that your petitioner arrived on the above place in the month of September of said year, 1820, and has since then expended and laid out a great deal of money and labor thereon, clearing large fields, being the first person who introduced the long staple cotton and sugar cane into West Florida, cultivating the same, making improvements, erecting sugar-mill works, copper or sugar boilers, the only apparatus of the kind in all Western Florida. Your petitioner would humbly represent that, from the inundations of said river, the disturbed state of the Indians for years, the price of provisions and other supplies of all kinds, the numerous difficulties attending settling any new country, making roads, &c., &c., a large and valuable gang of slaves have not for the four years of 1820, 1821, 1822, 1823, paid their own and plantation expenses. Your petitioner would wish to avail himself of the provisions of the act of Congress dated May 26, 1824, granting donations or privileges to certain settlers in Florida, submits to the commissioners the propriety of claiming such rights as may accrue therefrom; and further solicits such relief from the said commissioners as it may be in their power to grant him; and your petitioner will, as in duty bound, ever pray, &c.

JOHN CARNOCHAN.

TALLAHASSEE, *Leon County, October 4, 1825.*

TERRITORY OF FLORIDA, *Gadsden County:*

This day appeared before me, Jonathan Robinson, judge of the county court, Edmund Doyle, of said county, who, being duly sworn, deposeth and saith that Mr. John Carnochan, also of said county, sent an overseer and number of slaves from the State of Georgia into this Territory, who settled on the east side of Apalachicola river in the month of April 1820, where they planted and made a crop that season and every year since; and that the said John Carnochan arrived himself at the place aforesaid in the month of September of same year, 1820; and this deponent further declares that the said John Carnochan and his before-named slaves have, there, on said river, in this Territory, made valuable buildings and improvements, and have cleared and cultivated large fields of the Sea Island or black seed cotton and the sugar cane, amounting to about fifty acres; and was the first person who introduced these two valuable staples into this quarter of the Territory, at considerable expense, and is now, at this very time, erecting a valuable sugar-mill and works, with three large boilers of copper, to grind his crop of sugar cane made there this year. The said mill and works this deponent believes to be the first sugar apparatus erected in the western part of this Territory.

EDMUND DOYLE.

Sworn to before me November 25, 1824.

JONATHAN ROBINSON, *Judge.*

Sworn to before us October 4, 1825.

R. K. CALL,  
G. W. WARD, *Commissioners.*

The deposition of John Collins, taken in the claim of John Carnochan, sheweth: That John Carnochan was a settler and cultivator of a tract of land on the east side of the river Apalachicola July 17, 1821, and that he made valuable improvements there between April 6, 1820, and July 17, 1821.

JOHN <sup>his</sup> COLLINS.  
mark.

Attest

GEORGE T. WARD, *Clerk.*

## No. 8.

*To the commissioners of land claims for the district of West Florida:*

The petition of John W. Bush respectfully shows: That he claims six hundred and forty acres of land, situate on the north side of the Chipola road, in Holmes' valley, bounded west by the lands of John Bush, north by vacant lands, east by A. M. Rea, south by said road; which land he inhabited and cultivated on July 17, 1821, at which time he was twenty-one years of age and the head of a family.

JOHN W. BUSH.

AUGUST 21, 1824.

TERRITORY OF FLORIDA, *Jackson County:*

Personally came before me Asbury Bush, who, being duly sworn to state what he knew concerning John W. Bush making a settlement on the valley east of John Bush, states that said John W. Bush commenced working at said place in 1819; took sick and came to his (said deponent's) father's; returned in 1820, and commenced working on said place again, and lived there ever since, and ever since 1820 has continued to cultivate said land to the best of his (said deponent's) knowledge; he hired F. Johnson to assist him in working on said premises in 1819, and John Menable to assist him in working on said premises in 1820, at the fall of which year John W. Bush and John Bush joined in farming; and that said John W. Bush has lived ever since on the above-described premises.

ASBURY BUSH.

OCTOBER 19, 1825.

JAMES B. RUSS, *J. P.*

John Bush, a witness in the case of John W. Bush, claimant under the donation act of May 26, 1824, being duly sworn, deposed and saith that the said John W. Bush settled a tract of land in Holmes' valley, Walton county, Territory of Florida, on the east side of a tract cultivated by this deponent, which the said John W. Bush commenced improving in the year 1819; and that he continued improving the said land until July 17, 1821, at which time he was an actual cultivator and inhabitant of the same, and that he was over twenty-one years of age at that time; and further this deponent saith not.

JOHN BUSH.

TERRITORY OF FLORIDA, *Leon County, December 3, 1825:*

I hereby certify that J. W. Bush came to school to me in the summer of 1822; that he, the said J. W. Bush, had never been the head of a family, but lived with his father, and in 1823 he sued his father as he told me, for his wages, he having notes of hand of his father—each note I think was for \$19 and \$20—to a large amount; he sued his father before Justice W. Lewis, obtained judgment, &c., and had his father's negroes and other property sold, which is on Squire Lewis' docket book; and said J. W. Bush purchased in his father's property, and, from every appearance, I don't think there could have been any crop made in 1821 by Bush; and the cause said J. W. Bush told me he sued his father for his wages from the time he left Georgia.

J. R. LANE.

The within affidavit was sworn to by the said Joseph R. Lane before me, at Tallahassee, this 3d day of December, 1825.

AMBROSE CRANE, [L. s.]

*Judge of the County Court for the County of Leon.*

## No. 9.

FLORIDA TERRITORY, *Jackson County, United States:*

Personally came before me Presley Scurlock, and, being duly sworn to state what he knew concerning Eli Scurlock's cultivating and inhabiting a tract of land in the valley, now in Walton county, also relating to said E. Scurlock's renting of said land of John Innerarity, the said Presley makes the following statement: That said Eli Scurlock did occupy and cultivate a certain tract of land in the valley as above stated; that he had a considerable quantity of corn and Irish potatoes in cultivation; and that I saw a quantity of the potatoes after they were dug; and that said Eli lived there and cultivated in the year eighteen hundred and twenty; and that said Eli never rented said land of Innerarity, to the best of my knowledge, nor of any other person; and that I, said P. Scurlock, rented said land of said Innerarity, became dissatisfied, kept on up to Chipola, there made a crop in the said year 1820; the said Eli was twenty-one years of age at the time, viz: July 17, 1821, and was the head of a family.

PRESLEY SCURLOCK.

Sworn to before me October 19, 1825.

JAMES B. RUSS, *J. P.*

FLORIDA TERRITORY, *Jackson County, United States:*

Personally came before me Jefferson Scurlock, who, being duly sworn to state what he knew with regard to Eli Scurlock's cultivating and inhabiting a certain tract of land on the valley known by the name of the Big Field, whereon Wherriot Lewis now lives, which said place said Eli did cultivate and inhabit in the year eighteen hundred and twenty, by planting corn and potatoes; and that I saw a quantity of potatoes dug out of said plantation, and eat a part of them; to the best of my knowledge and belief he never rented said land of John Innerarity, nor any other person. My father, Presley Scurlock, rented said land of Innerarity, but did not stay to make a crop, but moved on to Chipola, and there made a crop in the year 1820.

JEFFERSON SCURLOCK.

Sworn to before me October 19, 1825.

JAMES B. RUSS, *J. P.*

John Bush, a witness in the case of Eli Scurlock, claimant under the donation act of May 26, 1824, being duly sworn, deposes and saith that the said Eli Scurlock settled on a tract of land commonly known by the name of the Old or Big Field, in Holmes' valley, Walton county, Territory of Florida, which tract of land he commenced cultivating in the year 1820.

JOHN BUSH.

19TH CONGRESS.]

No. 466.

[1ST SESSION.]

COMPENSATION FOR AN INDIAN RESERVATION SOLD BY THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 6, 1826.

Mr. COCKE, from the Committee on Indian Affairs, to whom were referred the petition and documents of James Wolcott and Mary, his wife, of the State of Ohio, submitted the following report:

That, by a treaty held at St. Mary's, in the State of Ohio, October 6, 1818, between the United States and the Miami nation of Indians, a section of land lying at the mouth of Stony creek, on the southeast side of the Wabash river, in the State of Indiana, was reserved to Mary Wells, a half-blooded Miami Indian, daughter of the late Captain William Wells. That the said Mary has since intermarried with James Wolcott, of the State of Ohio, who unites with her in the petition aforesaid.

It appears, from the depositions of several respectable witnesses, that said section of land is of the first quality in point of fertility of soil, and possesses superior water privileges for mills and machinery of every description, and it also embraces a valuable coal mine. It further appears that upwards of two hundred acres of said land, including the most valuable part, and water privileges, was, in the month of December, 1824, by mistake of the officers of the government of the United States, sold at the land office at Crawfordsville, and State of Indiana. That the purchasers have erected a mill and made other valuable improvements on said land. Several respectable witnesses have testified to the value of said section of land, in a state of nature, all of whom estimate it to be worth at least three dollars per acre. The petitioners being willing to execute a conveyance to the United States for the entire section, on their receiving its value, without regard to the improvements, your committee conceive it would not only be good policy, but an act of justice on the part of government, to grant the prayer of the petitioners; they therefore report a bill allowing them three dollars per acre.

GENERAL LAND OFFICE, *December 28, 1825.*

SIR: Agreeably to your request, I enclose a plat of the survey of the reserve of 640 acres, for Mary Wells, exhibiting the tracts that have been sold, when, and to whom, and for what price. It is estimated that about 190 acres of her reserve have been sold by the United States.

I also enclose a copy of a letter from Mr. Tiffin, explanatory of the causes that delayed the surveying of this reserve.

With very great respect, your obedient servant,

GEORGE GRAHAM.

Hon. WILLIAM McLEAN, *House of Representatives.*

SURVEYOR GENERAL'S OFFICE, *Chillicothe, April 26, 1825.*

SIR: I have this morning received a letter from Mr. Dunn, register of the land office at Crawfordsville, Indiana, dated on the 1st instant, of which the following is a copy:

"Your letter of the 14th of March, and plat of four sections at the mouth of Stony creek, including Mary Wells' reserve, has been received. You will find, by referring to my return for the 4th quarter of 1824, that her reserve includes a part of five eighty-acre lots, sold at the public sale of the public lands in December last."

This is a circumstance much to be regretted, but which has not grown out of any negligence on my part, or of any of my deputies. In 1819 I despatched Mr. Joseph S. Allen, one of my deputies, for the express purpose of laying off and surveying the several Indian reservations in the State of Indiana, according to the treaties of St. Mary's, in October, 1818. Mr. Allen, by my directions, reported himself to the Indian agent at Fort Wayne, (the late Dr. Turner,) and called on him for the necessary information respecting the situation of the various reserves, and to obtain of him the necessary guides, interpreters, &c., to accompany him. This was, in part, attended to by the Indian agent; but with all the information Mr. Allen could obtain, and all the exertions he could use, he was unable to find the situation of several of these reserves. Mr. Allen reported to me that because the Indians would not permit the survey of the section reserved (on the northwest side of the Wabash, at the mouth of Fork creek) to Ann Turner, the wife of Doctor Turner, the doctor forbade the survey of the section reserved to Mary Wells, who was his wife's sister, and would give no information as to where it was situated.

After Mr. Allen's abortive attempt to complete the survey of the Indian reservations, I sent out successively, and at different periods, Mr. Bently, Mr. Kellogg, and Captain Riley, beside specially



instructing my deputies, who were employed in subdividing the townships, to survey any Indian reservations which, upon inquiry, they might find to be situated within their districts.

But with all these precautions, the reserve of Mary Wells and that at the mouth of Atchepongquame creek, on Salamarie river, remained unfound and unsurveyed. The present worthy agent at Fort Wayne, (General Tipton,) by his persevering exertions, has lately been able to find out and cause to be surveyed these two last named reserves.

I submit this statement in explanation of the cause of the delay in surveying the reserve of Mary Wells, which, you will perceive, was not surveyed until subsequent to the sale of part of the land on which it has been located, that such measures in relation to the case may be adopted by the government as may seem most proper.

I am, with great respect, sir, your obedient servant,

EDWARD TIFFIN.

GEORGE GRAHAM, Esq., *Commissioner General Land Office, Washington.*

*Accompanying the original documents is a plat of the survey of Mary Wells' reserve.*

The tracts colored *blue* have been sold by the United States, viz:

The E.  $\frac{1}{2}$  of NE.  $\frac{1}{4}$  29, containing 80 acres, sold December 21, 1824, for \$100, to H. Robinson.

The W.  $\frac{1}{2}$  of NE.  $\frac{1}{4}$  29, containing 80 acres, sold December 23, 1824, for \$100, to J. Clark.

The E.  $\frac{1}{2}$  of NW.  $\frac{1}{4}$  29, containing 80 acres, sold December 23, 1824, for \$100, to J. Clark.

The E.  $\frac{1}{2}$  of SE.  $\frac{1}{4}$  29, containing 80 acres, sold January 10, 1825, for \$100, to B. D. Angel.

The W.  $\frac{1}{2}$  of SW.  $\frac{1}{4}$  29, containing 80 acres, sold December 21, 1824, for \$100, to H. Manary.

The E.  $\frac{1}{2}$  of SE.  $\frac{1}{4}$  30, containing 80 acres, sold December 21, 1824, for \$100, to D. Baum.

The W.  $\frac{1}{2}$  of SE.  $\frac{1}{4}$  30, containing 80 acres, sold December 21, 1824, for \$100, to D. Baum.

The W.  $\frac{1}{2}$  of NW.  $\frac{1}{4}$  32, containing 80 acres, sold December 21, 1824, for \$100, to D. Baum.

Of the above sales about 190 acres are included within the lines of the reserve of 640 acres for Mary Wells.

19TH CONGRESS.]

No. 467.

[1ST SESSION.]

## LAND CLAIMS IN EAST AND WEST FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 6, 1826.

Mr. Scott, from the Committee on Public Lands, to whom were referred the resolution in reference to, and the reports of the boards of commissioners appointed to ascertain the titles and claims to lands in the Territory of Florida, reported:

That they have examined the reports of the boards of commissioners both of East and West Florida. As no satisfactory returns have been made by the board in East Florida, nor any good reason furnished for the delay, the committee deem it improper now to act in reference to those claims. If a report is early made, the whole of the claims in that district may be embraced in one general law; and if none is made, perhaps some other mode of settling the unfinished business in that district had better be resorted to.

The committee have looked carefully into the reports of the board of commissioners in West Florida, and find that they have performed the duties assigned them by the several acts of Congress with great care, neatness, and ability. The claims are all properly classed, and contained in general opinions and special abstracts, setting each class out in the most perspicuous manner, accompanied by the reasons for the confirmation or rejection, with an able exposition of national law, Spanish jurisprudence, and the rules, regulations, and usages on which the claims are founded. A few titles remain unsettled, recommended by the commissioners as equitable and just, and which, by law, they had not the power to confirm. In the opinion of the committee, ample justice has been done to the respective claimants, while, by the labor and diligence of the commissioners, the public interest has been zealously guarded, and all attempts at fraud and forgery detected and exposed. A part of the reports in question was made after the time limited by law for the operations of the board had expired; but as the commissioners, who knew the business was unfinished, had every reason to believe they would be continued, and were compelled to remain at their post, in possession of the papers and records of the office, subject to the order of the government; and as they employed that time in advancing the interest of the claimants and the country, the committee are of opinion that their acts ought to be recognized, and they and their secretary compensated therefor.

The committee therefore report a bill to confirm the commissioners' reports, to legalize the acts done by them after their time of service had expired, to compensate them and their secretary for their services, and to point out a mode to adjust those claims on which the commissioners had not authority to decide.

19TH CONGRESS.]

No. 468.

[1ST SESSION.]

## LAND IN LIEU OF CLAIM COVERED BY INDIAN RESERVATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1826.

Mr. CAMPBELL, from the Committee on Private Land Claims, to whom was recommitted the bill for the relief of William Hamby and Edmund Doyle, reported:

It has been suggested to the committee that this case presents two questions for their investigation: 1. Ought Hamby, who has for many years resided among the Creek Indians, to profit by the act of Congress of May 26, 1824? 2. May not the Indian chiefs, whose reservations included the petitioners' improvements, have left the country, and thereby occasioned a vacancy on which *their* original claims may be confirmed?

In replying to the first question, it is proper to observe there is no proof to justify the conclusion that a difference ought to be made between Hamby and any other citizen whose claim for a donation received the favorable consideration of the board. Whether he actually inhabited and cultivated the land up till the date of the treaty with the Florida Indians, or until the time of exhibiting his proofs, does not appear. One of his witnesses testified before the commissioners that he was taken prisoner by the Indians in 1819. Another swears to his "habitation and cultivation" in the fall of 1821. Upon adverting to the "Register," or "Blue Book," lately furnished the members, it will be seen William Hamby, presumed to be the petitioner of that name, is an interpreter stationed at Fort Mitchell, in East Florida, with a salary of \$400. To be entitled to the benefit of the law to which reference has been made, the claimant was required to prove himself the head of a family, of the age of twenty-one years, and that he inhabited and cultivated the land which he solicited as a donation on the 22d of February, in the year 1819. All this Hamby did, and it appears too late now to demand additional proof. In this statute there is nothing novel or peculiar in dispensing with evidence of a continued habitation and cultivation. The phraseology of many of the acts which obtained their origin in the cession of Louisiana is precisely similar. A donation was granted to those who inhabited and cultivated a tract of land December 20, 1803, the day on which the surrender of the country took place under the treaty.

In responding to the second question, the committee will say they are not informed that the chiefs, or any of them, have abandoned their reservations; nor is it known to them within whose limits the petitioners' improvements fall. The treaty with the Florida Indians bears date September 18, 1823, and was ratified the 2d of January following. To the clauses making reservations is appended the following declaration: "The United States promise to guaranty the peaceable possession of the reservation, as defined, to the aforesaid chiefs and their descendants *only*, so long as they shall continue to occupy, improve, or cultivate the same; but, in the event of the abandonment of all, or either of the reservations, by the chief or chiefs to whom they have been allotted, the reservations so abandoned shall revert to the United States." It appears to the committee that, as so short a period has elapsed since the ratification of the treaty, the presumption is, no abandonment has taken place. It is hardly credible that improved lands, such as the petitioners resided on, would be so soon forsaken; but if they have, should the bill pass, the government will lose nothing, as it is believed the lands from which they have been removed are equal to any which may be acquired under the bill.

As the committee discover no reason to withhold the relief solicited, they recommend the passage of the bill.

19TH CONGRESS.]

No. 469.

[1ST SESSION.]

## LAND CLAIM IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1826.

Mr. CAMPBELL, from the Committee on Private Land Claims, to whom were referred the petition and documents of the heirs of Louis de la Houssaye, deceased, reported:

Le Peltier de la Houssaye, Chevalier de la Houssaye, and Octave de la Houssaye, for themselves and the other heirs and legal representatives of Louis de la Houssaye, deceased, residents of the county of Attakapas, in the State of Louisiana, represent that, some time about the year 1813, Levin Wailes, register of the land office at Opelousas, and Louis Chacheré, sworn interpreter to the board of commissioners, came to the house of the said decedent, who was an old and infirm man, for the purpose of taking his deposition, and who then delivered to the said register a complete grant to him from the Spanish government for one league of land fronting upon each side of the Bayou Cailloux, of the ordinary depth; that the said register promised to record the said grant for confirmation; that soon after their father died; that upon inquiry at the land office it was ascertained that the register had not only neglected to record the grant as he had promised, but had actually lost or mislaid it, so that it could not be regained; that in consequence of his negligence their title to the said land has not been confirmed. Wherefore they solicit the passage of an act for their relief.

The proof exhibited in support of this claim is as follows: Louis Chacheré swears that he was present

at the house of Louis de la Houssaye with Levin Wailles, the register, for the purpose of taking the said De la Houssaye's deposition in reference to a claim entered for confirmation by the late André Martin; that De la Houssaye exhibited a concession of the Spanish government, granting to him one league of land fronting on each side of the Bayou Cailloux, which concession he handed to the register for the purpose of entering the same before the board. The affiant thinks the concession was signed by Governor Galvez, and was a complete grant; he does not recollect at what time this instrument was handed to the register. Valery Martin swears he was present at the house of De la Houssaye at the time alluded to by Chacheré, but does not recollect whether the concession was handed to the register or not.

The committee do not find this case free from difficulty. The petitioners claim under a complete Spanish title, which has been lost in the hands of a United States officer, whose duty it was to admit it to record. C. Pellerin, whose testimony is strongest as to the character of the grant, swears "that Mr. De la Houssaye took possession of the land more than thirty years ago, and has always been in possession of the same, and enjoyed it as his property to the present day, and that his family is now in possession of it." He does not say the possession was *actual*, or such a one as would be produced by habitation and cultivation.

The opinions of men are so variant as to what constitutes a complete Spanish grant, that it seems to the committee some doubt may rest on that of Mr. Pellerin. He may, in his first affidavit, allude merely to an order of survey. He says he went upon the land and located it and took possession. The fair deduction is that he acted as Mr. De la Houssaye's agent in having the land surveyed, which was an act preliminary to that of obtaining a perfect title. It was but rarely the case that a patent was given for land prior to the location. Upon what condition this grant was made does not appear.

As the claim is for a large tract of land, and the case susceptible of more particular and pointed proof, the committee recommend that they be discharged from the further consideration of the petition and documents, and that they be laid on the table.

Personally appeared before me, a justice of the peace of St. Martin, Chatillon Pellerin, aged sixty-three years, who, being sworn, says that he knows the land of the heirs of Louis de la Houssaye for more than thirty years as the property of Mr. De la Houssaye, and in his possession; that he frequently saw the grant and complete concession for the same land on Bayou Cailloux, as stated in his former deposition; that he saw the land surveyed and measured under the Spanish government; that he is well acquainted with Spanish titles, and that the title of Mr. De la Houssaye was a true and genuine Spanish complete grant, and that Mr. De la Houssaye took possession of the same more than thirty years ago, and has always been in possession of the same, and enjoyed it as his property to the present day, and that his family is now in possession of it.

CH. PELLERIN.

Sworn and subscribed to before me, May 12, 1825.

L. G. HERLEGARD, *Justice of the Peace in and for the Parish of St. Martin.*

I certify that L. G. de Herlegard, before whom the foregoing deposition was taken, was, at the time of signing the same, a justice of the peace for the parish of St. Martin, in the State of Louisiana, and that I was present and saw him sign the same.

Given December 12, 1825.

WM. L. BRENT, of Louisiana.

*Translations of depositions in the case of the Messrs. De la Houssayes, of Louisiana.*

Mr. Louis de Blanc, an old inhabitant, and commandant under the Spanish government, says that he has a perfect knowledge that, under the Spanish government, in the time that he was commandant, a tract of land of one league in front, upon both sides of the Bayou Cailloux, or *Grand Cailloux*, was always considered by the Spanish government as the property of deceased Mr. Louis de la Houssaye, and that it was always reputed to be his land during the Spanish government.

LOUIS C. DE BLANC.

Sworn and subscribed to before the justice of the peace of St. Martin, February 12, 1824.

JOSEPH FRENCH, *Justice of the Peace, &c.*

Mr. Nicholas Chatillon Pellerin, an old inhabitant, says that, under the Spanish government, it was always known and considered that the deceased Louis de la Houssaye owned a tract of land upon the *Grand Cailloux*, of a league in front, upon both sides of the said bayou; that he has seen and read the concession from the Spanish government to Louis de la Houssaye; that it was signed by Governor Galvez; that it was for a league front on both sides of the bayou; that he had the said grant in his possession, and was sent by Mr. De la Houssaye to take possession of said land for him; that he went upon said land and located it and took possession; that it has always been considered as his property.

Sworn to, &c., February 12, 1824.

CH. PELLERIN.

Executed before, &c.

B. MARTELL, *Justice, &c.*

Mr. John B. Dautreuil, an old inhabitant, says that Lavau Trudeau, the surveyor general, in his presence delivered to deceased Louis de la Houssaye the title papers and survey, under the Spanish government, for a tract of land upon the *Grand Cailloux*; that he has often seen the said grant, and also often heard it read; it was for a league front upon both sides of the Bayou Cailloux aforesaid.

Sworn to, &c., February 13, 1824.

J. B. DAUTREUIL.

Executed before, &c.

JOSIAH FRENCH, *Justice, &c.*

Mr. Hubert Pellerin, an old inhabitant, says that he has a perfect knowledge that, under the Spanish government, Mr. Louis de la Houssaye owned the land upon *Grand Cailloux* bayou; that the land was of great extent; it has always been considered by every person as his land; that this deponent was sent by Mr. De la Houssaye upon the land itself, and that he visited the spot where the grant was laid.

Sworn to, &c., February 13, 1824.

HU. PELLERIN.

Executed, &c., before, &c.

JOSIAH FRENCH, *Justice, &c.*



I certify that I know the several persons whose depositions are given to establish Mr. De la Houssaye's claim to the land upon *Grand Cailloux*—they are of the first families in Louisiana, and several of them filled high and honorable stations under the Spanish government. Their testimony is entitled to full credit and faith. Witness, March 29, 1824.

WM. L. BRENT, *of Louisiana.*

I further certify that I have always understood that said land, claimed by the Messrs. De la Houssaye, has always been in their possession and in the possession of their father, in virtue of a grant from the Spanish government from before the change of government; and they are in possession of the same at this time, and have been, to my knowledge, for some time; and, I believe, have always possessed it since they owned it.

WM. L. BRENT, *Representative from Louisiana.*

*Report of the register and receiver at Opelousas, dated December 30, 1815.*

SECOND CLASS.

No. 42. "La Houssaye claims four hundred and eighty superficial arpents of land, viz: 12 arpents front by 40 deep, situated on the east bank of the Bayou Teché, county of Attakapas; bounded on one side by lands of Messrs. La Houssaye, held under an order of survey in favor of Louis Gravemberg for the quantity as claimed, dated March 4, 1788, and signed by Estevan Miro, then governor of Louisiana, which order of survey alone accompanies the notice. The claimant adducing no deed of sale from the original grantee, the confirmation is recommended to the legal representatives of Louis Gravemberg."

[This claim has been confirmed by the act of February 5, 1825.]

GENERAL LAND OFFICE, *December 29, 1825.*

SIR: As an answer to your letter of yesterday, I enclose herewith a list of all the claims in the district of Opelousas confirmed to Louis de la Houssaye individually, or to him jointly with others.

With very great respect, your obedient servant,

GEO. GRAHAM.

HON. J. W. CAMPBELL, *House of Representatives.*

Lapeletier de la Houssa.....	a tract of 1,600 arpents.....	in Attakapas.
Louis and Alexander de la Houssa.....	do... 69...do...by $\frac{1}{2}$ league.....	do....
Do.....do.....	do... 69...do...front.....	do....
Do.....do.....	do... 720...do.....	do....
Louis and Alexander de la Houssaye.....	do... 1,560...do.....	do....
Do.....do.....	do... 1,600...do.....	do....
Do.....do.....	do... 1,280...do.....	do....
Do.....do.....	do... 400...do.....	do....
Do.....do.....	do... 4,000...do.....	do....
Do.....do.....	do... 560...do.....	do....
Do.....do.....	do... 1,600...do.....	do....
Do.....do.....	do... 2,686...do.....	do....
Louis de la Houssaye.....	do... 1,600...do.....	do....
Do.....do.....	do... 960...do.....	do....
Do.....do.....	do... 800...do.....	do....
Do.....do.....	do... 1,560...do.....	do....
Louis de la Houssaye and others.....	do... 800...do.....	do....

La Houssaye claimed a tract of four hundred and eighty arpents in Attakapas, which has been confirmed to the legal representatives of the original grantee, Louis Gravemberg, as La Houssaye produced no title from him.

GENERAL LAND OFFICE, *January 7, 1826.*

SIR: Agreeably to your request, I enclose herewith copies from the reports in this office of all the claims in Louisiana that appear to have been confirmed in the name of De la Houssaye, which is all the information in relation to those claims that is in this office.

With great respect, your most obedient servant,

GEO. GRAHAM.

HON. J. W. CAMPBELL, *House of Representatives.*

*Return of the certificates issued by the commissioners of the western district of Orleans Territory.*

No.	Date.	Names of persons under whom land was claimed.	In whose favor issued.	Nature of claim.	SITUATION OF LAND.				Number of acres.	Dimensions.	Remarks.
					County.	Water-course.	Range.	Township.			
B 642	May 30, 1811	Lepelletier de la Houssa	Lepelletier de la Houssa	Order of survey	Atak'ps	Teché			1,354.00	1,600 arpents front. 69 arpents front by $\frac{1}{4}$ ar- pent deep.	League.
A 657	May 31, 1811	Augustin Gravenberg	Louis and Alex. de la Houssa	Spanish patent	do.	do.					
B 658	do.	Anne Judith Chenai, widow Gravenberg.	do.	Order of survey	do.	do.				69 arpents front.	To extend to Bayou Tortue.
B 659	do.	Widow Dautrield.	do.	Possession and occupancy	do.	Teché				18 arpents front by 40 ar- pents deep.	Both sides of the Tchec.
B 947	June 25, 1811	Paul Augustin Lapelletier Chevalier de la Houssa.	Louis de la Houssa	Order of survey	do.	do.			1,354.03	1,600 arpents front.	
B 913	June 22, 1811	Louis Lapelletier de la Houssa	Louis de la Houssa	do.	do.	do.			812 41	960 arpents front.	La Point Clair.
A 914	do.	Louis Alex. Chevalier de la Houssa	Louis Alex. de la Houssa	Spanish patent	do.	do.			1,320.19	1,560 arpents front.	
A 915	do.	Baptiste Rica.	Louis de la Houssa	do.	do.	Bayou Vermillon			677.00	800 arpents front.	
A 916	do.	Pedro Perrot.	do.	do.	do.	do.			1,320.19	1,560 arpents front.	
B 926	June 22, 1811	Louis Judice.	Louis and Alex. de la Houssa	Requete.	do.	Teché			1,354.03	1,600 arpents front.	
A 937	do.	Anne Judith Chenai, widow of J. B. Gravenberg.	do.	Spanish patent	do.	do.			1,083 23	1,280 arpents front	
B 938	do.	Louis and Alex. de la Houssa	do.	Order of survey	do.	do.			338.51	400 arpents front.	
B 1397	Sept. 9, 1811	do.	do.	Order of survey and settlement.	do.	do.			3,385.12	4,000 arpents front.	
B 1431	Sept. 11, 1811	Louis de la Houssa	do.	do.	do.	do.			473 31	560 arpents front.	
B 1452	do.	Louis Judice, senior.	do.	Requete and 12 years' settlement	do.	do.			1,354.04	1,600 arpents front.	
B 2012	June 10, 1812	Louis and Alex. de la Houssa	do.	Order of survey and settlement.	do.	do.			2,373.00	2,686 arpents front.	
A 2259	Aug. 10, 1814	Louis Gravenberg.	Louis de la Houssa and others	Spanish patent	do.	River Teché.			677.00	800 arpents front.	

<sup>66</sup> The letter A is prefixed to the certificates issued on complete patents made under the French or Spanish governments; and the letter B to the patent certificates issued by the commissioners on claims founded on titles incomplete anterior to the change of government.

19TH CONGRESS.]

No. 470.

[1ST SESSION.]

QUANTITY OF LAND SURVEYED AND SUBJECT TO SALE, THE QUANTITY SOLD, AND THE  
QUANTITY REMAINING UNSOLD.

COMMUNICATED TO THE SENATE JANUARY 11, 1826.

TREASURY DEPARTMENT, *January 9, 1826.*

SIR: In obedience to a resolution of the Senate of the 27th of last month, directing the Secretary of the Treasury to lay before the Senate a statement showing the quantity of public lands originally subject to sale that has been surveyed, and the quantity thereof, including relinquished lands, that remains unsold in each of the land districts, I have the honor to transmit herewith a report and statement (marked A) from the Commissioner of the General Land Office containing the information desired.

I have the honor to remain, with the highest respect, your obedient servant,

RICHARD RUSH.

The Hon. the PRESIDENT of the Senate.

GENERAL LAND OFFICE, *January 5, 1826.*

SIR: In compliance with a resolution of the Senate of the United States bearing date December 27, 1825, in the following words: *Resolved*, That the Secretary of the Treasury be directed to lay before the Senate a statement showing the quantity of public lands originally subject to sale that has been surveyed, and the quantity thereof, including the relinquished lands, that remains unsold in each of the land districts," which resolution was referred to this office, I have the honor to enclose you the statement marked A. The first column in that statement shows the quantity of land actually surveyed and subject to be sold by the United States in each *land district*, agreeably to the present limits of the respective districts.

The second column shows the quantity of land, after deducting those relinquished and reverted, which has been sold at the respective *land offices*; but, as the land offices have in a great number of instances been divided and altered as to limits, the amount of land sold at each *land office* does not correspond with the amount of land sold in the land district in which the offices are now situated. The third column, therefore, which is formed by deducting the amounts stated in the second from those of the first column, does not exhibit the quantity of land which remains unsold in each land district as they now exist, and as the terms of the resolution require. It exhibits the quantities, in detail, in all cases where the land district has not been altered; in all those cases where the land district has been divided it exhibits aggregate quantities.

All of which is respectfully submitted.

GEORGE GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

## STATEMENT A.

Land district.	Quantity of land actually surveyed in the districts, as they now stand to June 30, 1825, originally subject to sale, after deducting private claims and reservations for school, military, and other purposes.	Quantity of land sold at the respective land offices from their induction to June 30, 1825, after deducting all lands relinquished and lands reverted to that date.	Quantity of land actually surveyed remaining unsold June 30, 1825.	Explanatory remarks.
Marietta, including the reserved sections in Ohio Company's purchase.	632,800	166,948.54		
Steubenville .....	1,862,964	1,496,703.09 116,420.61	1,441,033.34	
Zanesville .....	1,629,320	943,878.42		Sold at New York and Pittsburg, 1787 and 1796, and situated in the now Marietta and Steubenville districts.
Chillicothe .....	2,022,707	1,007,652.71	1,015,054.39	
Cincinnati .....	3,413,521	2,629,400.49	784,120.51	After deducting the lands appropriated for revolutionary services.
Wooster .....	1,234,500	921,353.96	313,146.04	
Piqua .....	2,365,529	90,851.47	2,338,677.53	
Delaware .....	2,031,791	292,964.35	1,738,806.65	
Ohio .....	15,233,032	7,602,193.64	7,630,838.36	
Jeffersonville .....	2,758,483	1,125,674.02		The boundaries of the districts of Jeffersonville and Vincennes have both been altered since the first sales.
Vincennes .....	4,424,984	1,137,775.36	4,920,017.62	
Brookville .....	2,198,622	611,733.37	1,586,888.63	The quantity here exhibited as sold at Vincennes includes a portion of the land now forming the Palestine district, in Illinois State.
Terre Haute .....	2,600,384	274,194.95	2,326,189.05	
Fort Wayne .....	1,228,623	5,105.00	1,223,517.00	
Indiana .....	13,211,085	3,154,482.70	10,056,612.30	



## STATEMENT A—Continued.

Land district.	Quantity of land actually surveyed in the districts, as they now stand, to June 30, 1825, originally subject to sale, after deducting private claims and reservations for school, military, and other purposes.	Quantity of land sold at the respective land offices from their institution to June 30, 1825, after deducting all lands relinquished and lands reverted to that date.	Quantity of land actually surveyed remaining unsold June 30, 1825.	Explanatory remarks.	
Kaskaskia .....	2,035,840	239,511.53	17,055,114.74	The boundaries of each of the districts of Kaskaskia, Shawneetown, and Edwardsville have been altered since their first institution. Sales were originally made at Vincennes land office, in part, of the now Palestine district. The sales made exclusively at the Palestine land office are here stated. Sales, in part, of the Palestine district were also made at Shawneetown.	
Shawneetown .....	3,183,139	384,180.07			
Vandalia .....	4,442,614	13,006.45			
Palestine .....	3,861,661	40,635.41			
Edwardsville, including the unsold military lands attached thereto.	4,656,364	447,609.81			
North of Edwardsville, including the unsold military lands attached thereto.	3,490,300	68,116.58	3,423,183.42		
Illinois .....	21,669,818	1,192,519.84	20,477,298.16		
St. Louis .....	3,334,924	368,770.99	19,335,845.07	There were originally but three land districts in Missouri. These now form five districts. The quantity sold at each land office is stated in the returns. The quantity remaining unsold is therefore given for the whole State in the aggregate, and not by districts.	
Howard county, excluding military bounties, 468,960 acres.	4,014,624	461,136.02			
Western district .....	2,315,898	23,838.87			
Salt River district .....	3,361,173	10,961.19			
Cape Girardeau .....	7,236,007	59,383.93			
Missouri .....	20,281,926	926,060.93	19,335,845.07		
North of Red river .....	1,898,165	3,669.43	1,804,495.57	After deducting land appropriated to military bounties, viz: patented..... 867,010 Remaining to be located of the quantity selected and now in the lottery..... 295,810 Total quantity appropriated to military bounties in Arkansas..... 1,162,820	
Southwestern district .....	1,488,357	53,334.60	1,433,022.40		
Southeastern district .....	222,240	80,837.04	141,402.96		
Louisiana .....	3,518,762	139,861.07	3,378,900.93		
Lawrence county and Arkansas, excluding selections for military bounties.	9,286,846	29,264.63 3,218.93	9,254,362.44		
Arkansas Territory .....	9,286,846	32,483.56	9,254,362.44		
Detroit .....	3,327,180	220,095.44	4,284,230.28	The aggregate quantity remaining unsold in those districts is taken in consequence of the latter having been formed out of the former, where the greater portion of the sales was made.	
Southern district .....	1,204,953	27,807.28			
Michigan Territory .....	4,532,133	247,902.72	4,284,230.28		
Mississippi—				The aggregate of these two districts is given, inasmuch as the former was formed, in great part, out of the latter, where the greater portion of the sales was made.	
Choctaw district .....	3,692,225	128,406.42	3,563,818.58		
West of Pearl river .....	2,915,097	1,098,819.11	1,816,284.89		
Jackson Court-house .....	3,445,142	553.80	5,566,988.18		
Alabama—					
East of Pearl river .....	2,875,920	753,520.02	12,042,184.57	At each of these land offices there have been sales made out of the present district limits. Hence those three districts are stated in the aggregate.	
Huntsville .....	5,683,810	1,082,291.45			
Tuscaloosa .....	4,024,793	348,582.79			
Cahaba .....	4,923,348	1,157,892.19			
Conecuh Court-house .....	3,839,734	39,149.70	3,800,584.30		
Aggregate .....	31,399,069	4,609,209.48	26,789,860.52		
Tallahassee, West Florida .....	405,782	44,427.55	361,354.45		

## RECAPITULATION.

Ohio.....	15,233,032	7,602,193.64	7,630,838.36
Indiana.....	13,211,095	3,154,462.70	10,056,632.30
Illinois.....	21,669,818	1,192,519.84	20,477,298.16
Missouri.....	20,281,926	926,060.93	19,355,845.07
Louisiana.....	3,518,762	139,861.07	3,378,900.93
Arkansas Territory.....	9,286,846	32,483.56	9,254,363.44
Michigan Territory.....	4,532,133	247,902.72	4,284,230.28
Mississippi and Alabama.....	31,399,069	4,609,208.48	26,789,860.52
West Florida.....	405,782	44,427.55	361,354.45
Total.....	119,538,463	17,949,100.49	101,589,362.51

19TH CONGRESS.]

No. 471.

[1ST SESSION.]

## DISPOSAL OF LANDS SUBJECT TO INUNDATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 11, 1826.

Mr. SCOTT, from the Committee on Public Lands, to whom was referred the resolution directing them to "inquire into the expediency of providing by law for disposal of such portions of the public lands as have not been surveyed and prepared for sale in consequence of their liability to periodical inundations," reported;

That no case has been presented to them of the character alluded to in the resolution; nor has the attention of the committee been directed to any particular portion of the country where such provisions would be necessary. The United States have already surveyed and prepared for sale such immense quantities of land in every State and Territory of the Union where public lands are situated, that the committee believe that, were the lands contemplated in the resolution ordered to be prepared for market, but little or any would be purchased. Agriculturists are not disposed to purchase lands covered with water, and incur the expense of draining it before it can be rendered useful and profitable, when for the same or perhaps a less price they can procure high and healthy situations, which, with but little trouble and less expense, they can immediately render productive.

The committee therefore submit the following resolution:

*Resolved*, That the committee be discharged from the further consideration of the subject.

19TH CONGRESS.]

No. 472.

[1ST SESSION.]

## CLAIMS BETWEEN THE RIO HONDO AND THE SABINE, IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 13, 1826.

Mr. WHIPPLE, from the Committee on Public Lands, to whom was referred the report of the register and receiver of the land district south of the Red river, in Louisiana, upon the land claims situated between the Rio Hondo and the Sabine, in what is called the Neutral Territory, [see No. 446,] reported:

That on March 3, 1823, an act was passed by which the above-named territory was annexed to the land district south of Red river, and the register and receiver of said district were required to *receive* and record all *written* evidences of claims to land in said tract of country derived from, and issued by, the Spanish government of Texas prior to December 20, 1803, according to the regulations as to the granting of lands, and the laws and ordinances of said government. The register and receiver of said district were also required to receive and record all evidences of claim founded on occupation, habitation, and cultivation, designating particularly the time and manner in which each tract was occupied, inhabited, and cultivated, prior to and on February 22, 1819, and the continuance of such habitation and cultivation subsequent to that time, with the extent of improvement upon each tract. They were further required by said act to receive and record such evidence as may be produced touching the performance of conditions required to be performed by any holder of any grant, concession, warrant, or order of survey, or other written evidence of claim, and on which the validity of such claim may have depended under the government from which it emanated. They were also required by said act to receive and record all evidence of fraud in obtaining or issuing the written evidence of such claims, and of their abandonment or forfeiture.

The said act further requires that the register and receiver shall transmit to the Secretary of the Treasury a complete record of all claims presented to them under the act, and the evidence appertaining to each claim.

They are also required to make an abstract, dividing said claims into four distinct classes, and to transmit it to the Treasury Department.

The first class is required to contain a specification of the nature and extent of complete titles, the time when, by whom, and to whom issued; with the date of any transfer, the name of the person transferring, and to whom transferred; and whether the conditions of such grants have been complied with.

The second class is required to contain all claims founded on written evidence, and not embraced in the first class, when the conditions on which the perfection thereof into complete titles have been complied with, according to the laws and ordinances of the Spanish government.

The third class includes all claims founded on habitation and cultivation prior to February 22, 1819, where such habitation and cultivation would have entitled the claimants to a title under the government exercising the sovereign power over that country, and which, in the opinion of the register and receiver, ought to be confirmed.

The fourth class is required by said act to consist of such claims as, in the opinion of the register and receiver, ought not to be confirmed.

The said act also contains a proviso that none of the proceedings directed to be had under it shall be considered as a pledge, on the part of Congress, to confirm any claim thus reported.

The committee are of opinion that the act above referred to made it the duty of the register and receiver, in the first and second classes specified in said act, to report to Congress the rules and regulations, laws and ordinances of the government of Texas under and by virtue of which grants were made,

as well as the evidences of title which existed in the form of written evidence on which claims were founded; and likewise the conditions attached to said grants by the Spanish authorities, and whether such conditions had been complied with by the claimants or their representatives.

It appears by the report of the register and receiver of the land district south of Red river that they repaired to Natchitoches, and held their sittings therein; that no record of land titles, nor other certain written evidence of title, was presented to them for examination; that the laws and ordinances under which the Spanish authorities of Texas granted or pretended to grant lands were not to be found, and, consequently, were not examined by them; and that no traces of evidence of the right by which persons settled upon the Neutral Territory held their lands could be subjected to the examination of said officers, except what could be obtained from the recollection of the inhabitants, examined under oath; and that resort was therefore had to the testimony of such witnesses as the said officers of the land office deemed worthy of credit.

Your committee will not here pause to animadvert upon the danger of permitting those directly or indirectly interested in the confirmation of land titles claimed either by themselves, their representatives, or friends, to testify even on oath, not only to the origin and progress of their respective grants, but also to the rules and regulations by which the Spanish authorities of said province were governed in the exercise of the power of granting lands, which power must have been conferred by the laws and edicts of the Spanish monarchy.

It is further manifest that the usages of those who pretended to grant lands in said Neutral Territory, if those who testified before the register and receiver are to be credited, were not in conformity to the rules and regulations adopted in the provinces of Louisiana and Florida while under the Spanish government, nor did they conform to any regulations which are known to have been established either by the King of Spain or his Council of Indies. It, however, appears from the report of the register and receiver that, while claims of the first class were under their examination, certain written documents, purporting to be grants emanating from the governor of Nacogdoches, or the commissioner of the same, were presented to them, and upon these papers they have founded their report, recommending the confirmation of the claims in this class.

The register and receiver have not reported whether any, and if any, what, conditions were annexed to these grants; nor have they informed whether, if conditions were annexed, such conditions have been complied with by the grantees. These grants are therefore reported as perfect and absolute grants, without any assignable inducements on the part of the Spanish authorities to the making of them, and without any condition subsequent upon the performance of which their perfection or completion might depend.

The claims of this class are not, therefore, brought within the purview of the act of Congress, nor do they conform to any description of claims known to this government to have been grants regularly and legally issued by the Spanish government.

The committee here beg leave to refer to the able and lucid report of the commissioners of West Florida on the general nature of Spanish grants.

The first class of cases reported by the register and receiver of the land district south of Red river ought not, therefore, in the opinion of the committee, to be confirmed.

In the examination of the second class under the act of Congress, the register and receiver have not complied with the provisions of the act. This class, as will be seen above, was, by said law of Congress, to consist of claims founded on *written titles*, where conditions were imposed; and subsequent proceedings were, therefore, necessary to complete the grants. In some of the cases of claim in this class, as appears by the report of the register and receiver, conditions were annexed to the concessions, such as the final approval of the superior authority, &c., &c., which the committee will not minutely detail; and yet no proof is reported by said land officers to show that the necessary approval or confirmation was ever obtained, or any of the conditions complied with. The surveys in many, if not all, of these cases have been made by surveyors of the United States; but it does not appear by what authority these surveyors acted in running the lines of the claims in question. The committee are of opinion that it would be dangerous to the interests of the government to permit such loose and imperfect evidence to constitute the foundation of title to any portion of the public domain, and cannot, therefore, recommend the recognition of this class of claims.

The third class of claims is founded on habitation and cultivation prior to February 22, 1819, where such habitation and cultivation would have entitled the claimant to a title under the government exercising authority over that country, and which, in the opinion of the commissioners, ought to be confirmed.

The register and receiver have reported a very considerable number of claims for confirmation in this class; the habitation and cultivation is sufficiently proved, according to the act of Congress, but no evidence whatever is returned by which the claimants would appear to be entitled to grants, in consequence of such habitation and cultivation, from the Spanish authorities. It is also proper to remark, that the several claimants in this as well as in the other classes of claims reported have testified for each other, all having a direct and common interest in procuring confirmation of their titles by the United States. This single fact must very much weaken the force of their testimony, and, where it is not supported by other circumstances and evidence, ought to cause it to be received with great caution.

In addition to the foregoing facts, the committee deem it incumbent on them to state that it appears, from documents submitted to them by the Commissioner of the General Land Office, that sixteen claims reported for confirmation by the register and receiver of the land district south of Red river are upon lands claimed by the Caddo Indians.

These claimants were, by the former Secretary of War, ordered off the Caddo lands, but, it seems, did not obey the order, and have, by some process unknown to your committee, induced the said register and receiver to report their claims for confirmation. The Indian agent for that quarter has, in behalf of these sons of the forest, transmitted a statement of their case for the consideration of the government.

Under all the circumstances presented, the committee are of opinion that it is not expedient, at present, to confirm any of this class of claims.

The several claimants who have, for some time prior to the possession of the said Neutral Territory by the United States, inhabited and cultivated lands under the expectation of obtaining final titles from the Spanish authorities, may hereafter be considered as entitled to some consideration from the government of the United States; and it may become a question how far they shall have extended to them the regards and liberality of the government, which have frequently been extended to others in the shape of donations. Of this the government may, however, consider, when no adverse and conflicting Indian claims



shall exist. At present, the committee are of opinion that no measures should be taken on the report of the register and receiver of the land district south of the Red river. They therefore ask to be discharged from the further consideration of the subject.

GENERAL LAND OFFICE, *January 6, 1826.*

SIR: The report of the commissioners for adjusting claims to lands in the Neutral Territory being before the Committee on Public Lands, I take the liberty of enclosing to you the paper marked A, containing information relative to several of the claims recommended in that report for confirmation

With great respect, your obedient servant,

GEO. GRAHAM.

Hon. JOHN SCOTT, *House of Representatives.*

A.

DEPARTMENT OF WAR, *Office Indian Affairs, July 9, 1825.*

SIR: I enclose herewith an extract of a letter from Captain Gray, Indian agent, &c., with a copy of the list of claimants to donations of land (stated to be under an act of Congress) therein referred to annexed; and will thank you, if you possess any information on the subject, to furnish it, to be communicated to the agent for his direction.

I am, very respectfully, sir, your obedient servant,

THOS. L. MCKENNEY.

GEORGE GRAHAM, Esq., *Commissioner General Land Office.*

*Extract of a letter from George Gray, Indian agent on Red river, to the Secretary of War, dated May 26, 1825.*

"I also enclose you a list of the names of persons that were ordered off the Caddo lands by order of the former Secretary of War, who have since laid in claims for donations on the Caddo lands. I mention this that our government may be apprised of their improper claims to the Caddo lands."

*Memorandum of names of persons claiming donations, under the donation act of Congress, on Caddo lands.*

1. Leonard Dyson; 2. Samuel Norris; 3. B. Poiré; 4. Henry Stockman; 5. Peter Stockman; 6. Philip Frederick; 7. Moses Robertson; 8. James Farris; 9. Cæsar Wallace; 10. John Armstrong; 11. Old Lay; 12. James Wallace; 13. James Coats; 14. Charles Myers; 15. Manuel Treshall.

*Copy of a letter from the Commissioner of the General Land Office to George Gray, Indian agent on Red river, dated August 11, 1825.*

SIR: The War Department having furnished me with an extract of your letter of the 26th May last, in relation to claims to land, I have to inform you that, on an examination of your list with the report of the commissioners on the claims to land between the Rio Hondo and the Sabine rivers, which has not been acted upon by Congress, I find they recommend for confirmation the claims of the following persons mentioned in your list, viz: Leonard Dyson, Samuel Norris, B. Poiré, Henry Stockman, Peter Stockman, Moses Robertson, James Farris, Cæsar Wallace, and John Armstrong. Any evidence you may furnish me with, in relation to the foregoing claims, will be submitted to the committee to whom the report of the commissioners shall be referred at the next session of Congress.

I am, very respectfully, &c.

GEO. GRAHAM.

GENERAL LAND OFFICE, *January 12, 1826.*

SIR: On the 6th instant I enclosed to you a copy of my letter to G. Gray, esq., Indian agent on Red river, in relation to some claims to land recommended for confirmation by the register and receiver at Opelousas, in their reports on the neutral country, which were stated to be in the Caddo tract; and I now enclose a copy of his answer received this day.

I am, very respectfully, sir, your obedient servant,

GEO. GRAHAM.

Hon. JOHN SCOTT, *of the House of Representatives.*

CADDO PRAIRIE, *Red River Agency, November 30, 1825.*

SIR: I had the honor of receiving yours of the 4th of August last, in relation to the lands entered by certain persons residing on Caddo lands. I have no evidence to offer, except that those persons were,

in the first instance, permitted to settle on the lands they now wish to hold under the donation act by the Caddo chief some years since; and that the Caddo nation of Indians have had quiet possession of those lands under both the Spanish and French governments, and have never been termed neutral lands, and are situated immediately on Red river, and are not within sixty miles of any of the waters of the Rio Hondo, and are, beyond any doubt, Caddo lands. Those persons were all, eighteen months since, ordered off those lands by order of the Secretary of War, and generally removed to the east side of Red river, entirely out of the Indian boundary. Last spring Red river was uncommonly high, and inundated the east side of Red river, and those intruders were permitted to remove to their former residence. The persons whose names I have forwarded some time since to the War Department are intruders, and are violators of the laws of the United States, with a very few exceptions, and first settled on the lands they now wish to hold for the purpose of trading whiskey to the Indians; and I am informed that those people formerly paid the Caddo chief a rent for the lands they now occupy. Those persons settled on the Caddo lands some time previous to my being appointed Indian agent.

I have the honor to be, respectfully, your most obedient, humble servant,

G. GRAY, *Indian Agent.*

GEO. GRAHAM, *Commissioner of the General Land Office.*

19TH CONGRESS.]

No. 473.

[1ST SESSION.]

### CLAIM OF THE NEW ENGLAND MISSISSIPPI LAND COMPANY.

COMMUNICATED TO THE SENATE JANUARY 17, 1826.

Mr. MILLS, from the Committee on the Judiciary, to whom was referred the petition of Ebenezer Oliver and others, directors of an association called the New England Mississippi Land Company, reported:

1st. That by the articles of agreement and cession of April 24, 1802, between the United States and the State of Georgia, it was agreed that the United States might (in such manner as not to interfere with the payment to be made to the State of Georgia, or with the satisfaction of certain land claims agreed to be confirmed by the United States) appropriate not exceeding five millions of acres for satisfying certain claims on the land then ceded to the United States, commonly called the Yazoo claims, provided the act of Congress making such appropriation was passed within one year.

2d. That by the act entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States," passed March 3, 1803, so much as should be found necessary of the five millions of acres, reserved as before stated, were appropriated to the purpose for which they had been reserved. But it was provided by that act "that no other claims shall be embraced by this appropriation but those the evidence of which shall have, on or before the first day of January next, been exhibited by the claimants to the Secretary of State, and recorded in books to be kept in his office for that purpose," &c.

3d. That, pursuant to the provisions of the last-mentioned act, the claims to the said lands were exhibited to the Secretary of State, including those now in question; but the passage of the final act, providing for their adjustment and satisfaction, was delayed until the year 1814.

4th. That many of the claims so exhibited were found to conflict with each other, and also with rights which had been acquired by the United States, in consequence of surrenders made to the State of Georgia, and which, by virtue of the cession, enured to the United States.

5th. That to make the indemnity and provide for the adjustment of the claims in question the act of March 31, 1814, was passed, by which—*First*. The President was authorized and required to cause to be issued from the treasury of the United States, to such claimants respectively as had exhibited their claims agreeably to the act of 1803, certificates of stock, payable out of moneys arising from the sale of said public land, and, among other companies, to the persons claiming in the name or under the Georgia Mississippi Company, a sum not exceeding in the whole one million five hundred and fifty thousand dollars.

*Second*. That the claimants of the lands might file in the office of the Secretary of State a release of all their claims to the United States, and an assignment and transfer to the United States of their claim to any money deposited or paid to the State of Georgia; such release and assignment to take effect on the indemnification of the claimants, according to the provisions of that act.

*Third*. Commissioners were to be, and were accordingly appointed, "to adjudge and finally determine upon all controversies arising from such claims, so released as aforesaid, which may be found to conflict with and be adverse to each other, and also to adjudge and determine upon all such claims under the aforesaid act or pretended act of the State of Georgia as may be found to have accrued to the United States by operation of law."

6th. That the provisions of the act of 1814 were, in all respects, pursuant to a compromise made in behalf of the United States with the claimants, including the present petitioners, and that the release required by the said act was made by them.

7th. That before the commissioners the petitioners, as trustees of the New England Mississippi Land Company, claimed as the persons entitled to the one million five hundred and fifty thousand dollars, directed to be issued to the Georgia Mississippi Company, their claim to indemnity for 957,600 acres, amounting to \$130,425, was resisted in behalf of the Georgia Mississippi Company, on the ground that the consideration money for said lands had not been paid; and that, therefore, they were, in equity, entitled to the indemnity provided by the act of Congress. It appeared before the commissioners that the land included in said grant, estimated to contain eleven million three hundred and eighty thousand acres, had been sold by the Georgia Mississippi Company to the New England Mississippi Company, at the rate of ten cents per acre, two cents whereof had been paid in cash, and the residue secured by negotiable notes, with approved endorsers; of which notes about one-tenth part, say \$95,760, then remained unpaid, and

belonged to the said original grantees, called the Georgia Mississippi Company, most of the members of which (about three-fourths in amount) had surrendered to the State of Georgia, and received from the treasury the sum they had paid therein, by virtue of the rescinding act, so called, of Georgia; but the other members had released to the United States, in virtue of said act of Congress of March 31, 1814, and claimed, in conflict with said petitioners, such proportion of the indemnity as was equal to their interest in said notes. The commissioners decided that the said notes, although no mortgage was given therefor, and though the signers of said notes had long since transferred their interest in said lands, and although the conveyance from the Georgia Mississippi Company was absolute, and the deed delivered by their written direction to the grantees, upon their giving security, as aforesaid, created a lien upon said land, and in consequence of such decision they deducted from the claim of said petitioners the said sum of \$130,425, and distributed the same as follows, to wit: the sum of thirty-five thousand and twenty-two dollars was paid to the said Georgia members, who released, as aforesaid, being their proportion in said notes; and the residue, say ninety-five thousand four hundred and three dollars, were ordered to be retained in the treasury of the United States, as representing the other owners of said notes, who had surrendered, as aforesaid, and thus accruing, by operation of law, to the United States.

8th. The petitioners object to this decision as erroneous, and they ask to have the \$130,425 paid to them by the United States, or their release to the extent of the 957,600 acres cancelled, so that they may assert their title to the lands in a court of law. The Supreme Court of the United States, in the case of Brown and Gilman, 4 Wheaton, 256, have decided that the grant from the Georgia Mississippi Land Company to the individuals who afterwards constituted and composed the New England Mississippi Land Company conveyed the legal estate, notwithstanding the act of Georgia prohibiting the deeds for the same from being recorded; and that, by the terms of the contract and the law of the land, the grantors had no lien on the land for the consideration money, and that, therefore, the decree of the commissioners in that respect was erroneous. For the grounds of that decision, its operation upon the interests of the petitioners and those they represent, and for a more particular statement of the facts and circumstances connected with the whole transaction, the committee refer to the case of Brown and Gilman, to the decree of the commissioners accompanying this report, to the accompanying certificates of the two commissioners, and to a more particular statement made by the petitioners to the Judiciary Committee, and adopted by them in their report of February 7, 1823.

9th. The committee acquiesce in the correctness of the decision of the Supreme Court, and believe that the decision of the commissioners on the point of law raised before them was erroneous; which error is fully certified by said commissioners, and manifestly appears in their records.

It is expressly provided by said act that the release of the claimants was "to take effect on the indemnification of such claimants being made conformably to the provisions of said act;" and it is also provided that the commissioners were to adjudge and *finally* determine upon all controversies arising from such claims so released.

Taking these sections into view, the committee are of opinion that, as respects said sum paid on said conflicting claim to said Georgia members as aforesaid, the petitioners ought not to be relieved, such decision being made final by the act; but as respects said sum now in the treasury, which, by virtue of said act, ought to have been paid to said petitioners as indemnification for their said release, but which was erroneously withheld from them as aforesaid, the committee apprehend that the petitioners are well entitled to relief; and for that purpose they report a bill.

#### *Decree of commissioners on Yazoo claims, Georgia Mississippi Company.*

This company having sold all the lands included in their grant (excepting the reservations for citizens) to certain individuals in Boston, associated under the name of the New England Mississippi Land Company, the whole indemnity provided by the act of Congress for claimants under this grant was demanded by the trustees of the latter company in behalf of the members thereof, the trustees having released to the United States all the title of the company to the land comprehended in the grant.

This claim was opposed, first, by the scripholders of the original Georgia Mississippi Company, claiming under certain certificates issued to the proprietors under that grant, before the sale made to the New England Mississippi Land Company, which certificates were produced by them and released to the United States. The foundation of this claim rested on the allegation that the New England purchasers had not fully paid the purchase money for the land, and that the original shareholders had a lien on the land for whatever balance was due. The board considered that the principles of equity sanction this opposition; and having ascertained, from the evidence exhibited, that the sum of \$95,760 remained due to the original company for the purchase which, upon the terms of the sale, amounted to 957,600 acres, they decreed, upon the grounds stated more particularly in their first decree in this company, that \$130,425 12, the proportion of indemnity to which that quantity of land would be entitled, should be deducted from the amount claimed by the New England Mississippi Land Company.

The claim of the New England Company was further opposed in behalf of the United States, who claimed to be considered as representing the interest of such of the old Georgia Mississippi shareholders as have surrendered their claims to the State of Georgia, and drawn their proportions of the original purchase money from the treasury of that State, and as thereby entitled to retain, out of the sum deducted as above stated, from the indemnity claimed by the New England Company, such proportions as those shareholders would have been entitled to had they not surrendered such claims. The board decreed that the United States were entitled to represent the interest of these original surrendered shares, and that the sum stated, of \$130,425 12, could neither be awarded exclusively to the shareholders who released to the United States, nor lessened by the New England Company's retaining to the amount of the shares surrendered to Georgia; but that the United States, representing the surrendered shares, should take equally with the releasing shareholders. By this decree the above sum was proportioned as follows:

To shares of Georgia Mississippi Company released to the United States.....	\$50,608 48
To the United States, representing 284 surrendered shares.....	123,903 94

The claim of the trustees of the New England Company was still further opposed by some of the shareholders in that company, who produced their certificates to the board, and executed, individually, releases to the United States, and prayed to have their respective proportions of the indemnity awarded to them separately, and protested against its being awarded generally to the trustees for the benefit of the company.



The board considered themselves bound to grant this application for the reasons stated in their second decree under this grant of June 29, 1815, but, at the same time, thought the demand of the trustees, that these individual claimants should bear their proportion of the expenses incurred by the company if allowed to receive their proportions of the indemnity separately, just and reasonable.

These claimants, holding shares amounting to ——— acres, were, therefore, by the award of the board, entitled to receive \$259,132 72 as their proportion of the indemnity, deducting their proportion of the expenses, and subject to some other charges for expenses, which they settled with the trustees.

The following statement shows the particular distribution, according to the principles above stated, of the indemnity provided by the act for claims under this grant, and the proportion reserved to the United States:

Total indemnity provided for this company by act of Congress.....	\$1,550,000 00
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Awarded as follows:

To the releasers of Georgia Mississippi Company's certificates.....	\$50,608 48
To the individual releasers of the New England Mississippi certificates.....	259,132 72
To the trustees of the New England Mississippi Land Company.....	1,077,561 73
To A. Jackson, for his interest in the sale made to the New England Mississippi Land Company.....	24,831 90
Reserved to the United States for 284 certificates Georgia Mississippi Company surrendered to Georgia.....	123,903 94
Reserved to the United States for incalculable fractions in the divisions of the indemnity.....	23
Amount of W. Hampton's thirty-two shares, claimed in behalf of the United States, and deducted from the claim of the United States against him.....	13,961 00
	1,550,000 00

True copy from the records.

Teste:

RICHARD WALLACK,

*Late Secretary Board of Commissioners on Yazoo Claims.*

The certificates issued by the Georgia Mississippi Company were generally for four shares each, and the sum awarded to the holder of such certificate of four shares was \$1,745 12½.

The fund out of which the holders of Georgia Mississippi Company's certificates were paid, and the surrenders to the State of Georgia in the said company, consisted of the sum of \$130,425 12 reserved from the claim of the New England Mississippi Land Company for unpaid notes of certain original purchasers in that company, and the amount of 691,667 acres of the New England Mississippi Land Company's certificates in the hands of Amasa Jackson, making together the amount of \$213,305 55, deducting for allowance to the specie payment to the New England Mississippi Company \$2,399 22.

*Statement in figures of the disposition of the above sum of two hundred and thirteen thousand three hundred and five dollars and fifty-five cents.*

To Georgia Mississippi Company's certificates, including those surrendered to the State of Georgia under Hampton's certificates, and those released to the United States....	\$188,473 42
Awarded to Amasa Jackson.....	24,831 90
	213,305 32

Attest:

RICHARD WALLACK,

*Late Secretary Board of Commissioners on Yazoo Claims.*

Having acted as one of the commissioners under the act of Congress providing for the indemnification of certain claimants of public lands in the Mississippi Territory, I do certify that the board of commissioners did reject the claim for indemnification made by the New England Land Company for that portion of land which was the subject of controversy in the case decided by the Supreme Court between Gilman and Brown, and reported in the fourth volume of Wheaton's Reports. The ground upon which this rejection was made was an opinion which the commissioners then entertained, that the title of this land, through its whole course of transfer, was an equitable title; and the original purchase money not having been paid for it, they considered that the debt was a lien upon the land, and that the claimant had no right to the indemnification until that lien was discharged.

I recollect that our information of the laws of Georgia upon the subject of land conveyances was but imperfect; but in the discussion of this claim before the board it seemed to be given up that the title in all its stages was an equitable title, and so we finally thought. The decision, however, of this question by the Supreme Court is otherwise. They have decided that the title was a legal one throughout; and that question being so settled, I have no hesitation in saying that I should, under such an impression of the law, have awarded the indemnification to the claimants; and I doubt not but that my associates would have concurred with me in this opinion. I now consider this a fair subject for the interposition of the legislature, and should deem it reasonable that the claim should be allowed.

THOMAS SWANN.

ALEXANDRIA, December 30, 1822.

I have examined, as carefully as I could upon so short a notice, the decree of the Yazoo commissioners of March 8, 1816, upon the claim of the New England Mississippi Company, by which the sum of \$130,425 12 was deducted from the indemnity claimed by that company and awarded to the Georgia Mississippi Company, on the ground of a lien asserted by the latter company for part of the purchase money due for the land which had been granted to the Georgia Company, and by them sold out to the persons composing the New England Mississippi Company.

The Supreme Court of the United States, in the case of Brown and Gilman, express an opinion that

the claim of the Georgia Company to this lien could not be supported. I have not seen the records sent up to the Supreme Court in this case, and do not see in the printed report of the cause that the same documents and evidence, showing the agreements and correspondence of the two companies upon this subject, were before the court that had been laid before the commissioners. If they were, I suppose it would be right to conclude that the commissioners, and not the Supreme Court, had erred in their decision. The board, in their decree of March 8, 1816, refer to the agreements and correspondence of the parties; and the record in the case of Brown and Gilman will show whether they were introduced into that case.

F. S. KEY.

It is now represented to me that, by the laws of Georgia, a vendor has no lien upon land sold when he takes a note for the purchase money. If this be the case, the commissioners certainly erred in their decision. If such a ground had been supported before them they would certainly have decided against the lien.

GEORGETOWN, January 2, 1823.

F. S. K.

*To the honorable Senate and House of Representatives of the United States in Congress assembled:*

The petition of Ebenezer Oliver, Benjamin Joy, Thomas L. Winthrop, George Blake, and Joseph Sewall, all of the State of Massachusetts, humbly sheweth: That, by an act of Congress bearing date March 31, 1814, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," a certain sum of money was granted to persons claiming said land under the Georgia Mississippi Company who should give a sufficient legal release of their claims to the United States, to take effect on their indemnification of such claimants being made conformably to the provisions of said act; and that in virtue thereof, and of the acts in addition thereto, commissioners were appointed to adjudge and determine upon the sufficiency of the release of said claims, and also to adjudge and determine upon all controversies arising from claims so released.

Whereupon your petitioners, acting as trustees or directors for said claimants under said Georgia Mississippi Company, caused to be released to the United States all their claim in and to the said lands, and fully complied with all the requisitions of said acts, trusting that they should receive the indemnity therein made, provided their title was just and legal; but the said commissioners, having erroneous information respecting the laws of Georgia, adjudged the title of said petitioners to be invalid as respects a certain portion of said land, viz: nine hundred and fifty-seven thousand six hundred acres, and that certain certificates (commonly called scrip) issued for the said land were not obligatory in law.

Your petitioners were much surprised at said decree, but trusted, from the superior knowledge of the commissioners, that the same might be correct. It now appears, however, that on process of law against your petitioners before the Supreme Court of the United States, it has been decided that the title so rejected by the commissioners was good and valid in law and equity; and your petitioners have, accordingly, been compelled to pay and satisfy the persons who held the title so pronounced imperfect.

It is apprehended that said commissioners are now fully sensible of the error in their decree, founded on misinformation respecting the laws of Georgia, by means of which your petitioners have incurred great loss and damage.

Wherefore, your petitioners humbly pray that the proportion of indemnity granted to them by said act, and which has been withheld from them as aforesaid, may be delivered to them, or that they may be reinstated in the title to said proportion of land, which they have ceded to the United States without having received the indemnification therefor granted by said act.

EBENEZER OLIVER,  
BENJAMIN JOY,  
THOMAS L. WINTHROP,  
GEORGE BLAKE,  
JOSEPH SEWALL,

By their attorney, RUFUS G. AMORY.

19TH CONGRESS.]

No. 474.

[1ST SESSION.]

## LAND CLAIM IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 17, 1826.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to whom were referred the petition and documents of John H. Mills, reported:

The petitioner states that, as far back as 1800, Matthew O'Fallan obtained from the Spanish government a large tract of land, situated in the parish of West Feliciana, in the State of Louisiana, which has been "inhabited and cultivated" from that period until the present; that on August 10, 1805, the said O'Fallan sold a part of the said tract of land to Ellis and Stewart; that on March 7, 1809, the said purchase was divided by amicable arrangement, when 195 arpents, fronting on Thompson's creek, and lying between the lands of Samples and Lush, were set off to the said Stewart; that in the year 1810 or 1811 the said Stewart removed with his family to Mobile, where they all died; that owing to this circumstance, as the petitioner believes, the evidences of title to the land so owned by him were not exhibited to the proper board for confirmation; that Ellis' claims to his moiety under the partition has been confirmed; that on July 23, 1825, at a probate sale of the land allotted to the said Ellis, the petitioner became the purchaser. Wherefore, he prays the passage of an act to confirm him in his claim against the United States.

John Murdock swears that, in the month of January, in the year 1800, he returned from Mexico and

settled on Thompson's creek, where he now resides; that on his return he found Matthew O'Fallan in possession of and cultivating a tract of land lying on the west side of the said creek, fronting 12 arpents and running back 40; that in the year 1805 the said O'Fallan sold the said land to John Ellis and Christopher S. Stewart, merchants, who cultivated the same until the close of the year 1803; that the same has been generally in the cultivation of persons claiming under Ellis and Stewart. The affidavit, of which the foregoing is an extract, is sworn to on June 12, 1820.

Moses Samples swears that about the year 1805 John Ellis and Christo. Strong Stewart purchased from Matthew O'Fallan a tract of land situated on Thompson's creek, containing about 480 arpents, more or less; that they moved to and took possession of the same, and continued their habitation and cultivation until 1809, when a division took place; that soon after Stewart moved to Mobile, and has not returned since; that it has been reported and believed that he and every member of his family died; that he, the affiant, lives on the part which was allotted to Ellis, and which was confirmed to Isaac Johnson, who exhibited his evidence of claim to the board at St. Helena Court-house. Sworn to October 27, 1825.

An authenticated copy of the proceedings, in reference to the probate sale, from the office of the judge of the parish of West Feliciana, is exhibited. From this voucher it appears partition of the land was made between Ellis and Stewart, and that the petitioner became the purchaser for \$150.

The committee think the petitioner entitled to relief, and report a bill for that purpose.

19TH CONGRESS.]

No. 475.

[1ST SESSION.]

## SETTLERS ON PUBLIC LANDS AND THE RIGHT OF PRE-EMPTION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 18, 1826.

Mr. VINTON, from the Committee on Public Lands, to whom were referred the resolution of the 14th December, instructing them "to inquire into the expediency of adopting some provision which may secure to the person in possession of public lands the benefit of the crop growing at the time of sale, and also to grant to those who may have relinquished lands under laws heretofore passed the pre-emption right of becoming the purchaser of those lands at the price such lands may have been originally sold for;" and also the resolution of the 6th of January, instructing them "to inquire into the expediency of permitting settlers on lands that have been relinquished by them to the United States under any of the acts for the relief of the purchasers of public lands, and who had improved the same previous to making such relinquishment, to occupy the same until they shall be again sold by the United States, and to have the right of removing any crop that may be growing on the same at the time of making such sale," reported:

That, in discharge of the duty assigned them, the committee proceeded to examine the several matters referred to them, in the order in which they are presented in the foregoing resolutions; and in the first place directed their attention to the first branch of the resolution of the 14th of December, instructing them "to inquire into the expediency of adopting some provision which may secure to the person in possession of public lands the benefit of the crop growing at the time of sale."

It has been the policy of the government, for the most obvious reasons, to discountenance all settlements upon the public lands before they are brought into market and sold; and among the many existing evidences of this policy is to be found a legal prohibition, now in force, against all unauthorized settlements upon the public domain. The committee know of no cause to be dissatisfied with this policy, but on the contrary are of opinion it ought to be carried into strict and undeviating execution. This branch of the resolution proposes an innovation upon that policy, which would be likely to result in consequences in their nature subversive of the principles upon which the land system is based. The adoption of it would hold out an indirect invitation and encouragement to all who were so disposed to possess themselves of the public lands, without title or interest in them. It would, in effect, place those who had tortuously entered upon the footing of tenants at will with a possession recognized and sanctioned by the government. It has been found that legal prohibitions are entirely inadequate to repress trespasses to a considerable extent upon public lands; and with this encouragement those innovations would be likely to become so numerous as seriously to obstruct their sale. This effect would be produced in a variety of ways. In the first place, those who would otherwise become purchasers would, instead of purchasing, be induced, under this encouragement, to settle down upon the lands of the public with the intention perhaps of purchasing when compelled to do so, but not before. In the next place, the circumstance of possession being withheld until a growing crop were taken off would be a serious obstacle in the way of purchasers, who, in a great majority of cases, are poor, and have occasion to occupy the premises and commence the business of improvement as soon as possible. And, again, those who now are or should be in possession of lands under such a tenure would have a direct interest in preventing their sale. A purchaser would be looked upon by this class of men as their enemy, and whatever combination, violence, and artifice could do to prevent his ingress into their neighborhood, or to drive him from it, would in many instances be effected. Experience has shown that those who fasten upon the public lands with one moment's encouragement can never afterwards be loosened from their hold. The adoption of this measure would be immediately followed up by a claim to a pre-emption right or donation of the lands so possessed; and if denied, that which was granted as a favor would be treated as an act of oppression. The government would be murmured against, and reproached with inducing the occupants to devote their time and labor to the improvement of these lands, for the unworthy purpose of reaping the proceeds in the enhanced price it would be pretended was obtained for them in consequence of such improvement. For these reasons, and others that might be suggested, the committee are of opinion that the adoption of the measure proposed by this part of the resolution now under consideration would be impolitic and inexpedient.



As to the second branch of the resolution of the 14th of December, which proposes "to grant to those who may have relinquished lands under the laws heretofore passed the pre-emption right of becoming the purchasers of those lands at the price such lands may have been originally sold for," the committee have to observe that all relinquishments are entirely optional with the party making them, being in their nature an act of grace and favor on the part of the government, by permitting the purchaser to release himself from his contract to the extent of his relinquishment, when he wants the inclination or ability to comply with it, and that, too, under the most favorable circumstances, being left to choose for himself what part to relinquish and what to retain. When he avails himself of this privilege his contract to the land relinquished is entirely at an end, with no lien upon it in his favor, either legal or equitable. The land being thus restored to the government in all respects as it was before the purchase, the committee can see no reason for the introduction of a new class of pre-emption rights, that have been already so multiplied by one pretext or another as to create no little difficulty and embarrassment in the legislation of Congress upon the public lands.

As to the resolution of the 6th instant, the committee look upon it as falling within the more general proposition of that of the 14th of December, and the reasons just urged against it as conclusive against the policy of permitting those who have relinquished to remain upon lands the possession of which, as well as their interest, have been, in contemplation of law, surrendered, and the premises left vacant.

Besides, so long a time has elapsed since any relinquishments have been made that the committee are at a loss to imagine what crops can still remain upon the ground that were put into it previous to such relinquishments; and if since, such use of the land is tortuous, and contrary to good faith. The committee are therefore of the opinion it is inexpedient to adopt any measures proposed by the above-mentioned resolutions.

19TH CONGRESS.]

No. 476.

[1ST SESSION.]

## APPLICATION OF THE PURCHASERS OF PUBLIC LANDS IN ALABAMA FOR RELIEF.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 20, 1826.

Mr. STRONG, from the Committee on Public Lands, to whom was referred the petition of George S. Gaines and others, inhabitants of the State of Alabama, reported:

That the petitioners represent that, previous to the abolition of the credit system, large purchases of lands in Alabama were, from time to time, made at the government sales, and at high prices; that some of these purchasers made prompt payment, while others availed themselves of the credit system, but completed their payments before Congress passed the relief law. Upon this representation they pray Congress "to pass a law extending the same relief to purchasers of public lands who made prompt and complete payments as was made to purchasers who availed themselves of the credit allowed by law, and that they may be authorized to vest whatever amount may be deducted from their former payments, and allowed them in any vacant and unappropriated lands" in the State of Alabama. The committee do not think the petitioners entitled to relief. They bought their lands at the market price and have paid for them. The whole transaction was fair, and the bargain has been consummated. If land was of greater and money of less value then than now, it was rather their misfortune than the fault of the government. Should Congress grant relief in this case, there would probably be no end to applications of a similar character. The unfortunate purchaser whose land, in consequence of his inability to complete the payments, has reverted to the United States, and the merchant whose goods have so far depreciated upon his hands as not to be worth the amount of the duties charged upon them, would have equally strong, if not stronger, claims for equitable allowances. But the petitioners seem to have mistaken the principles upon which relief was granted to the debtors for the public lands. That class of debtors were not relieved because they had paid too much for their lands, or because they had depreciated in value, but because the debt which had been suffered to grow to an enormous bulk had become a grievous burden upon those portions of the country that bore it, and because it was perceived that the government could not enforce its collection without producing great individual distress. It was, moreover, both prudent and wise to avoid, if possible, those fatal results which an increasing debt of that magnitude, and due from a comparatively small portion of the country, to the government was so peculiarly calculated to produce.

The committee therefore submit the following resolution to the consideration of the House:

*Resolved*, That the prayer of the petitioners be not granted.

19TH CONGRESS.]

No. 477.

[1st Session.]

NUMBER OF LAND WARRANTS ISSUED TO THE OFFICERS AND SOLDIERS OF THE  
REVOLUTION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 23, 1826.

*To the House of Representatives of the United States:*

In compliance with a resolution of the House of Representatives of the 23d ultimo, I transmit herewith reports from the Secretary of War and the Commissioner of the General Land Office, with the statements desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, January 20, 1826.

DEPARTMENT OF WAR, January 18, 1826.

The Secretary of War, to whom was referred so much of the resolution of the House of Representatives of the 23d ultimo as requires "the number of land warrants which have been issued, and the quantity of land mentioned in them," has the honor to transmit herewith a statement marked A, which furnishes the information required by that part of the resolution.

Respectfully submitted.

JAMES BARBOUR.

The President of the United States.

A.

DEPARTMENT OF WAR, *Bounty Land Office*, January 17, 1826.

SIR: In compliance with a resolution of the House of Representatives of December 23, 1825, I have the honor to hand you a statement of the number of warrants (and acres of land contained in each warrant) which appears to have been issued and delivered from this office for services rendered during the revolutionary war, viz:

14 warrants of	1,100 acres each	15,400 acres.
27 warrants of	850 acres each	22,950 acres.
115 warrants of	500 acres each	57,500 acres.
114 warrants of	450 acres each	51,300 acres.
226 warrants of	400 acres each	90,400 acres.
865 warrants of	300 acres each	259,500 acres.
902 warrants of	200 acres each	180,400 acres.
130 warrants of	150 acres each	19,500 acres.
8,653 warrants of	100 acres each	865,300 acres.
11,046		1,562,250 acres.

NOTE.—I have frequently heard it said that General Knox, when at the head of the War Department, had all the warrants issued which then appeared to be due before he commenced with the delivery of any one of them. If that information be correct, it is easily accounted for why there are so many numbers in the books of locations opposite to which there are no names inserted. For instance, there is no name opposite Nos. 1, 5, 12, 15, 20, 25, 26, 27, &c., &c.; and the list of numbers to which I advert ran up to 17,056, and those opposite to which I find names entered are 9,913. The excess, if made out, must have been consumed in the conflagration of the office, with its effects, in 1801.

It is probable that some few may have been delivered, as now and then a single one comes in for entry.

I have the honor to be, very respectfully, sir, your most obedient servant,

WM. M. STEUART.

HON. JAMES BARBOUR, *Secretary of War*.

GENERAL LAND OFFICE, January 19, 1826.

The Commissioner of the General Land Office, to whom was referred the resolution of the House of Representatives of December 23, 1825, has the honor to submit to the President the following statements, numbered 1, 2, and 3, which exhibit the information called for.

The statement No. 1 shows that 62,312.70 acres of the land appropriated to satisfy the warrants to the officers and soldiers of the revolutionary army remain unlocated.

The statement No. 2 shows that the number of warrants which have been issued, and which remain unlocated, amount to 118, and the quantity of land for which they were issued is 33,300 acres.

The statement No. 3 exhibits the number and amount of such warrants which have been located, and for which patents have not been issued.

All which is respectfully submitted.

The President of the United States.

GEORGE GRAHAM.

## No. 1.

*Statement of the quantity of land in the United States military district which remained unlocated January 1, 1826, in the fifty quarter and fractional quarter townships set apart for satisfying warrants for revolutionary military services.*

No. of range.	No. of township.	Quantity.	No. of range.	No. of township.	Quantity.	No. of range.	No. of township.	Quantity.
		<i>Acres.</i>			<i>Acres.</i>			<i>Acres.</i>
1	1	400.00	4	10	310.00	8	9	3,060.50
1	6	1,100.00	5	3	100.00	9	7	1,900.00
1	8	4,685.45	5	7	2,400.00	9	9	5,745.20
2	3	700.00	5	9	100.00	10	1	100.00
2	5	7,507.75	5	10	300.00	10	3	1,019.00
2	6	2,710.50	6	2	100.00	10	7	1,400.00
2	7	3,700.00	6	7	15.25	10	9	2,886.00
2	8	100.00	6	8	500.00	11	8	300.00
3	1	400.00	7	4	700.00	11	9	71.00
3	5	900.00	7	5	300.00	12	11	48.40
3	6	34.00	7	8	1,800.00	13	8	23.20
3	7	5,948.00	7	10	74.00	14	8	68.10
3	8	1,700.00	8	2	56.20	15	8	85.00
3	10	30.75	8	4	100.00	16	8	30.00
4	4	2,300.00	8	7	3,300.00	17	7	3,300.00
						20	5	2.80
		32,217.45			10,156.05			19,939.20
								10,156.05
								32,217.45
								62,312.70

GENERAL LAND OFFICE, January 19, 1826.

GEORGE GRAHAM.

## No. 2.

*Statement showing the number of warrants issued by the War Department for the different grades of military service during the revolutionary war, and the quantity of land mentioned in them; also, the number that have been located and patented, and those that have been located, and for which the patents have not issued; including, also, those surrendered by the Ohio Company and John C. Symmes; and exhibiting the number of warrants issued, and which remain unlocated, and the quantity of land mentioned in them.*

Warrants issued, as per statement from the War Department.	Number of warrants located and patented, including those located and not patented, and those surrendered by the Ohio Company and J. C. Symmes.	Warrants unlocated, and quantity of land mentioned in them.
14 warrants of 1,100 acres each, is..... 15,400	13 warrants of 1,100 acres each, is..... 14,300	1 warrant of 1,100 acres each, is..... 1,100
27 .....do..... 850.....do..... 22,950	27 .....do..... 850.....do..... 22,950	4 warrants of 500 acres each, is..... 2,000
115 .....do..... 500.....do..... 57,500	111 .....do..... 500.....do..... 55,500	9 .....do..... 450.....do..... 4,050
114 .....do..... 450.....do..... 51,300	105 .....do..... 450.....do..... 47,250	18 .....do..... 400.....do..... 7,200
226 .....do..... 400.....do..... 90,400	208 .....do..... 400.....do..... 83,200	33 .....do..... 300.....do..... 9,900
865 .....do..... 300.....do..... 239,500	832 .....do..... 300.....do..... 249,600	35 .....do..... 200.....do..... 7,000
902 .....do..... 200.....do..... 180,400	867 .....do..... 200.....do..... 173,400	5 .....do..... 150.....do..... 750
130 .....do..... 150.....do..... 19,500	125 .....do..... 150.....do..... 18,750	13 .....do..... 100.....do..... 1,300
8,653 .....do..... 100.....do..... 865,300	8,640 .....do..... 100.....do..... 864,000	
11,046	1,562,250	118
	10,928	33,300
	1,578,950	

TREASURY DEPARTMENT, General Land Office, January 19, 1826.

GEORGE GRAHAM.

## No. 3.

*Statement showing the number of warrants issued for revolutionary military services, and the quantity of land mentioned in them, which have been located, and for which the patents have not issued.*

Number of warrants of 100 acres each .....	33
Number of warrants of 150 acres each .....	1
Number of warrants of 200 acres each .....	5
Number of warrants of 300 acres each .....	7
Number of warrants of 400 acres each .....	1
Number of warrants of 450 acres each .....	1
Quantity of land located, in acres.....	7,400

GEORGE GRAHAM.

TREASURY DEPARTMENT, General Land Office, January 19, 1826.



19TH CONGRESS.]

No. 478.

[1ST SESSION.]

## APPLICATION OF ALABAMA FOR FOUR SECTIONS OF LAND FOR THE CITY OF MOBILE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 23, 1826.

*To the honorable Speaker and members of the House of Representatives:*

The enclosed letter from the representatives of the town and county of Mobile may be regarded as the immediate cause of this special communication. But the great importance of the subject itself, connected, as it is supposed to be, with the present and permanent interest of the State, and no less in union with every principle of our nature, which delights to insure happiness and relieve distress, gives it a high claim to particular attention, and would render an apology not only unnecessary but offensive. During the last season our commercial emporium was severely afflicted by those malignant diseases to which southern seaports are so peculiarly exposed. The distresses, the sufferings, the anxieties and confusion, which suspended the ordinary hopes and engagements of men, those only can realize who have witnessed, in similar circumstances, the ravages of mortal disease. The distressing situation of the city of Mobile was greatly relieved by a place of more healthy resort in the vicinity, to which almost all the inhabitants removed who were in condition to make a removal, or who had not fallen victims to the early and insidious progress of the prevailing malady. In this place their hopes of security were more than justified, under circumstances of deficient accommodation, and destitute of those comforts which more mature arrangement might have provided. It is my present purpose to invite the attention of the general assembly to this place, and to the interests of Mobile and of the State, which are supposed to be connected with it. Our southern seaports cannot expect to be free from the occasional and perhaps frequent recurrence of yellow fever; and even when this malignant disease does not appear, those of a milder type may be constantly expected, and occasion losses severely felt by society. The great desideratum, therefore, is a place of health sufficiently near to the centre of business, and in which the confidence of the population may be safely reposed. It is very gratifying to believe that the vicinity of Mobile affords such a situation; and this belief is sustained by the experience of several years, especially the present, by the natural appearance of the country and the report of the oldest inhabitants. It is well worthy of consideration what important effects may be made to result from this auspicious circumstance. It is supposed that it will afford a reasonable security against the most appalling disease to which the human constitution is subject. That it will increase the population of our commercial city, and with its population increase its business and resources. That it will locate and fix capital, as those who find it their interest to do business in the place will be inclined to form permanent establishments for the sake of convenience, when they find they can do so with safety to themselves and their families. That it will benefit the people in the interior of the State, as their necessary intercourse with the city will be less interrupted by the absence of men engaged in the transactions of commerce. That it will provide for institutions of learning, so much to be cultivated in our large commercial cities, a situation in which their progress will not be interrupted. That such part of the population as may be engaged in mechanical employments may be enabled to pursue their useful and industrious professions to almost equal advantage at all seasons of the year. That it will be a suitable place, on account of its health and vicinity to the city, for the site of hospitals and other charitable foundations. To secure these and other advantages which will be readily perceived, I beg leave, very respectfully, to recommend to the general assembly to aid the corporate authority of the city of Mobile to obtain from the United States four contiguous sections of land at Spring Hill, or a quantity equal to four sections, at the discretion of the corporation, on which to build a summer town or place of retreat for health. It is likely that four sections would not be more than sufficient, in order that the town should not be built too compactly for health; that nuisances might be kept at a greater distance, and the natural healthiness of the place be improved by artificial means.

To accomplish these objects a new and suffering city may require aid from the treasury of the State, the advance to be reimbursed at such time and in such manner as the wisdom of the general assembly may direct. It would also seem expedient to address a memorial to the Congress of the United States for the acquisition of the land at a fair price. The land is not in market; no conjecture can be formed when it will be offered for sale, and the wants of the city are immediate. A matter so important, in a general point of view, ought not to be left to the uncertainty of individual enterprise, where there will be neither unity in the design nor concert in the execution. Most southern cities are precluded by their localities from the prosecution of such a plan; our situation is more fortunate, and a systematic attention to everything which may promote the prosperity of our commercial city will be found to contribute largely to the general interest.

Very respectfully submitted.

JOHN MURPHY.

REPRESENTATIVES' HALL, November 29, 1825.

SIR: The undersigned representatives of the county of Mobile have been requested by a number of their constituents to call the attention of the general assembly to the late awful and distressing visitation which the city of Mobile has suffered from that dreadful scourge of our southern seaports, the yellow fever, and to solicit the interposition of that body in behalf of the application of the citizens of that place, through the corporate authority, for the privilege of purchasing of the United States, on such terms as may be deemed reasonable and proper under the circumstances, four contiguous sections of public land on Spring Hill, in the vicinity of said city, for the purpose of laying off and building up a summer town, or place of refuge from disease during the sickly season, or on the approach of infectious, malignant, or pestilential disorders.

Believing this to be a subject justly entitled to the consideration of the public authorities, from the important and intimate connexion which subsists between the great agricultural and commercial interests

of the State which concentrate at that emporium, the undersigned have felt it to be their duty to represent the matter to your excellency, and to claim for it such notice as your excellency may think it deserving in a special communication to the general assembly.

We have the honor to be, &c.,

His Excellency JOHN MURPHY.

W. BARTON.  
T. L. HALLETT.

*Resolved by the senate and house of representatives of the State of Alabama in general assembly convened,* That our senators in Congress be instructed, and our representatives requested, to use their best exertions to obtain for the corporation of the city of Mobile a grant of the privilege of purchasing from the United States four contiguous sections of public land on Spring Hill, near said city, or the quantity contained in four entire sections, as a place of retreat for health to the inhabitants of said city.

*And be it further resolved,* That his excellency the governor be requested to transmit a copy of the foregoing resolution, together with a copy of the executive communication and the accompanying document on the same subject, to each of our senators and representatives, to be laid before Congress.

WILLIAM KELLY,  
*Speaker of the House of Representatives.*  
NICHOLAS DAVIS,  
*President of the Senate.*

Approved December 28, 1825.

JOHN MURPHY.

JAMES J. THORNTON, *Secretary of State.*

19TH CONGRESS.]

No. 479.

[1ST SESSION.]

# CLAIMS TO LAND IN THE ST. HELENA DISTRICT, LOUISIANA.

COMMUNICATED TO THE SENATE JANUARY 24, 1826.

TREASURY DEPARTMENT, *January 21, 1826.*

SIR: The register and receiver of the land office for the district of St. Helena having made a report, under the provisions of the act of Congress of May 26, 1824, supplementary to the report submitted to the House of Representatives, with the letter from this department of December 28, 1825, I have the honor to transmit herewith a copy of the same.

I have the honor to be, with the highest respect, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER of the House of Representatives.

LAND OFFICE, *St. Helena, December 8, 1825.*

SIR: The abstract of orders of survey has been detained on account of forwarding with it a supplement to our report of claims, forwarded under the law of May 26, 1824. The reasons that have induced us to forward this supplement are, that the claimants have regularly filed their notices of claims with our predecessors in office, with sufficient proofs to establish their claims, but still we do not find that our predecessors have reported on the said claims in any way; and we, believing that the government would never attempt to take from the claimants in question their lands, have thought it better to attach their claims as a supplement to our former report not yet acted on, than that the claimants should torment Congress with separate petitions.

We remain, very respectfully, your obedient servants,

SAML J. RANNELLS, *Register.*  
WILLIAM KINCHEN, *Receiver.*

Hon. GEO. GRAHAM.

REGISTER A.

Supplementary Report to No. 440.

No.	Present claimant.	Original claim.	Nature of claim.	Date of claim.	Quantity claimed.				Where situated.	By whom granted.	When surveyed.	By whom surveyed.
					Front.	Depth.	Area in arpents.	Area in acres.				
1	William C. Wade.....	William Wikoff.....	Spanish patent.....	Jan. 4, 1791.....	.....	.....	1,000.....	.....	West Feliciana.....	Euseben Miro.....	March 2, 1790.....	C. Trudeau.....
2	Heirs of William Radliff.....	William Hindson.....	.....do.....	Feb. 5, 1788.....	.....	.....	1,000.....	.....	.....do.....	.....do.....	....., 1788.....	.....do.....
3	George de Passau.....	Isaac Lathrop.....	.....do.....	Aug. 29, 1791.....	.....	40.....	320.....	.....	West Baton Rouge.....	.....do.....	July 26, 1791.....	.....do.....
4	Heirs of P. Tegar.....	Thomas Wabon.....	.....do.....	Oct. 10, 1797.....	.....	.....	700.....	.....	West Feliciana.....	Gayoso de Lemos.....	Aug. 3, 1797.....	.....do.....
5	Samuel McGalob.....	William Bolling.....	.....do.....	Aug. 3, 1797.....	.....	.....	600.....	.....	.....do.....	Carondelet.....	July 31, 1795.....	.....do.....
6	Heirs of Radliff.....	Lewis Alron.....	.....do.....	July 30, 1795.....	.....	.....	1,600.....	.....	.....do.....	.....do.....	July 31, 1795.....	.....do.....
7	.....do.....	David Jener.....	.....do.....	Dec. 2, 1793.....	.....	.....	400.....	.....	.....do.....	.....do.....	Dec. 18, 1793.....	.....do.....

REGISTER B.

1	George de Passau.....	George de Passau.....	Occupancy and order of survey.....	Sept. 18, 1806.....	.....	.....	.....	1,930.....	West Baton Rouge.....	Grandpre.....	.....	.....
2	Heirs of J. Moore.....	John Moore.....	Order of survey.....	....., 1801.....	.....	.....	.....	240.....	East Feliciana.....	.....do.....	....., 1802.....	C. Bolling.....
3	Bach. O'Connor.....	James O'Connor.....	Occupancy and order of survey.....	Novem <sup>r</sup> , 1804.....	.....	.....	240.....	.....	West Feliciana.....	.....do.....	Novem <sup>r</sup> , 1803.....	P. Tegar.....

REGISTER A.—The undersigned find the claims on this list have been duly notified by the respective claimants to their predecessors in office, and the proof in favor of the same duly recorded in this office, but omitted in the previous report. We therefore think them entitled to confirmation, and recommend them accordingly.

REGISTER B.—The same remarks and recommendations that are used for the claims on register A equally apply to the claims on this list.

LAND OFFICE, St. HELENA COURT-HOUSE, LOUISIANA, December 5, 1835.

SAMUEL J. RANNELLS, Register.  
WILLIAM KINCHEN, Receiver.



19TH CONGRESS.]

No. 480.

[1ST SESSION.]

## PRE-EMPTION RIGHT IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 24, 1826.

Mr. VINTON, from the Committee on Public Lands, to whom was referred the petition of Charles Noble, reported:

That the petitioner prays for a donation or pre-emption right to a tract of land containing one acre, situate in the county of Monroe, in the Territory of Michigan. The circumstances of his case are these: the tract of land was originally reserved for a military stockade, and a small stockade erected, which was destroyed by the enemy during the late war, at the close of which, being vacant, it was occupied by some emigrant, who built upon it a dwelling-house and some other out buildings; these came into the hands of Noble by purchase, who has made valuable and substantial improvements upon it. It appears, from a letter from the late Secretary of War laid before the committee, that this spot of ground is no longer of any use for military purposes, and that he had certified that fact to the Commissioner of the General Land Office, that the land might be sold as other public lands are.

It appears from the certificate of the register of the land office at Monroe, where this lot of ground lies, that it is worth, exclusive of the improvements, the sum of forty dollars, which, from statements made before the committee, founded upon personal knowledge and entitled to the highest respect, is the full value of the land.

The committee therefore report a bill to authorize a conveyance of this lot of land to the petitioner on his paying into the treasury the sum of forty dollars.

19TH CONGRESS.]

No. 481.

[1ST SESSION.]

## LAND CLAIM IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 24, 1826.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to whom were referred the petition and documents of Elizabeth Keary, reported:

The petitioner states that in the year 1791 the Spanish government issued a patent to Caleb Weeks for 400 arpents of land, through which the line between the States of Mississippi and Louisiana runs; that on February 13, 1798, Weeks conveyed the same to Richard Graves, who presented his claim to the board of commissioners west of Pearl river, which was confirmed; that on January 23, 1817, Graves conveyed the said land to William V. Keary, the late husband of the petitioner, he being now dead; that she sent the patent to the board of commissioners sitting at St. Helena Court-house to be recorded; that one of them, Mr. Cosby, said it was unnecessary, as another board had acted in the case; that she rested content until of late, when she was informed she could not obtain an order of survey, as the board at St. Helena Court-house had not allowed confirmation; that she lives on the land and has made valuable improvements; that, as the time for entering claims has expired, she fears that so much as lies within Louisiana will be considered as public land; wherefore she asks that she and her children may be confirmed in their title to said land.

To support her petition she exhibits the translation of a patent from Don Estevan Miro, governor of Louisiana and Florida, to Caleb Weeks, for 400 square arpents in the district of Natchez, dated May 25, 1791. As the certificate of survey is dated May 24, 1795, it is presumed there is an error as to the date of the one or the other of these instruments. On February 13, 1798, Caleb Weeks, who it seems was a minor, with the consent of his father, Wm. Weeks, in the presence of an alcalde, endorsed the patent to Richard Graves. This patent, by No. 673, was, March 17, 1804, recorded in the land office west of Pearl river. By an abstract from the General Land Office it appears that the board of commissioners west of Pearl river confirmed to Richard Graves (Caleb Weeks being the original grantee) twenty-eight acres on the waters of Bayou Sarat, under a Spanish title dated May 25, 1791.

On November 19, 1825, William Dawson made oath, before a notary public, that in 1803 he became a resident in the neighborhood of Richard Graves, who at that time occupied the place on which Mrs. Keary now dwells, as he had done several years previous to that period; that William V. Keary purchased of R. Graves in the year 1810, took possession, and remained therein until the year 1818, when he died. There is also some testimony on file intended to show that Mrs. Keary sent the patent by her father (who is now dead) to Mr. Cosby to be recorded. The petitioner produces the deed from Graves to her late husband, which appears to be duly executed, and bears date January 25, 1817. About ninety-six acres of this tract are represented by the deed to lie in the county of Wilkinson, in the State of Mississippi, then a Territory, and the remainder in the parish of Feliciana, in the State of Louisiana.

As the petitioner appears to be entitled to relief, a bill is herewith reported.

19TH CONGRESS.]

No. 482.

[1ST SESSION.]

## APPLICATION OF LOUISIANA FOR LAND IN NEW ORLEANS FOR THE BANK OF LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 24, 1826.

*Resolved by the senate and house of representatives of the State of Louisiana in general assembly convened,* That the senators and representatives in Congress from this State be instructed and requested to solicit from the general government a cession of a lot of ground situated in New Orleans, and bounded by Canal, Thépitoulac, Common, and Magazine streets, to the president, directors, and company of the Bank of Louisiana, for the purpose of building thereon a banking-house and exchange, and on condition of their furnishing rooms for the office department free of rent on said lot.

*Resolved,* That the governor be requested to cause a plan to be made of the said lot, in order to be annexed to these resolutions.

A. B. ROMAN,

*Speaker of the House of Representatives.*

ISAAC A. SMITH,

*President of the Senate.*

Approved February 18, 1825.

H. JOHNSON,

*Governor of the State of Louisiana.*

WASHINGTON, February 9, 1826.

DEAR SIR: Not having before me the plan of the lot mentioned in your note of the 7th instant, I dare not speak, with certainty, as to its dimensions; and the price of landed property in the city fluctuates so much that it is difficult to form a proper estimate. Some idea of the value of the whole may be formed by calculating how many lots of 40 feet front by 100 in depth could be laid out in the square of which you speak, and fixing a value of about \$3,000 for each, which, I suppose, would be the minimum price in ordinary times, at a reasonable credit. An offer has been made to the War Department by a gentleman who purchased the old barracks belonging formerly to the United States, to exchange them on a valuation for this square; to this offer I believe no answer has yet been returned.

I am, respectfully, your most obedient servant,

EDWARD LIVINGSTON.

Hon. Jno. Scott.

19TH CONGRESS.]

No. 483.

[1ST SESSION.]

## PURCHASE OF LAND ON THROGG'S POINT, LONG ISLAND, NEW YORK, FOR A FORTIFICATION AND LIGHT-HOUSE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 26, 1826.

DEPARTMENT OF WAR, January 24, 1826.

SIR: In obedience to the resolution of the House of Representatives of January 23, 1826, directing "that the Secretary of War inform the House whether any arrangement has been made for the purchase of Throgg's Point, on Long Island sound; and, if any has been made, what sum will be necessary to carry the same into effect," I have the honor to submit the accompanying report of the chief engineer, who was intrusted with the negotiation for the purchase of Throgg's Point, under the direction of my predecessor, for the information required by the above-mentioned resolution.

As the present moment is probably the most favorable for obtaining the lands on Throgg's Point, I would respectfully recommend that an appropriation be made for fulfilling the agreement entered into for the purchase of the point, and also for the purchase of the right of way from the point to the public road, as stated in the accompanying documents furnished by the chief engineer.

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES BARBOUR.

Hon. JOHN W. TAYLOR, *Speaker of the House of Representatives.*

ENGINEER DEPARTMENT, Washington, January 24, 1826.

SIR: In obedience to your directions to state whether any arrangement has been made for the purchase of Throgg's Point, Long Island sound, and, if any has been made, what sum will be required to carry the same into effect, as required by the resolution of the House of Representatives of yesterday, I have the

honor to inform you that a conditional agreement was entered into between this department and Mr. C. H. Hammond on the 18th of February last, by direction of the Secretary of War, for the purchase of Throgg's Point, containing about fifty-two acres, for the sum of fifteen thousand dollars. Throgg's Point is the site of a fort projected by the board of engineers for the defence of the city of New York. Three acres of the fifty-two have been selected for a light-house; and, on finding a difficulty in procuring a site for the light-house, the collector of New York made an application to the legislature of the State, on behalf of the United States, for the cession of the jurisdiction of the three acres, and for the appointment of appraisers to ascertain the value of the land and the damage which would be sustained in consequence of a light-house being placed thereon. The cession was made and the appraisers appointed, who, under oath, awarded the sum of ten thousand five hundred dollars; which, however, the government did not think proper to accept. By the agreement entered into with Mr. Hammond the whole of the point, including the site for the light-house, was to be conveyed to the United States for the sum of fifteen thousand dollars, on the condition of Congress making the appropriation, viz: fourteen thousand dollars to be paid by the War Department, and one thousand dollars to be paid by the Treasury Department. A difficulty arose about a right of way leading to the public road; but Mr. Hammond, the present proprietor, renewed the agreement, with the addition of the right of way, under certain conditions, which were accepted. Copies of the agreement and of the acceptance are submitted, together with Colonel Totten's opinion of the property; also the correspondence on the subject, which has been submitted to the Committee of Finance of the Senate at the last session of Congress; but as there was not time to act upon the subject, the chairman returned the papers to the War Department. The papers referred to and accompanying this report are numbered from 1 to 8. In addition to these documents, a letter has been received from Mr. C. H. Hammond, dated the 5th of last month, stating his willingness to abide by the agreement referred to until the end of the present session of Congress, with the exception of that part which relates to right of way; upon which subject he recurs to the original proposition, viz: to take two thousand dollars for the right of way, as prescribed in the agreement, or to leave the amount to be paid to the award of arbitrators, to be appointed by both parties. I would recommend the acceptance of the right of way at two thousand dollars, as offered, rather than submit it to arbitration, or to leave it to future adjustment. A copy of Mr. Hammond's letter of the 5th December is herewith transmitted, marked A.

All which is respectfully submitted.

JAMES BARBOUR, *Secretary of War.*

ALEX. MACOMB, *Major General, Chief Engineer.*

No. 1.

NEW YORK, December 9, 1823.

SIR: Your letter of the 2d instant, on the subject of the value of Throgg's Point, is at hand. I am not in possession of any maps from which I can ascertain the quantity of land which ought to belong to the government in the event of their erecting the work projected for Throgg's Point, but my impression is that a tract of fifty acres would have its western boundary far enough inland for all purposes. You, however, on consulting the maps in the Topographical Bureau will be able to determine this matter with certainty.

As to the price demanded by Mr. Hammond, I have to observe that, though it is greatly beyond the real value of the land, there is no reason to doubt, from all experience in such transactions, and especially from the appraisement made, under oath, of three acres of this point for a light-house, that Mr. Hammond is right in saying that \$15,000 "is a price much below what it will ever be had for by appraisement, or in any other way, after it has passed into other hands." Owners and appraisers always seem to act as well on the principle that it is fair to take advantage of the necessities of the general government, or on the more just ground that the damage is rather in bringing a body of soldiers, often undisciplined, into the neighborhood of the farmer than in reducing his farm. If, in the case of a light-house being required on the ground, which could only open the way to trifling depredations in comparison, such heavy damages were assessed by a jury, we may infer that damages at least not less heavy would be given when the ground was wanted for a military establishment. It is probable that, in treating with Mr. Hammond as to the exact limits, you may be able to obtain some reduction in the price, but I am of opinion that this tract can never be bought by the government at so reasonable a rate as under the circumstances which now induce Mr. Hammond to offer it. He cannot, indeed, obtain so much from an individual for farming purposes as he demands; but, on the other hand, he cannot sell the rest of his land advantageously if he sell this to the government. If the whole is bought by an individual, it will be with the determination of getting as much as possible for what the government may require. If the commencement of a work there were known to be at hand, I have no doubt Mr. Hammond's price would readily be given by moneyed men here, on speculation.

I have the honor to be, very respectfully, &c.,

JOS. G. TOTTEN, *Major Engineers, Brevet Lieutenant Colonel.*

Brevet Major General ALEX. MACOMB,  
*Colonel commanding United States Engineers.*

No. 2.

ENGINEER DEPARTMENT, Washington, December 18, 1823.

SIR: The Secretary of War has examined your report of the 9th instant, with regard to the piece of Mr. Hammond's property at Throgg's Point, whereon it is contemplated to erect a fort and light-house, estimated to be worth \$15,000; and I am instructed by the Secretary of War to direct you to enter into a conditional purchase of the said property for the sum of \$15,000, to be paid for by an appropriation from Congress this session, viz: \$14,000 by the War Department, and \$1,000 by the Treasury Department; the purchase to be on the contingency of the appropriation. You will employ a suitable person to examine



the titles and papers, and to draw the instrument conveying the land to the United States in due form. You will attend to this subject as early as possible.

I have the honor to be, &c.,

ALEX. MACOMB, *Major General, Chief Engineer.*

Lieutenant Colonel J. G. TOTTEN,  
*Corps of Engineers, New York.*

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No. 3.

ENGINEER DEPARTMENT, *Washington, February 21, 1825.*

SIR: A letter was filed in this office by Mr. David B. Ogden, of New York, dated November 18, 1823, from A. Hammond, esq., of New York, stating that the government of the United States wanted a part of his land (Throgg's Point) to erect a light-house thereon; and that on his refusing to sell it an application was made by the collector of New York, on behalf of the United States, to the legislature of the State for the cession of the jurisdiction of three acres of the point, and for the appointment of appraisers to ascertain, on oath, the value of the land, and the damage which he would sustain in consequence of a light-house being placed thereon; that the cession was made, and appraisers appointed, who awarded \$10,500; and that the government of the United States had not thought proper to accept a conveyance of the land upon the terms of the appraisement. The three acres of land in question are part of the position which the government will require for the site of a fort projected by the board of engineers for the defence of the city of New York; and as Mr. Hammond was desirous of selling his property at the point, Mr. D. B. Ogden was authorized by him to offer the whole point, consisting of fifty-two acres and upwards, for the sum of \$15,000. Colonel Totten, of the engineers, was directed to ascertain the value of the land offered by Mr. Hammond, and to report his opinion to this department, in order that the same might be laid before you, and, if approved, the necessary appropriation asked for the purchase of the site. The report of Colonel Totten was examined by you, and I was directed to instruct Colonel Totten to make a conditional purchase of the said property for the sum of \$15,000, to be paid for out of an appropriation to be made by Congress, viz: \$14,000 to be paid by the War Department, and \$1,000 by the Treasury Department; the purchase to be made upon the contingency of an appropriation, as will appear from my letter to him, dated December 18, 1823, a copy of which is submitted herewith; also a copy of Colonel Totten's report, dated December 9, 1823, before alluded to. A difficulty, however, arose about a right of way leading to the public road; but Mr. Charles H. Hammond, the present proprietor, has since renewed the agreement, with the addition of a right of way, under certain conditions, which have been accepted. Copies of the agreement and the acceptance thereof are submitted, together with Colonel Totten's opinion of the value of the property. I am acquainted with the position and am clearly of opinion that the terms are reasonable, and more so than could be obtained in any way hereafter; and considering the difficulty, expense, and delay of acquiring land under appraisements, I recommend that an appropriation of \$14,000 be asked, in order that the site may be procured before the commencement of the contemplated fortifications, \$1,000 being now in the treasury applicable to this purpose.

Respectfully submitted.

ALEX. MACOMB, *Major General, Chief Engineer.*

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No. 4.

The owners of Throgg's Point, in the county of Westchester, in the State of New York, will accept the offer made by the Secretary of War for the purchase of the said point for the use of the government of the United States, at the sum of \$15,000, provided the money be paid and the purchase completed on or before the first day of April next. Should the money not be paid by that time, this agreement is not to be considered as binding on the owners of said point.

The owner's will also agree to sell to the United States ground for a road to the said point for the further sum of \$2,000, the said road to be laid over that part of the property of the present owners of the said point which is under the bank on the west side of the farm lately belonging to Abijah Hammond, esq., beginning at the most westerly dock on said farm, and running thence, above high-water mark, along the margin of the sound to the point, the land to be conveyed for said road whenever the government may please to pay the said sum of \$2,000; it being always understood that the owners of said land lately belonging to Abijah Hammond, esq., shall have the privilege of using said road. Dated February 18, 1825.

C. H. HAMMOND.

If the government is not satisfied with the *amount* named in the above agreement for the purchase, &c., of the land for a road to Throgg's Point, the owners of the point are willing to leave that question subject to arbitration, whenever the United States may require the road.

C. H. HAMMOND.

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No. 5.

WASHINGTON, *February 18, 1825.*

SIR: I agree to the alteration made in my proposition, viz: to limit the award of arbitrators as to the right of way. I wish it to be understood, however, that if Congress should not make the necessary appropriation this session I do not consider any part of the arrangement as binding on my part.

Very respectfully, your obedient servant,

Major General MACOMB.

C. H. HAMMOND.

No. 6.

WASHINGTON, *February 18, 1825.*

SIR: In relation to the subject just referred to me, namely, the contemplated purchase of Throgg's Neck, I have only to remark that I have hitherto considered that the sum of \$15,000, demanded by Mr. Hammond for the tract of about fifty-two acres, is not unreasonable; and I am still of the same opinion. As to the further sum of \$2,000 for a road-way along the water's edge, from the said tract to the public road at the ferry, I am not competent to express any opinion; for, in such cases, the proper amount depends rather on the inconveniences and damages arising to one part, than the value of the accommodation to the other. It is to be remembered that the present proprietors are not willing to sell the tract of fifty-two acres for the price stated, unless they are allowed to make a bargain at the same time for the right of way; or, in other words, they will not sell at all, if, by doing so, they are to leave any point to be mooted as to a legal right of way.

The proposition is now simply this: to sell the tract and also a road-way for \$17,000; \$2,000 of this sum to be paid whenever the United States think proper to improve the privilege as to the right of way.

Since the above was written, Mr. Hammond has suggested this alternative, viz: to sell for \$15,000, leaving the price to be paid for the road-way to be determined by arbitration whenever the United States may require the road.

I have the honor to be, very respectfully, &c.,

JOS. G. TOTTEN, *Major of Engineers, Brevet Lieut. Col.*

Brevet Major General ALEX. MACOMB, *Colonel commanding United States Engineers.*

No. 7.

ENGINEER DEPARTMENT, *Washington, February 18, 1825.*

SIR: I have submitted to the Secretary of War your proposition to sell Throgg's Point, in the county of Westchester, in the State of New York, to the United States for the sum of \$15,000, as stated in your agreement of this date, with the right of way as proposed therein; and I am instructed to say that the Secretary of War accepts the offer, provided that the award of the arbitrators as to the right of way, should the government require it, should not exceed \$2,000. It is understood that this arrangement cannot be binding without the assent of Congress, or the money paid until an appropriation be made.

I am, sir, very respectfully, your obedient servant,

ALEX. MACOMB, *Major General, Chief Engineer.*

C. H. HAMMOND, Esq., *Washington City.*

No. 8.

WAR DEPARTMENT, *February 21, 1825.*

SIR: I have the honor to lay before you the accompanying report of the chief engineer, stating the advantages of procuring at this time the site selected by the board of engineers for a fort to be built on Throgg's Point, on the East river, in the State of New York, for the defence of the city of New York, and recommending the purchase of the same, as will more fully appear by reference to his report and the papers connected with it. The proprietors of the site are willing to sell to the government the quantity of land requisite for a site of a fort and light-house on terms which are thought reasonable. I submit to the consideration of the committee the propriety of their recommending at this time the appropriation of a sum necessary to enable the government to avail itself of the offer of the proprietors, viz: \$14,000 for this department, the sum of \$1,000 applicable to this purpose being now at the disposal of the Treasury Department.

I have the honor to be, &c.,

J. C. CALHOUN.

HON. SAMUEL SMITH, *Chairman of the Committee on Finance, Senate, U. S.*

A.

NEW YORK, *December 5, 1825.*

SIR: As the agreement made on the 18th February last between the Department of War and myself, on the part of the owners of Throgg's Point, for the sale thereof, was not to be binding upon us after the 1st April ensuing, we beg to inform the department that we are willing to abide by that agreement until the end of the present session of Congress, with the exception, however, of that part of it which relates to compensation for the right of way. Upon this subject we have decided to recur to our original proposition, viz: we will either take \$2,000 for the right of the way, as prescribed in the agreement, or we will leave the amount to be paid to the award of arbitrators to be appointed by both parties.

We would remind the department that two acres (or three) of this point are already in possession of the United States, for which we have never yet received \$10,000 awarded by the appraisers appointed by an act of the legislature of the State of New York, at the application of the government of the United States. You are aware that the proposal to sell the whole point (say fifty-two acres, more or less) for \$15,000 would include the \$10,000 for the two or three acres already ceded.

Very respectfully, I am your obedient servant,

C. H. HAMMOND.

Major General MACOMB, *Chief Engineer.*

19TH CONGRESS.]

No. 484.

[1ST SESSION.]

## PROPOSITION TO WORK THE COPPER MINES ON LAKE SUPERIOR.

COMMUNICATED TO THE SENATE JANUARY 27, 1826.

*To the honorable the Senate and House of Representatives in Congress assembled:*

The petition of the undersigned citizens of the State of New York and New Jersey respectfully represents: That your memorialists are desirous of undertaking to work the copper mines which are said to exist on the south shore of Lake Superior, within the jurisdictional limits of the United States. Your memorialists, or a part of them, made application to the late President Monroe, in April, 1822, for a privilege of the kind now asked for; and which, as they have understood, laid the foundation of an Executive message to the Senate on that subject in the month of December in the same year. From that period to the present no measures of a public nature have been taken respecting it; but, inasmuch as our country is dependent for copper on foreign supply, both for public and private use, it is believed to be a matter worthy of the attention of Congress. Of native ore, there is probably a sufficient quantity for our own wants within our own limits. Capital and enterprise are requisite to develop the mineral riches of our country; and although such undertakings are almost proverbially ruinous to the projectors, yet your memorialists have associated with them persons of capital and practical skill who, with adequate encouragement, are willing to encounter the hazards it may involve. Without entering into a detail of facts and considerations at the present time, your memorialists beg leave to express the prayer of their petition; which is, that in consideration of the great expenses and hazards of the experiment on their part, and of its important bearing as a leading effort, that a law may be passed authorizing the President of the United States to grant and confirm to them the right of ore on forty thousand acres of land to be selected and located on or near the south shore of Lake Superior, on the river Ontonagon, within ten years from the passage of the said act, for such rent reserved, either in money, or in copper sheets suitable for the use of the navy of the United States, as may be deemed just and reasonable, and subject to the condition that, if the petitioners, their heirs or assigns, shall not, within that time, have expended the sum \$20,000 in exploring or working mines and minerals thereon, then the said grant shall be void; and that the memorialists be empowered to make fresh contracts with the Indians claiming the territory thereof as may be requisite to secure the declared objects of their undertaking. And, as in duty bound, they will ever pray.

GEO. W. CARTWRIGHT,  
W. A. THOMSON,  
L. H. CLARKE,  
LEWIS M. WEISS,  
CHAS. KINSEY,

*In behalf of themselves and their associates.*

NEW YORK, December 22, 1825.

19TH CONGRESS.]

No. 485.

[1ST SESSION.]

## BOUNTY LANDS UNFIT FOR CULTIVATION EXCHANGED.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 27, 1826.

Mr. SCOTT, from the Committee on Public Lands, to whom were referred the petitions of Robert Brigham, Kelly Halsey, Richard Yielding, Francis Dunross, John Watson, John Hill, Benana Stafford, and George Frederick, soldiers in the late war, and the resolution of the 19th December on the same subject, reported:

That each of the petitioners were enlisted soldiers during the late war, who, severally, "faithfully performed his duty while in service," and obtained an honorable discharge; that to each of them lands have been patented as bounty lands in the military tract in the Territory of Arkansas. The petitioners state, and furnish evidence of the fact, that they are poor, and have removed from a great distance to settle on and cultivate the lands thus by them drawn; that they are aged, infirm, and men of families, but that, on arriving in the Territory to take possession of and settle on their lands, they find, as they prove, that the same is totally "*unfit for cultivation*," and that they could not subsist were they to settle thereon. The petitioners now ask of Congress to allow them to surrender the lands thus patented to them, and that they be allowed to locate and enter another quarter or half section "*fit for cultivation*" in lieu thereof.

The committee have examined the several acts of Congress passed to encourage enlistments during the late war, and find that every inducement was held out to engage men to enlist under the banners of their country; double, nay, triple bounty, three months' extra pay, double bounty of lands, protection to the widows and children of the soldier, and an exemption of the lands by them drawn from all liability for debts or contracts entered into before the date of the patent, were among the inducements held out to those who should join the army. The soldier was incapacitated by law from disposing of the land himself anterior to the date of the patent. All the provisions of the several laws go clearly to show that it was the intention of Congress to secure to the soldier, or to his wife and children, if he should die or fall in battle, a home; and this opinion is greatly strengthened by looking at the act of May 6, 1821, setting



apart lands to satisfy the bounties promised by former and subsequent laws. In this law it is expressly provided, in so many words, that the lands which the soldiers are to receive shall "*be fit for cultivation.*" This was one of the inducements to enlist, and forms a part of the contract between the soldier and the government. If, then, the government has been deceived by the surveyors who surveyed the land and stated it fit for cultivation when in fact it was not so; and if the soldier, in turn, has been deceived in receiving a patent for land "*unfit for cultivation,*" when it should have been "*fit for cultivation,*" the committee think it but just and fair on the part of the government to take in the land so by the soldier in the lottery drawn, and give him or his heirs other lands in lieu thereof. The committee are aware that a great portion of those lands have been sold and are now in the hands of third persons who purchased the same on a speculation. To this class the committee do not think any relief ought to be granted, nor do they intend to embrace them in any provisions they now recommend to the House. Those who have purchased procured them for but little, and not with an eye to settle and actually cultivate; but to the soldier, or his heirs, who have retained their land to make it a home for themselves and families in the evening of life, the committee think it proper to grant relief. The committee have thought it best to report a general bill embracing all that class of cases similarly situated with the petitioners. The case of Moses Plummer fixed the principle. The committee think it right, and therefore report a bill.

19TH CONGRESS.]

No. 486.

[1ST SESSION.]

## RELINQUISHED LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 27, 1826.

TREASURY DEPARTMENT, *January 26, 1826.*

SIR: In obedience to a resolution of the House of Representatives of the 24th instant, directing the Secretary of the Treasury to furnish the House "with a detailed report of the average price at which the lands were originally sold which have been relinquished to the government in pursuance of the several acts 'for the relief of purchasers of public lands,' and, if any such may have been resold, the medium price at which they were resold in each land office district, respectively," I have the honor to transmit herewith a letter from the Commissioner of the General Land Office, dated January 25, 1826, and the statement therein referred to which contain the information required by the resolution.

I have the honor to be, with the highest respect, your most obedient servant,

RICHARD RUSH.

Hon. the SPEAKER of the House of Representatives.

GENERAL LAND OFFICE, *January 25, 1826.*

SIR: In compliance with a resolution of the House of Representatives, dated January 24, 1826, in the following words: "*Resolved, That the Secretary of the Treasury be directed to furnish this House with a detailed report of the average price at which the lands were originally sold which have been relinquished to the government in pursuance of the several acts for the relief of the purchasers of the public lands, and, if any such may have been resold, the medium price at which they were resold in each land office district, respectively,*" I have the honor to enclose to you the statement marked A, showing the quantity of land relinquished to the government in each land district, under the several acts for the relief of the purchasers of public lands, and the average price at which such lands were originally sold.

Of these lands, those relinquished under the act of 1821 have been offered at public sale, with the exception of those relinquished at the land office at Huntsville, and there appear to be but few instances where the lands thus offered have sold for more than the minimum price of one dollar and twenty-five cents per acre.

All which is respectfully submitted.

GEORGE GRAHAM.

Hon RICHARD RUSH.

## A.

*Statement of lands relinquished to the United States under the acts of Congress of 1821, 1822, 1823, and 1824, exhibiting the number of acres, the amount of purchase money, and the average price per acre in each district.*

Land office.	Under act of—	Land relinquished under act of 1821.		Land relinquished under acts of 1822, 1823, and 1824.		Total.		Average price per acre.
		Quantity.	Purchase money.	Quantity.	Purchase money.	Quantity.	Purchase money.	
		<i>Acres.</i>		<i>Acres.</i>		<i>Acres.</i>		
Marietta.....	1821	11,199.34½	\$25,383 21					
	1822			382.96½	\$1,085 93			
	1823			239.00	638 00			
	1824			785.12½	1,890 25	12,606.33½	\$38,997 39	\$2 20½

## A.—Statement of lands relinquished to the United States, &amp;c.—Continued.

Land office.	Under act of—	Land relinquished under act of 1821.		Land relinquished under acts of 1822, 1823, and 1824.		Total.		Average price per acre.
		Quantity.	Purchase money.	Quantity.	Purchase money.	Quantity.	Purchase money.	
		<i>Acres.</i>		<i>Acres.</i>		<i>Acres.</i>		
Zanesville .....	1821	33,585.00	\$71,453 43					
	1822			2,210.42	\$4,420 64			
	1823			239.57	479 14			
	1824			7,618.78	15,237 58	43,633.77	\$91,590 99	\$2 09½
Steubenville .....	1821	29,559.74	67,188 43					
	1822			1,267.08	2,694 16			
	1823			386.70	1,088 00			
	1824			4,300.79	9,867 13	35,514.31	80,837 72	2 27½
Chillicothe .....	1821	46,030 10	99,259 33					
	1822			242.02	483 04			
	1823			80.00	160 00			
	1824			11,331.29½	24,421 99	57,673.41½	124,324 36½	2 15½
Cincinnati .....	1821	102,476.08½	236,142 89					
	1822			2,782.62½	5,860 25			
	1823			269.17	538 34			
	1824			56,269.85½	122,410 41	161,797.73½	354,971 89	2 19½
Wooster .....	1821	48,101.26½	182,819 23½					
	1822			3,100.26	6,827.52½			
	1823							
	1824			6,940.37	33,595 97	58,141.89½	223,242 73½	3 83½
Jeffersonville .....	1821	112,514.38½	227,349 73					
	1822			4,454.79½	8,909 45			
	1823			480.00	960 00			
	1824			87,657.53	176,846 95	205,106.64	414,066 13	2 01½
Vincennes .....	1821	218,246.67	445,456 09					
	1822			7,727.85	19,900 74			
	1823			1,226.00	2,452 00			
	1824			114,402.90	233,539 52	341,603.61	701,349 35	2 05½
Kaskaskia .....	1821	124,467.99	248,935 94					
	1822			3,073.40	6,146 80			
	1823			1,707.03	3,414 06			
	1824			55,673.95	111,347 90	184,922.37	369,844 70	2 00
Shawneetown .....	1821	119,123.71	238,741 02					
	1822			835.93	1,670 46			
	1823			1,120.00	2,240 00			
	1824			93,744.28	188,185.76	214,923.22	431,037 94	2 00½
Edwardsville .....	1821	132,046.86	266,770 52					
	1822			11,462.59	22,925 18			
	1823			960.00	1,920 00			
	1824			58,047.49	117,373 63	202,516.94	408,989 33	2 02½
Detroit .....	1821	20,241.72	63,309 58					
	1822							
	1823							
	1824			1,942.19	4,021 49	22,283.91	67,331 07	3 02½
St. Louis .....	1821	153,702.84	376,567 61					
	1822							
	1823			14,319.28½	33,170 02			
	1824			1,280.00	2,564 00			
				84,813.94½	205,643 89	254,116.07	617,965 52	2 03½
Franklin .....	1821	336,571.35½	1,073,828 10					
	1822			3,866.33	11,299 17			
	1823			571.28	1,142 56			
	1824			75,155.98	208,723 33	416,284.94½	1,294,993 16	3 11½
Oplousas .....	1821							
	1822							
	1823							
	1824			664.12	1,328 24	664.12	1,328 24	2 00
Washington .....	1821	74,819.62	149,639 24					
	1822			636.73	1,273 46			
	1823							
	1824			26,338.77	52,677 54	101,795.12	203,590 24	2 00
Mt. Stephen's .....	1821	186,414.71½	500,800 61½					
	1822			3,506.47½	9,089 52			
	1823			918.70	2,229 38½			
	1824			150,395.18½	369,422 86	341,145.07½	871,542 38½	2 55½
Cahaba .....	1821	308,790.05	1,367,628 13½					
	1822			4,806.43½	16,969 83½			
	1823			399.04	806 06			
	1824			237,222.88	1,009,798 09	551,218.40½	2,395,202 12	4 34½
Huntsville .....	1821	416,356.21	3,147,232 15½					
	1822			2,623.91	34,313 45			
	1823			160.00	320 00			
	1824			67,533.65	444,531 79	487,673.77	3,626,397 39½	7 43½
		2,474,317 76	8,778,505 26½	1,219,303.89½	3,529,096 69½	3,693,621.65½	12,307,601 96½	3 33

19TH CONGRESS.]

No. 487.

[1ST SESSION.]

## PROVISION FOR A SURVEYOR GENERAL FOR MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 30, 1826.

Mr. WHIFFLE, from the Committee on Public Lands, to whom was, by resolution of December 14, 1825, referred so much of the memorial of the legislative council of the Territory of Michigan as relates to the establishment of a surveyor general's office in said Territory, reported:

That as early as the year 1796 provision was made by law for the appointment of a surveyor general, whose duty it was made to engage a sufficient number of skilful surveyors as his deputies, whom he was to cause, without delay, to survey and mark the unascertained outlines of the lands lying northwest of the river Ohio and above the mouth of the river Kentucky.

The surveyor general had, by law, authority to frame regulations and instructions for the government of his deputies, and to remove them for any negligence or misconduct in office.

By the act of March 26, 1804, the powers vested in the surveyor general were extended over all the lands of the United States north of the river Ohio and east of the river Mississippi; and it was by said act made his duty to cause the said lands to be surveyed, and to do and perform all such other acts in relation to said lands as he was empowered to do and perform in relation to the lands of the United States situate northwest of the river Ohio and above the mouth of Kentucky river. On April 29, 1816, an act was passed to provide for the appointment of a surveyor general in the Territories of Illinois and Missouri, which reduced the quantity of the public lands placed by former acts under the jurisdiction of the surveyor general of the lands of the United States northwest of the river Ohio and east of the river Mississippi. Under the provisions of the several acts relating to the survey of the public lands northwest of the river Ohio, large quantities of land in the Territory of Michigan have been surveyed and brought into market; nor are the committee aware that all reasonable demands for the survey and sale of the public domain in the Michigan Territory have not been fully and seasonably met to the full extent of the wants of the people. By inspection of the plats of surveys in that Territory, it will be seen that a very large portion of the lands in Michigan to which the Indian title has been extinguished is surveyed. The committee are therefore of opinion that the accommodation which might be afforded to individuals residing within the Territory of Michigan would not justify the expense of such an office as is prayed for by the legislative council, and therefore recommend to the House the adoption of the following resolution:

*Resolved*, That the prayer of the petition ought not in this respect to be granted.

19TH CONGRESS.]

-No. 488.

[1ST SESSION.]

## APPLICATION OF INDIANA FOR RELIEF OF PURCHASERS AND REDUCTION OF THE PRICE OF PUBLIC LANDS.

COMMUNICATED TO THE SENATE JANUARY 31, 1826.

JOINT RESOLUTIONS of the general assembly of the State of Indiana relative to purchasers of public lands.

The general assembly of the State of Indiana, in behalf of her inhabitants, with grateful feelings acknowledge the relief and indulgence which her citizens have already received from the several very liberal acts which have been passed by the general government in aid of purchasers of public lands within her jurisdiction; and, with a full reliance upon the justice and forbearance of the United States, with all due deference beg leave to represent that many of her people have joyfully embraced the opportunity of taking advantage of an act of Congress for the relief of purchasers of public lands prior to July 1, 1820, approved March 2, 1821, and the several acts amendatory thereto; but from the scarcity of those funds that are receivable in the land offices in the western country, and the general want of a circulating medium, and the consequent depression in all kinds of business, and the absence of a market for the produce of the western farmer, it is becoming manifest that very many of those who availed themselves of the advantage of the said acts in extending the time of payment, and who belong to either the first or second class, will unavoidably fail to meet their instalments as they become due under the provisions of the existing statutes, and being aware that the last instalment on the second class becomes payable December 31, 1826: Therefore—

*Resolved by the general assembly of the State of Indiana*, That our senators in Congress be instructed, and our representatives requested, to use their best endeavors to procure the passage of a law which will extend the times of payment of the different instalments as they become due to those who may have filed their acceptance under the existing laws, in as ample a manner and for as great a period as the liberality of Congress will allow, and to prevent all debtors to the United States who hold certificates for lands purchased, which have been forfeited and remain unsold under the provisions of the acts of Congress, to avail themselves of the first, second, and fourth sections of the above-mentioned act of March 2, 1821.

*Resolved*, That our senators and representatives be instructed to make use of their best exertions to procure the passage of a law to graduate and reduce the price of public lands heretofore offered for sale in the old land districts, agreeably to a memorial of the general assembly of Indiana adopted at their January session in 1824.—(See No. 436.)

*Resolved*, That his excellency the governor be requested to forward a copy of the foregoing preamble and resolutions to each of our senators and representatives in Congress forthwith.

ROBT. M. EVANS, *Speaker of the House of Representatives.*  
JOHN H. THOMSON, *President of the Senate.*

Approved January 13, 1826.

J. BROWN RAY.



19TH CONGRESS.]

No. 489.

[1ST SESSION.]

## APPLICATION TO LOCATE LAND IN LIEU OF SPANISH GRANT.

COMMUNICATED TO THE SENATE JANUARY 6, 1826.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of John Mathews, of the parish of Rapides, in the State of Louisiana, humbly sheweth: That Pedro Lamero, about the year 1791, obtained from Estevan Miro, then governor of the province of Louisiana, an order of survey for three thousand two hundred arpents of land, having a front of forty arpents on each side of Bayou Boeuf, with the depth of forty, in the post of Opelousas; that the register and receiver, forming a board of commissioners at Opelousas, recommended the claim of Lamero for confirmation, and it was afterwards confirmed by act of Congress of April 29, 1816, and by an act supplementary thereto passed in 1825, as will appear by reference to the certificate which accompanies this memorial, and lettered A. Your memorialist represents that Pedro Lamero sold and conveyed said land to John Thompson by deed passed before notary, dated October 27, 1818, as will appear by the annexed copy, B. And John Thompson, October 28, 1820, sold and conveyed eleven hundred and thirty-eight American acres of said land to your memorialist and John Stafford, on the west side or right bank of Bayou Boeuf, as will appear by reference to copy of deed C. Your memorialist represents that before the change of government no definitive line of division had ever been established between the districts or posts of Opelousas and Rapides, but that for the purpose of locating such claims on the Bayou Boeuf, as called to be, in the district of Opelousas, the surveyor general referred the question of boundary between the two counties to the decision of the register and receiver at Opelousas. Those officers established a line of division, and the claim of Lamero was located and surveyed in conformity therewith, and the location approved. This will be shown by reference to the copies from the surveyor general accompanying this memorial and lettered D. But your memorialist further represents that afterwards a suit was instituted by Isaac Baldwin, esq., against your memorialist and the said John Stafford to recover the land under a title calling to be located in the post of Rapides, and which had been surveyed and located in the same place without regard to the division line between the two counties as settled by the commissioners, and that your memorialist was evicted of the land on the ground that it had been in fact located in Rapides, contrary to the calls of the title. This will appear by reference to the decree of the court, a copy of which, lettered E, is annexed. Repeated applications were afterwards made to the surveyor general of the public lands south of Tennessee to change and remove the location of your memorialist's claim, and to give him lands somewhere else in lieu of that of which he had been evicted by the fault of the department, but that he has constantly refused to interfere, notwithstanding the judgment of a competent court. Copies of his letters above referred to will explain his views on the subject. Your memorialist further represents that previously to the decision of the said suit partition of the land had been made between your memorialist and John Stafford, and that the upper part was assigned to your memorialist, as will be shown by document F; that he had erected buildings and made other valuable improvements on his part of the land, which he has entirely lost. The annexed paper, G, will show the local situation of the land, and in what manner it was surveyed.

Your memorialist has applied in vain to the surveyor general to have the location removed until all the lands at that time vacant on the Bayou Boeuf, within the acknowledged limits of Opelousas, have been surveyed for other claimants. After paying a high price for a title which is admitted to be good and valid by the general government, and being ruined by the clashing opinions of courts of justice of undoubted competency, and of the officers of the surveying department, he finds himself without remedy unless your honorable body will interpose for his relief.

He therefore prays that Congress would grant him the same quantity of land which he has lost, to wit: five hundred and forty-two acres, to be located on any public and vacant lands on the Bayou Boeuf, in the parish of Rapides.

And, as in duty bound, will ever pray.

JOHN MATHEWS.

A.—No. of entry 529.—REPORT No. 50.—Class No. 2.

The heirs of Pedro Lamero claim 3,200 superficial arpents of land, viz: 40 arpents front on both sides of Bayou Boeuf, by 40 arpents in depth, in the county of Opelousas, held under an order of survey to Pedro Lamero, dated October 2, 1791, and signed by Estevan Miro, then governor of Louisiana. The order of survey accompanies the notice, and is for 40 arpents front on each side of the bayou, at the most convenient place being vacant. No conditions are attached thereto.—(See note B at the end of the report.)

LAND OFFICE AT OPELOUSAS, *State of Louisiana*, May 9, 1825.

I do hereby certify the foregoing to be a true and correct copy of the original in my office, reported by the register and receiver at Opelousas, acting as a board of commissioners for ascertaining and adjusting titles and claims to lands in the western district of the State of Louisiana, by virtue of the acts of Congress approved March 10, 1812, and February 27, 1813, in their report of December 30, 1815, under No. 50, and in class No. 2, which comprises "claims founded on authentic orders of survey conceded by the Spanish government of Louisiana, which, with or without proof of occupancy, ought, in the opinion of the said register and receiver, to be confirmed."

I do further certify the following to be a true and correct copy of note B, referred to in the above report.

The register and receiver are of opinion that, in justice and equity, all claims founded on orders of survey ought to be confirmed, and especially those in the western district. The conditions on the performance of which the completion of the title depended being inapplicable to the local circumstances and situation of the country, it is believed were never insisted upon. Indeed, by clearing the fronts of their lands to a certain depth the proprietors must, in most instances, have deprived themselves even of

fuel. Cutting roads were necessary in very few instances, and making levees in scarcely any. Even claims founded on orders of survey, without special locations, conceded, for example, for any vacant land in the post of Opelousas, are considered as valid. It is known that such concessions were sometimes made for the remuneration of persons from whom lands had been taken by the Spanish government for garrisons or other public uses. The property so taken from the claimant or his ancestor has, by the cession of Louisiana, become vested in the United States. Would it then be just to withhold the indemnity for which the former government had become pledged? There are but few claims of this description, and if allowed, provision ought to be made for locating them so as to avoid conflicting with other private claims, though founded on titles of subsequent date, or with tracts of land to which occupants, under existing acts of Congress, are entitled to the right of pre-emption.

And I do further certify that the same has been acted upon and approved by act of Congress of the 29th day of April, in the year eighteen hundred and sixteen; and an act supplementary thereto, approved in the year eighteen hundred and twenty-five.

Given under my hand, at my office aforesaid, the day and year above written.

VALENTINE KING, *Register.*

B.—*Pedro Lamero, vente de terre à John Thompson.*

Par devant moi, Jean M. Debaillon, notaire public dans et pour la paroisse St. Landry, comté de Opelousas, Etat de la Louisiane, est comparu personnellement le Sieur Pedro Lamero, habitant sur la riviere Amise, actuellement en cette dire paroisse, lequel à, par ces présentes déclaré avoir vendu par acte sous seing privé en date du quinze Juillet, mil huit cent-quinze, à Mr. John Thompson, habitant de cette dite paroisse, une terre située au Bayou au Bœuf, de quarante arpents de face, sur chaque bord du dit bayou, sur la profondeur ordinaire de quarante arpents, conformément au titre de concession qu'il a obtenu de Mr. Etienne Miró, gouverneur de la Louisiane, en date de deux Octobre, mil sept quatre-vingt-onze; lequel titre a été remise alors à l'acquéreur, et démant remplir l'obligation que le vendeur avait contracté par le dit sous seing privé, d'en passer vente en forme par devant notaire au dit acquéreur, à sa première réquisition, il déclare par le présent, avoir vendu, cédé, quitté, et transporté, des lors et pour toujours, avec garantie de tous troubles, dettes, hypothèques, evictions, et alienations quelconques, au dit Sieur John Thompson, ses héritiers et ayants cause, la susdite terre, pour qu'il en jouisse en toute propriété, et dispose à sa volonté.

La dite vente ainsi faite pour et moyennant la somme de six cents piastres, que le vendeur déclare avoir reçu en espèces comptant, lorsqu'il a passé la dite vente sous seing privé, de laquelle somme il quitte et décharge l'acquéreur.

Au moyen du dit payement le vendeur met et subroge l'acquéreur dans tous les droits de propriété qu'il à, et peut avoir sur la dite terre, consentant que l'acquéreur en soit saisi et revêtu.

Fait et passé en l'étude le vingt-sept Octobre, mil huit cent dix-huit, en présence des Sieurs Lament Dupré et Celestin Lavergne, témoins requis, qui ont signé avec le vendeur et moi, la dit notaire, après lecture. Pedro Lamero. Cün. Lavergne. Lament Dupré. Par devant moi, T. M. Debaillon, notaire public.

Je certifie la présente copie conforme à l'acte de vente original resté en mon archive; en foi de quoi j'ai apposé mon seing et mon sceau, le jour de sa passation. Les mots le vendeur bon.

[L. s.]

T. M. DEBAILLON, *Notaire Public*

C.

This deed, made the twenty-eighth day of October, in the year one thousand eight hundred and twenty, between John Thompson, of the State of Louisiana and parish of Saint Landry, of the one part, and John Mathews, of the parish of Rapides, and John Stafford, of the parish of Avoyelles, and State aforesaid, of the other part, witnesseth: That, for and in consideration of the premises hereinafter expressed, he, the said John Thompson, has bargained and sold, and does by this act grant, bargain, sell, set over, convey, and confirm, to the said John Mathews and John Stafford a certain tract or parcel of land, situated on the west side of Bayou Bœuf, in the parishes of Rapides and Avoyelles, conformably to a plat of survey made by Joseph Irwin, deputy surveyor, on the sixteenth day of April, in the year one thousand eight hundred and nineteen, containing eleven hundred and thirty-eight American acres, or all the land included in said plat of survey, on the aforesaid side of said bayou, being part of a tract located at that place in virtue of a grant made to Pedro Lamero, as per order of survey bearing date the second day of October, in the year one thousand seven hundred and ninety-one; to have and to hold the said tract of land to the said John Mathews and John Stafford, their heirs, executors, administrators, and assigns, forever. And the said John Thompson, for himself, his heirs, executors, and administrators, covenants that he will forever warrant and defend the said tract of land to the said John Mathews and John Stafford, their heirs and assigns, against the claim of himself and his heirs, and against the lawful claims or titles of all persons whatsoever, except that of Isaac Baldwin. This sale being made for and in consideration of the sum of four thousand dollars cash paid to the seller, the receipt whereof is hereby acknowledged. In testimony whereof, the parties have hereunto signed and affixed their seals in presence of the subscribing witnesses, and before George King, judge in and for the aforesaid parish of St. Landry, at Opelousas, the day and year first above written; it being understood before signing that the contract entered into between the parties on the twentieth day of November, in the year one thousand eight hundred and eighteen, respecting the above tract of land, is hereby made null and void to all intents and purposes.

JOHN THOMPSON. [L. s.]  
JOHN MATHEWS. [L. s.]  
JOHN STAFFORD. [L. s.]

Witnesses: JOHN SMITH.  
JAMES RAY.

GEO. KING, [L. s.] *Probate Judge.*

STATE OF LOUISIANA, *Parish of St. Landry*:

I, George King, judge in and for the aforesaid parish of Saint Landry, do certify the foregoing to be a true and correct copy of the original on file and of record in my office.

Given under my hand and official seal, at Opelousas, the twenty-eighth day of October, one thousand eight hundred and twenty.

[L. S.]

GEO. KING, *Probate Judge*.

D.—*Copy of a letter from Thomas Freeman, esq., surveyor of the lands of the United States south of Tennessee, to Gideon Fitz, esq., principal deputy surveyor of the southwest district, State of Louisiana, dated*

SURVEYOR'S OFFICE, *Washington, Miss., March 7, 1819.*

SIR: Your letters of 27th January and 10th February on the subject of Mr. Stafford's claim in Opelousas have been received, and answered by my letters of the 27th and 28th ultimo, transmitted by mail.

Since these letters have been forwarded Mr. Stafford arrived here and produced several papers and documents on the subject of his claim, the boundaries of Opelousas, &c., &c. From a hasty view of these papers, and conversation with Mr. Stafford, I find that very few or no new lights have been thrown on the subject of the northern limits of Opelousas.

In addition to my observations to you on this subject, I will only further add that the most probable mode of deciding that question will be by referring it to the decision of the board of commissioners in your district. The information they must have already acquired on this subject from their official duties, with what they may further procure by specific investigation of the question, will, I conceive, enable them to decide, as satisfactorily as the nature of the case will admit, where the limits of Opelousas and Rapides should be fixed or admitted, so as to do justice to all parties concerned. Under these impressions I request you will submit the question to the board of commissioners where the northern limits of Opelousas shall be fixed for the purpose of locating private claims in that district, and abide by their decision in the location and survey of Mr. Stafford's claim, and all other claims similarly circumstanced.

I am, respectfully, sir, your obedient servant,

THOS. FREEMAN.

GIDEON FITZ, Esq., *Principal Deputy Surveyor*.

N. B.—A copy of this letter has been delivered to Mr. Stafford. Let me know the decision of the commissioners on the above question.

*Extract of a letter from Thomas Freeman, esq., surveyor, &c., to John Dinsmore, principal deputy surveyor, &c., dated*

SURVEYOR'S OFFICE, *Washington, Miss., September 27, 1825.*

On the subject of locating private claims you will see my opinion and instructions communicated to your predecessor, and particularly that of Mr. Stafford's claim, which has already caused more trouble to the department than any other claim. The mode that has been adopted to ascertain the limits of the districts of Opelousas and Rapides, on Bayou Beuf, was by submitting the investigation and decision of that question to the register and receiver of the land office, who were in possession of all the facts on the subject that had fallen into the hands of the land commissioners, and who were at the trouble of procuring all the further additional information that they could collect or deemed necessary. They have examined and decided, without prejudice, interest, or bias, as public officers, the question, and fixed the point on the Bayou Beuf, limiting the district of Opelousas and Rapides on that bayou. I have adopted the limits of those districts as fixed by the register and receiver, and ordered Stafford's claim to be surveyed accordingly within the district of Opelousas. The opinion and decision of the court, jury, and attorneys of Rapides, however respectable, cannot induce me to believe they acted in that case with better information or more impartiality than the register and receiver have done. Of course, my opinion is that the survey of Stafford's claim should not be removed by this department. Mr. Stafford may refer his case to the General Land Office, or petition Congress, or contend with his opponents; the next decision of the court may be in his favor.

I am, very respectfully, sir, your friend and servant,

THOS. FREEMAN.

PRINCIPAL DEPUTY SURVEYOR'S OFFICE, *Opelousas, 1825.*

I certify that the foregoing letter and extract are truly and correctly copied from the original letters filed in this office.

JOHN DINSMORE, SEN., *Principal Deputy Surveyor*.

E.

ISAAC BALDWIN  
vs.  
JOHN MATHEWS AND JOHN STAFFORD. } Sixth district court, Parish of Rapides and State of Louisiana.

The plaintiff in this case has an order of survey and commissioner's certificate of confirmation thereon, in the name of Patrick Urial, for twenty arpents front on the Bayou Beuf, on the right-hand bank descending the same, with the ordinary depth of forty arpents, situated at the time of granting the order in the post of Rapides, bounded below by the lands of George Row, and above by vacant lands. He has also a conveyance of the right of Patrick Urial to the said tract of land.

The defendants have an order of survey in the name of Pedro Lamiro, with the commissioner's certificate of confirmation thereon, for forty arpents front of land on both sides of the Bayou Beuf, with the ordinary depth in the post of Opelousas, in the place which will suit him best, (en el parage que mas le acomodaire.) They have also a regular conveyance from the said Pedro Lamiro of the said land.



The plaintiff contends that his land is properly located by Kenneth McCrummen, January 27, 1819, as shown by the yellow lines on the plat marked L, and filed in the cause.

The defendants contend that their land is properly located by Joseph Irvine, April 16, 1819, as shown by the red lines on the plat marked L, and filed in the cause.

It appears from the date of the respective surveys that the plaintiff made the first location. The plat signed by James Haggard, dated December 3, 1818, is accompanied by no proof either of the signature of Haggard or of the fact of location by the chain-carriers, whose names are affixed to the plat, consequently can make no proof of a location. The title of the defendants is limited to the post of Opelousas; that of the plaintiff to the post of Rapides. Without reference to the acts done by the registers of the land office and receiver of public moneys in order to establish an *equitable* limit between the said two parishes, the court have no hesitation in declaring that there is a weighty, precise, and constant presumption that the limits of the parish of Rapides extended to Ray's ferry, three lines in a straight line from the centre of the tract of land as located by the plaintiff, and upwards of five miles from the same point, following the bank of Bayou Boeuf, as will appear by a reference to the testimony of Vollandine Layssard, Stephen Lynch, and K. McCrummen, even admitting that the maxim of the law, "*In antiquis enuntialio a probant,*" would not permit the reception of the record of the suit in 1809 between Corkroon and Peel, marked K, and filed in the cause. The land claimed by the plaintiff is in the parish of Rapides, and located in the parish of Rapides; his location is prior to that of the defendants. The title of the defendants call for land in Opelousas; the interference with the plaintiff is in the parish of Rapides. Their location is subsequent to that of the plaintiff. In cases of doubt as to the locality of title the first location should be respected. It is therefore ordered, adjudged, and decreed, that the plaintiff be forever quieted in the possession and enjoyment of the tract of land claimed in his petition against the claims of the defendants, and that the said defendants pay the costs of this suit to be taxed.

JULY 26, 1821.

I certify the foregoing to be a true copy of the judgment in the above case.

In testimony whereof, I have hereunto subscribed my name and affixed the seal of office, February 6, A. D. 1824.

[L. s.]

W. MURRAY, *Judge Sixth District.*

WM. R. LECKIE, *Deputy Clerk.*

#### F.

PARISH OF AVOYELLES, *State of Louisiana:*

This memorandum of agreement, made on this first day of February, eighteen hundred and twenty-one, between John Stafford, of the parish of Avoyelles, of the one part, and John Mathews, of the parish of Rapides, of the other part, witnesses: That the said parties, having made a purchase of a tract of land lying on Bayou Boeuf, and received a title jointly for the same from John Thompson, of Opelousas, a reference to said sale recorded in the parish judge's office, parish of St. Landry, dated ———, will more fully appear, have and do agree upon the following division of the same: John Mathews to keep the upper part of the tract thus described, and on which he now resides, to the amount of six hundred and forty American acres; and the balance, containing four hundred and ninety-five acres of the lower part, to belong to John Stafford. And there being a suit now depending in the supreme court of the parish of Rapides between these parties and Isaac Baldwin for a part of this tract of land, it is further agreed that, if said Baldwin should finally recover any part of the land, the loss, whatever it may be, shall be borne by the parties in the proportion of six hundred and forty by John Mathews and four hundred and ninety-five by John Stafford; and, after the determination of said suit, the line to be run out between them according to this agreement. And the parties hereby mutually relinquish all claim to the respective parts to the other.

JOHN WHITING.

E. G. PAXTON.

JOHN STAFFORD.

JOHN MATHEWS.

The within was duly acknowledged before me.

CORNELIUS VOORHIES, *Parish Judge.*

PARISH OF AVOYELLES, *State of Louisiana:*

I, Cornelius Voorhies, parish judge in and for the parish of Avoyelles, do certify the foregoing to be a true copy from the original on file and of record in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office, April 25, 1825.

[L. s.]

CORNELIUS VOORHIES, *Parish Judge.*

Pursuant to an order from the principal deputy surveyor of the southwest district, and in conformity with reported No. 50 from the register and receiver of the western district, State of Louisiana, I have surveyed, for the heirs of Pedro Lamiro, a tract of land situate on both sides of Bayou Boeuf, being section No. —, in township No. 1 south, in range No. 2 east; and section No. —, in township No. 1 south, in range No. 3 east, of the basis meridian, and bounded as follows: beginning at a post at A; thence north 81° east, 170 chains; thence south 9° east, 192.80 chains; thence north 67° 45' west, 136 chains; thence north 9° west, 40 chains; thence south 81° west, 115 chains; thence north 9° west, 78.30 chains; thence north 44° east, 4 chains; thence north 9° west, 14.30 chains; thence south 64° east, 35.40 chains; thence south 9° east, 7 chains; thence south 74° east, 32.10 chains; thence north 9° west, 28 chains, to the beginning; containing two thousand seven hundred and eight acres, and having such form and marks, natural and artificial, as are represented in the above plat and note of references. April 16, 1819.

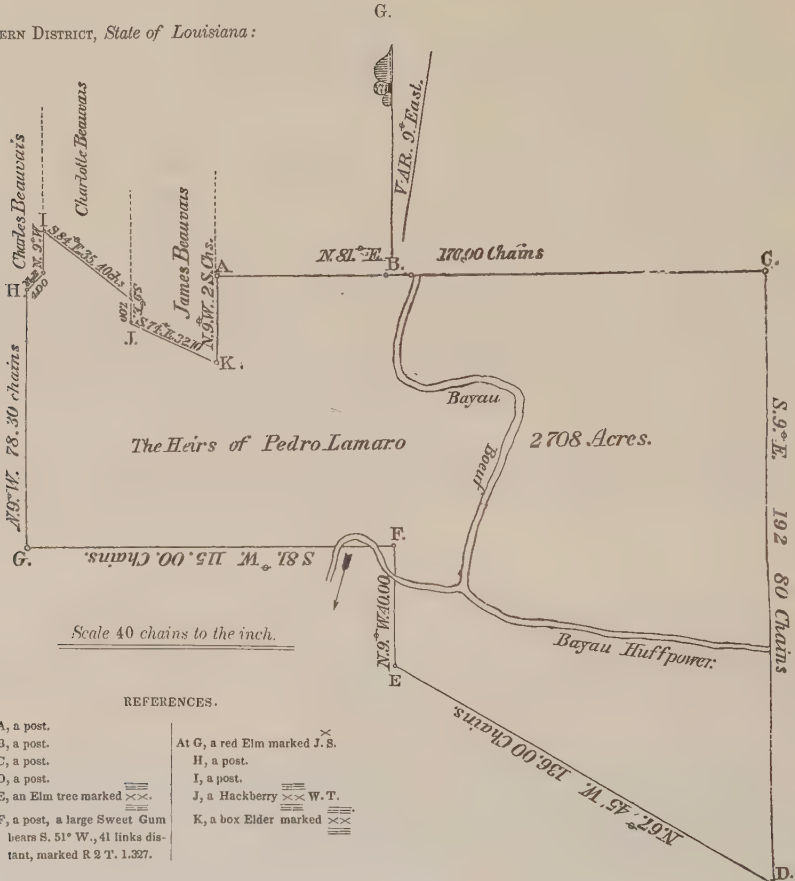
JOSEPH IRWIN, *Deputy Surveyor.*

THOMAS HALL and BENJAMIN GRAY, *Chain-carriers.*

From the decision of Messrs. Wails and Garrard, this survey appears to be "in the Opelousas;" it is therefore examined and approved. April 30, 1819.

GIDEON FITZ, *Principal Deputy Surveyor.*

WESTERN DISTRICT, State of Louisiana:



The above is a true and correct copy of the original plat. Plat and certificate of survey approved of and filed in this office.

JOHN DINSMORE, SEN., *Principal Deputy Surveyor, S. W. District.*

OPELOUSAS, October 19, 1825.

19TH CONGRESS.]

No. 490.

[1ST SESSION.

# LAND CLAIMS IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 6, 1826.

TREASURY DEPARTMENT, February 6, 1826.

SIR: I have the honor to transmit herewith a report of the register of the land office at Opelousas, prepared in obedience to the act of Congress of May 11, 1820, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana."

The report embraces the examination of ninety-six claims, filed under the provisions of the said act in the land office at Opelousas previous to December 31, 1820. Of the claims recommended for confirmation, those marked A, Nos. 1, 2, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 25, 26, 31, 33, 34, 38, 39, 40, 42, 43, 44, 48, 52, 53, 54, 55, 56, 59, 60, 61, 62, 63, 65, 66, 69, 70, 75, 76, 77, 78, 79, 80, 82, and 83, are founded on grants or orders of survey, of which there is recorded evidence. The land, in almost every case, has been occupied by the parties claiming for a long series of years, and the quantities are such as the Spanish authorities were in the habit of granting to actual settlers. They are therefore recommended for confirmation on the grounds stated by the register, and under the presumption that the title papers on which the claims are founded are genuine.

The claim marked A No. 27, and recommended for confirmation by the register, is the claim of the Chetimache Indians, for themselves and those claiming under them. This claim is recommended for confirmation by the register to the extent of one square league. The register observes that "the documents herein adduced are equal to the highest order of grants." If these Indians had, under the Spanish government, an absolute right to the soil, it is presumed that their claim is equally good to the whole as to a part of the land occupied by them; but whether they had such right of soil, and to what extent their claim ought to be confirmed to themselves, and to those who have purchased from them, are questions submitted for the decision of Congress.

The claims marked A Nos. 29, 30, 64, 68, 74, and 81, are founded on titles derived, or said to be derived, from various officers of the government of Texas residing at Nacogdoches. As the powers of the different officers of Texas to grant the land in question, with several other questions incidental to the decision of these claims, (which cover a large extent of country,) will be necessarily involved in the decision to be made by Congress on some of the claims embraced in the report of the commissioners for ascertaining land titles in that part of the State of Louisiana situated between the Rio Hondo and the Sabine, dated November 1, 1824, these claims are therefore submitted for the consideration of Congress.

The claims marked A Nos. 32, 45, 46, and 47, are founded on concessions, but the evidence of title has been lost. The evidence to prove the validity of the claim, and the loss of the title papers, appearing to be satisfactory to the register, these claims are submitted for the favorable consideration of Congress.

The claims marked A Nos. 87 and 90 are not of that description which come within the provisions of the act; but as the tracts of land claimed are small, and as there has been long possession by the claimants, they are, upon equitable principles, entitled to the consideration of Congress.

The residue of the claims filed with the register have either been rejected or suspended for further consideration.

I have the honor to remain, with the highest respect, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER of the House of Representatives.

TREASURY DEPARTMENT, September 7, 1824.

SIR: Your predecessor, Mr. Wailes, made no report to this office relative to the claims filed with him, agreeably to the provisions of the second section of the "act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," passed May 11, 1820. As the surveying of the private claims which have heretofore been confirmed in your district cannot be so closed as to give to the claims their respective sectional numbers until all the claims in each township shall have been finally acted upon, and as much time will be lost, and the claimants generally as well as the public subjected to great inconvenience by delaying the returns until a special act of Congress can be procured which shall authorize you to make the report which was required by law of Mr. Wailes, I take the liberty of suggesting the propriety of your investigating and reporting on the claims which have been filed with Mr. Wailes, when register, within the period prescribed by the act above mentioned.

Your report would be submitted to Congress, and I have no doubt would be acted upon by them in the same manner that any report would be which should be made under any act that might be passed at the next session authorizing you to report on these claims.

In making your report you will confine yourself to the provisions of the act which limits your jurisdiction to claims founded on *Spanish grants, concessions, or orders of survey*, and which shall have been filed with your predecessor previous to December 31, 1820. These restrictions are equally applicable to the claims provided for by the second and fourth sections of the act.

As to the form of your report, and the classification and numbering of the claims, I would refer you to the report made by Messrs. Wailes and Garrard, dated December 30, 1815, which affords the simplest form in which the substance of the evidence in each case may be embodied.

It is possible Mr. Wailes may have neglected to file some of the claims which may have been presented to him previous to December 31, 1820, or the evidence of their having been filed may have been lost. In such cases you will make a special report, accompanied by the evidence that the claim was filed within the period limited by law.

In addition to the fees for recording specified in the act, a part of which I presume Mr. Wailes has received, a further sum of \$600 is allowed to the register for making this report, which Mr. Wailes has not received, and which would be paid to you whenever Congress should act upon the report.

I am, &c., &c.,

GEORGE GRAHAM.

VALENTINE KING, Esq., *Register of the Land Office, Opelousas, Louisiana.*

LAND OFFICE AT OPELOUSAS, *State of Louisiana, October 13, 1825.*

SIR: I have this day mailed, through your address, to the Secretary of the Treasury of the United States, my reports of the claims entered with my predecessor, by virtue of the law of Congress approved May 11, 1820, and in obedience to your request of September 8, 1824.

You are advised that, in December last, I had executed the work in one original, intending to present it to you in person, and to have it finished during my stay at Washington; but circumstances preventing my intended journey, I reserved them purposely for reconsideration. I have re-examined them with much care, and have had occasion to change my opinion in two claims only, which will be seen in the report of the particular claims. In a thorough examination which I have given the office this year, I have found among files purporting to contain affidavits and depositions in claims long since decided by the board of commissioners, and in other places where I as little expected it, twelve or fourteen claims which have been included in the report from Nos. 84 to 96, both inclusive. The circumstances most strongly inducing me to recommend some claims for reconsideration, was the unfortunate negligence which my predecessor



had shown both in his public and private affairs, which I concluded might possibly have been the cause of no testimony having been taken to support a doubtful grant.

These claims are to the number of 14, and I have observed in the introduction that they are designated in the recapitulation by the letter R, in red ink; but this circumstance was forgotten, and I must beg the favor of you to cause it to be done. They are as follows, viz:

- No. 28. John Thompson.
- No. 36. John Thompson.
- No. 35. Celistin Lavergne.
- No. 37. Stephen Tippet.
- No. 41. John José Caradine.
- No. 49. Legal representatives of Miguel Erasmo.
- No. 50. Legal representatives of Juan de Leon.
- No. 51. Martin Despallier.
- No. 57. Santiago Crus.
- No. 58. Legal representatives of Juan Lopez.
- No. 67. Legal representatives of Pierre and Julien Besson.
- No. 71. Juan Aldereta.
- No. 72. Jean Tomazcan.
- No. 73. Louis Duran.

This work disposed of, we shall turn our attention to the pre-emption claims, and I think I shall be able to return all the forfeited claims in about two weeks.

Among these, claims are found to the number of forty or more on which *no payments appear to have been made*; they have been, consequently, thus marked and thrown aside, because where there is no payment there is no forfeiture. If, however, it is necessary to make any return of these, you will please direct it.

I have the honor to be, with great respect, your obedient servant,

VALENTINE KING.

HON. GEORGE GRAHAM, *Commissioner General Land Office, Washington.*

#### LAND OFFICE AT OPELOUSAS, *State of Louisiana, October 1, 1825.*

The undersigned, register of the land office at Opelousas, in the State of Louisiana, in obedience to the wishes of the Commissioner of the General Land Office, in his letter of September 7, 1824, has the honor to report the following claims for lands which have been entered at this office pursuant to the second and fourth sections of an act of Congress entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved May 11, 1820.

On examination of these claims, the plan of the former register, (whose duty it was to have made these reports on the first of January, 1821,) as far as it can be learned from the small progress of his work, was to have given the nature of his claim, with the documents and evidence in support thereof, in one series; and his remarks, or "*his opinion of the credit to which the evidence was entitled,*" as expressed in the act of Congress, in another.

It will be seen that this plan has not been pursued in the following reports, for reasons that will appear very obvious.

The plan adopted by the register and receiver of this district in their report of December 30, 1815, was recommended to the undersigned by the Commissioner of the General Land Office in his letter before alluded to; but considering the nature of these claims, confined to *grants and orders of survey*, this minute classification was considered unnecessary, and the simpler mode has therefore been adopted of prefixing to the numbers the letters A and B, the former to denote a favorable report, the latter the contrary. Some of the claims have been recommended for reconsideration, and are marked in the recapitulation with the letter R, in red ink.

A No. 1. John Andrus claims a tract of land containing 252 superficial arpents, equal to 218.52 American acres, to wit: six arpents in front by forty-two arpents in depth, situated in the quarter of Belveu, in the parish of St. Landry, about three leagues from the church of Opelousas, in a southwesterly direction; bounded, at the date of the concession, on one side by land conceded to Lanuge Bourge, and on the other side by land of one Padion.

In support of this claim the following documents of title have been filed, that is to say: 1st, the requête of Joseph Landry, dated February 27, 1778, soliciting a grant of the tract of land above described; 2d, the certificate of the Chevalier de Clouet, then commandant of the post of Opelousas and Attakapas, stating that the land solicited was of his Majesty's domain, dated March 3, 1778, to which is subjoined, 3dly, the concession or order of survey by Governor de Galvez, ordering the commandant to put the petitioner in possession of the land solicited; this instrument is given at New Orleans under the signature of the governor, De Galvez, but without date; 4th, the certificate of the same commandant, setting forth that, in pursuance of the governor's decree, he had put the party in possession of the land solicited, and fixed his boundaries in presence of the neighbors, whose names are subscribed; this is dated at Opelousas, June 2, 1778; 5th, a deed of obligation, dated at Opelousas, January 29, 1780, by which Joseph Landry, the grantee, promises to make a transfer in due form, after the titles of his land shall have been perfected, to Fabien Richard, in exchange for other land; 6th, a deed of sale from Fabien Richard to Baptiste Grange, dated January 7, 1787; 7th, a deed of sale from Fabien Landry and Jean Baptiste Grange to David Arkason, dated September 2, 1817; and, 8th, a deed of sale from David Arkason to the claimant, dated the 5th October, in the year 1818. In this claim the signatures of the governor and commandant, and particularly the handwriting of Mr. De Clouet, appear to be genuine, and there is no doubt that the documents throughout are authentic, and entitled to the fullest credit. From the best information, the land has been occupied for near forty years. The confirmation is therefore recommended.

A No. 2. George King, and the legal representatives of Simon Taylor, deceased, claim a tract of land containing three thousand two hundred superficial arpents, equal to two thousand seven hundred and eight American acres, to wit: forty arpents in front on the Bayou Boeux, with a depth of forty arpents on each side of said bayou, adjoining on the upper side to land conceded by the Spanish government to Jacques Lafleur, and on the lower side to vacant land; one undivided moiety of the said land being the

property of the said George King, and the other that of the legal representatives of the said Simon Taylor, deceased.

In support of this claim the following documents of title are filed: 1st, a requête in the name of Laurent Dupré, dated at Opelousas, October 29, 1791, for the tract of land above described; to which is subjoined an order of survey by Governor Miro, dated at New Orleans, November 9, 1791, ordering the commandant of the post of Opelousas to put the petitioner in possession of the land solicited, with no other condition than that it shall not prejudice any other person; 2d, a deed of sale duly executed and authenticated from Laurent Dupré to Simon Taylor for the entire tract of land described, dated December 14, 1818; 3d, a deed of sale from the said Simon Taylor to George King for one undivided moiety of the said tract, dated December 23, 1818.

In support of this claim, the following oral testimony has been adduced: General Garrigues sworn and examined before the register, says that he brought from the city of New Orleans the order of survey or concession made by Governor Miro in favor of Laurent Dupré; that he received it from Mr. François Thomequex some time in the spring of 1817 or 1818; that Mr. Thomequex inquired of deponent if he knew such a man in Opelousas as Laurent Dupré, to which deponent replying in the affirmative, the said Thomequex said he had found a concession of land to said Dupré among the private papers of his, the said Thomequex's, deceased father-in-law, Mr. Pedesclaux, formerly a notary public in the city of New Orleans. Deponent says that he knew Mr. Pedesclaux in his capacity of notary public; that Laurent Dupré requested him, the deponent, to search for the paper in question, knowing that it must have been in some of the public offices in the city; that he inquired of Mr. F. Duplessis, with whom the concession was said to have been left; that said Duplessis informed deponent he had said concession, among others, which he had deposited in the proper office of the government, or land department. The deponent then searched in all the offices of persons whom he understood had been notaries under the Spanish government, but could never find the concession until the time above mentioned. Deponent says that his searches had always been directed among the public papers of the said notaries, and was informed by Mr. Thomequex that it was found among the private papers of the said notary as above stated. Deponent says that since the year 1805, being the year of his arrival at Opelousas, and at that time, and many years after, a surveyor for the United States by the appointment of Mr. Briggs, surveyor general, he has often heard from the said Laurent Dupré and the inhabitants that he had a title for the land in question, but that it had been mislaid in New Orleans; that he had always understood the Spanish government had granted a tract of land to each of the three brothers, Jacques Dupré, Laurent Dupré, and Antoine Dupré; the first being the uppermost tract, that of Laurent Dupré adjoining, and that of Antoine the next below.

Jacques Dupré, being sworn and examined before the register, says he distinctly recollects that the requêtes of his two brothers, Laurent and Antoine Dupré, were, about the time of their dates, sent by Mr. François Pitre, sen., to New Orleans, to obtain on them the necessary concession from the governor; that, on the return of said Pitre, he informed this deponent that he had left the said requêtes in the hands of Mr. François Duplessis, who had engaged to pay the necessary attention to them. Deponent further says that, some time afterwards, going to New Orleans, he was requested to ask for the said concessions; that on his arrival in the city he applied to Mr. Duplessis, who expressed surprise at learning that the grants had not been sent up, remarking that he had placed the requêtes in the proper office without delay, to be carried into grants; that he, the deponent, then inquired at the land offices, but that the papers could not be found during his stay. Deponent being asked if he knew why the certificate of the commandant or surveyor had not been obtained to the requêtes in question, says he was informed by Mr. Piernass, an attorney-at-law, the son of the late governor at Illinois, that it was not necessary, and that he relied on such information as correct.

The documents of title in this claim appear to be genuine and in due form, except the usual certificate of the commandant, of the vacancy of the land, which is certainly not material to the validity of the grant.

The testimonial proof may be relied upon implicitly, the witnesses who have deposed being gentlemen of the first respectability.

The claim is therefore recommended for confirmation.

A No. 3. Cyprien Arceneau claims a tract of land containing 720 superficial arpents of land, equal to 609.30 American acres, to wit: eighteen arpents in front by forty in depth, situated on the west side of the Vermilion river, in Grand Prairie of Attakapas, at the extremity of the depth of the land which he owns by purchase on the Vermilion river.

In support of this claim the following documents of title, given as copies from the land office of the eastern district of Louisiana by Charles Appé, signing as clerk and translator of the land office, have been filed: 1st. The requête for the land in question by the claimant, and dated March 6, 1801, with the opinion of the fiscal royal, dated May 20, 1802, together with the decree of the intendant general, Morales, dated June 2, 1802. The following testimonial proof has been adduced in this claim, to wit: Edward Prejean, sworn and examined before the register, hath deposed as follows: "That he is thirty years of age, a native of Attakapas, and resides within less than two miles from the land in question; that it is within his knowledge that the claimant has occupied and cultivated the said land for fifteen or eighteen years; that the claimant, from the earliest recollection of deponent, resided on the front tract, of which the land in question is the second depth, until eight or nine years past, when he built on the tract now claimed, (meaning the westernmost one,) where he has resided ever since; that the claimant is also a native of Attakapas, and about thirty-six years of age, charged with the support of a wife and five children.

The claimant in this case appears to have used due diligence to obtain the original document, which is the basis of his title, and there is no doubt the original title paper does exist in the land office at New Orleans.

The testimonial proof in this claim is very credible, and the claimant himself a man of good moral character.

The claim is therefore recommended for confirmation, and, in this event, it is further recommended that the sum of \$253 87½ be refunded to the claimant, that amount having been paid by him at this office July 6, 1820, by virtue of the 5th section of an act of Congress of March —, 1811, and revived May 11, 1820, of which he availed himself to avoid being disturbed in his possession,

A No. 4. The legal representatives of Jean Baptiste Melançon, of the parish of St. Martin's, claim a tract of land containing 240 superficial arpents, equal to 203.10 American acres, to wit: six arpents in front with forty arpents in depth, situated in the Grand Prairie of Attakapas, on the west side of the



river Vermilion, adjacent to and back of a tract heretofore conceded by the Spanish government to the said Jean Baptiste Melançon.

In support of this claim the following authenticated copies of documents under the hand of John W. Gurley, late register of the eastern district of the then territory of Orleans, have been filed, that is to say: 1st. The requête of Jean Baptiste Melançon, dated March 6, 1801, soliciting the grant of the tract of land above described. 2d. The certificate of Louis C. de Blanc, commandant of the post of Attakapas, of the same date, stating that the land petitioned for may be granted. 3d. The opinion of Gilbert Leonard, dated at New Orleans, May 19, 1802, to which is subjoined, 4th, the order of the intendand general, Morales, granting the prayer of the said petitioner as soon as the petitioner shall have forwarded a survey of the said land.

The title papers in this claim appear to be in the usual forms; the claimant states that the original having been refused to him, he could only file copies. There is no doubt but that the originals do exist in the land office at New Orleans.

The claim is therefore recommended for confirmation.

B No. 5. Robert Taylor, of the county of Opelousas, as the agent or representative of Leon Bertamy, claims a tract of land of 2,400 superficial arpents, equal to 2,031 American acres, to wit: thirty arpents front on the Bayou Huffpower, in the county of Opelousas, with the depth of forty arpents on both sides of the said bayou. In support of this claim the following documents of title have been filed: 1st, the requête of the said Leon Bertamy, dated March 14, 1792, soliciting a grant of the tract of land above described; to which is subjoined, 2d, a certificate dated March 14, 1792, stating that the land solicited was of his Majesty's domain, with the signature of "Franco Forestal" subjoined thereto; and, 3d, the concession or order of survey by Baron de Carondelet, ordering Don Carlos Trudeau, surveyor, to put the party in possession of the land solicited, and dated at New Orleans, May 15, 1792. "That the document on which this claim is predicated counterfeit, almost to demonstration, is manifest. The register believes it to be counterfeit, because the requête and the order of survey annexed to it are both in a handwriting which he knows very well to be that of a Spaniard who was in this town two or three years past, and, from information, is believed not to have come to the country, certainly not to Opelousas, until long since the change of government; because, for the purpose probably of changing the appearance of the paper and the writing, and making both seem as ancient as their date, the paper had been so completely saturated by the application of some saline mixture as to become damp whenever the atmosphere was humid, so much so that it became necessary to wrap it in several folds of waste paper to prevent the injury of other papers in the bundle in which it was filed, until, by changing these envelopes, the effect has in a great degree been counteracted; because, from good authority, it is believed that the bayou called Huffpower, where this land is claimed, was so little known, and the lands on it so little esteemed, that none of them were granted under the Spanish government; and if the bayou was known, it was not by the name of Huffpower nor of 'Ozpor,' as it is written in the requête, but by that of 'Sangsacon,' because, although in the petition or requête Leon Bertamy is called an inhabitant of the parish of Opelousas, none of the present inhabitants of Opelousas ever knew the man or any family of that name; because Opelousas has at no time been known as a parish by that name, but at the date of this requête was called the post, sometimes the district of Opelousas, and subsequently the county of Opelousas and parish of St. Landry; because, to the certificate stating the land solicited was of the King's domain the name of Franc. Forestal is affixed as the commandant of Opelousas, when it is well known that no such person was ever commandant of Opelousas, but that at the date of said requête Mr. Nich. Forestal was the commandant; and, lastly, because a paper has been presented at this office, in the same handwriting of the one under consideration, purporting to be an order of survey conceded by the Baron de Carondelet for land on the same bayou, to which the name of Balentine Laysard is signed instead of Valentine Laysard, who was at that time commandant of the post of Rapides."

The foregoing is an exact copy of the opinion of the former register with whom these claims were filed, he having reported his opinions as far as this number. It appears, indeed, so well founded and correct that it has been adopted entire, and the claim is therefore not recommended for confirmation.

B No. 6. David Caruthers, of the county of Attakapas, claims a tract of land containing 420 superficial arpents, equal to 355.43 American acres, to wit: ten arpents in front with forty-two arpents in depth, situated in a place commonly called the Grand Prairie of Attakapas, on the right bank of the Bayou Vermilion, bounded on the lower side by Pierre Bernard's part of the same original tract. In support of this claim the following documents of title have been filed, that is to say:

1st. The requête of Amant Prejean, dated November 27, 1776, soliciting a grant of a tract of land of twelve arpents by forty-two arpents in depth. 2d. The certificate of the Chevalier de Clouet, then commandant of the post of Opelousas and Attakapas, stating that the land prayed for was of his Majesty's domain, dated November 28, 1776. 3d. The order of survey by Governor de Galvez, ordering the commandant to put the petitioner in possession of the land solicited, dated April 1, 1777. 4th. The commandant's certificate stating that, in pursuance of the governor's order, he had put the party in possession, and fixed the boundaries of the land prayed for, in presence of the neighbors whose names are subscribed to the said certificate, dated September 4, 1777. 5th. The title in form to Amant Prejean, the petitioner, dated at New Orleans, March 5, 1778, and signed by Governor de Galvez. 6th. An extract from the general sale of the property of the said Amant Prejean by the Chevalier de Clouet, January 16, 1788, whereby the above-described land was sold to William Caruthers, the said extract being signed by Francisco y Luengo Caso, commandant of Attakapas, and dated July 2, 1795. 7th. A plat of survey of the above-described land by Gosoult, dated July 4, 1795. 8th. A deed of sale passed before Luengo and witnesses, January 2, 1796, from William Caruthers to the claimant for four arpents front of said tract, with the ordinary depth. The claimant states in his notice that he will produce in due time the title for the remaining six acres which he claims. In this claim the documents are no doubt authentic and genuine. In the abstract of patents one is found corresponding with that filed herein. But on examining the claims confirmed by the commissioners, two arpents front of this tract are found to be confirmed to Pierre Bernard, and the other ten arpents now claimed are found confirmed to William Caruthers by commissioners' certificate A No. 2122. This, therefore, ought not to be confirmed.

B No. 7. Gerard and Hypolite Chretien, brothers, of the parish of St. Landry, inheriting from their deceased brother, Pierre Chretien, claim a tract of land containing three thousand two hundred superficial arpents, equal to two thousand seven hundred and eight American acres, being forty arpents front on the Bayou Nezpieque, with forty arpents in depth on both sides of said bayou, in the said parish of St. Landry, bounded on one side by the land of McNamara, and on the other side by vacant land.



In support of this claim the following documents are filed: 1st. A title in form, signed by Bernardo de Galvez, dated August 23, 1781, to Pierre la Cost for the tract of land above described. 2d. A deed of sale duly executed and authenticated from John Gradnigo to the aforesaid Pierre Chretien, dated October 9, 1806, for the above land. 3d. A plat of survey of the above-described land by William Darby, a deputy surveyor under the authority of the United States, dated August 25, 1816.

On examining the claims confirmed by the commissioners, this tract is found to have been confirmed to Pierre Chretien precisely as herein described by the certificate marked A No. 1887. It is therefore not recommended for confirmation.

A No. 8. Gerard and Hypolite Chretien, brothers, of the parish of St. Landry, joint heirs of Joseph Chretien, deceased, claim a tract of land containing 480 superficial arpents, equal to 406 American acres, being twelve arpents front by forty arpents in depth on the Bayou Bourbeaux, in the prairie called at the date of the concession of said land, "Grand prairie," in the county of Opelousas.

The claimants file in support of their claim the following documents: 1st. A requête in the name of Louis St. Germain, dated September 16, 1776, for the above-described tract of land. 2d. The certificate of approval by the commandant, the Chevalier de Clouet, dated September 17, 1776. 3d. The order of survey by Governor de Galvez, ordering the commandant to put the petitioner in possession of the land solicited, and dated April 1, 1777. 4th. The certificate of the same commandant, stating that he had put the petitioner in possession of the land solicited, dated June 10, 1777. 5th. The patent or title in form by Governor de Galvez, dated July 9, 1777. 6th. The deed of sale from Louis St. Germain to Mr. Chretien, December 7, 1781, and passed before the Chevalier de Clouet and witnesses. 7th. A plat of survey of the said tract of land together with an adjoining one, dated April 7, 1793.

The documents in this claim seem to be genuine, and it is therefore recommended for confirmation. As, however, the family of the claimants is large, and they have not established an exclusive heirship, the register recommends, as in the foregoing claim, that the confirmation should be in the names of the heirs and legal representatives of Joseph Chretien.

A No. 9. Gerard and Hypolite Chretien, brothers, of the parish of St. Landry, claim a tract of land containing 240 superficial arpents, equal to 203.10 American acres, to wit: six arpents front by the depth of forty arpents on the Bayou Bourbeaux, in the prairie called at the date of the concession of said land Grand prairie. In support of this claim the following documents of title have been filed, to wit: 1st. The requête of Louis St. Germain, dated June 17, 1777. 2d. The certificate of the Chevalier de Clouet, commandant of the post of Opelousas, stating the land above described to be of the domain, dated July 2, 1777. 3d. The concession or order of survey by Governor de Galvez, ordering the commandant to put the petitioner in possession of the land prayed for, dated July 21, 1778. 4th. Certificate of same commandant, stating that he had put the party in possession of the said land, and fixed his boundaries in presence of a neighbor, whose name is subscribed to the said certificate, dated at Opelousas, October 26, 1778. 5th. The patent or title in form to Louis St. Germain for the said described tract of land, dated at New Orleans, June 23, 1781, and signed by Governor de Galvez. The claimants refer, 6thly, to a deed of sale filed in their claim No. 8, from the said Louis St. Germain to Mr. Chretien, dated December 7, 1781, and passed before the Chevalier de Clouet and witnesses, and likewise to a plat of survey filed in the said last-mentioned claim of said tract of land, dated April 8, 1793.

The documents of title in this claim appear to be genuine, and the confirmation is therefore recommended, and for the same reasons as in the preceding claim, to the heirs and legal representatives of Joseph Chretien.

A No. 10. Gerard and Hypolite Chretien, brothers, of the parish of St. Landry, heirs of the deceased Joseph Chretien, claim a tract of land containing 1,600 superficial arpents, equal to about 1,354 acres American measure, being for forty arpents front with forty arpents in depth on Bayou Bourbeaux, adjoining other land of the claimant.

In support of this claim the following documents of title have been filed: 1st. The requête of Joseph Chretien, their deceased father, dated at Opelousas, July 20, 1774, soliciting a grant of the tract of land above described. 2d. The certificate of the Chevalier de Clouet, then commandant of the post of Opelousas and Attakapas, stating that the land solicited was of his Majesty's domain, and that the said Joseph Chretien had been settled on it three months, dated July 22, 1774. 3d. The concession or order of survey by Governor de Unzaga, ordering the commandant to put the petitioner in possession of the land solicited, and to fix and place the boundaries thereof, dated January 19, 1776. 4th. The certificate of the same commandant, setting forth that, in pursuance of the governor's decree, he had put the petitioner in possession of the land solicited in presence of a neighbor, whose name is subscribed, dated September 27, 1776. 5th. The patent or title in form to Joseph Chretien for the said tract of land, dated at New Orleans, October 7, 1776, and signed by Governor de Unzaga. 6th. A plat of survey of the said land by Christ. Bolling, dated February 21, 1806.

The documents of title in this claim appear to be genuine, and the confirmation is therefore recommended, and for the same reasons as in claims Nos. 7, 8, and 9, to the heirs and legal representatives of Joseph Chretien.

A No. 11. Gerard and Hypolite Chretien, brothers, and joint heirs of Joseph Chretien, late of Opelousas, deceased, claim a tract of land containing 1,200 superficial arpents, equal to 1,015½ acres, American measure, being for thirty arpents front with forty arpents in depth on Bayou Bourbeaux, adjoining other land of the claimants.

In support of this claim the following documents of title have been filed, to wit: 1st. An authenticated copy of a requête in the name of the aforesaid Joseph Chretien for the above-mentioned tract of land, dated April 24, 1802. 2d. A certificate of approval of the same date, signed by Martin Duralde, then commandant of the post of Opelousas, stating that the land solicited was of his Majesty's domain. 3d. The proceedings of the fiscal royal and other officers under the Spanish government at New Orleans. 4th. The decree of Morales, then intendant of the province of Louisiana, dated October 7, 1802, granting the said land as solicited.

The documents of title in this claim appear to be genuine, and the confirmation is therefore recommended, and for the same reasons as in the preceding reports, to the heirs and legal representatives of Joseph Chretien.

A No. 12. Joseph Young, sr., of the parish of St. Landry, claims a tract of land containing four hundred superficial arpents, equal to about three hundred and thirty-eight and one-half acres, American measure, being for ten arpents front on Bayou Cannes, in the said parish of St. Landry, with the depth of

forty arpents, bounded, at the time solicited, on all sides by vacant land. The following documents of title have been filed in support of this claim:

1st. The requête of Pierre Fontenot, soliciting the above-described land, dated at Opelousas, May 14, 1780. 2d. The certificate of approval, stating that the land solicited was of the domain, and signed by the commandant of Opelousas, the Chevalier de Clouet, and bearing date May 19, 1780. 3d. The order of survey or concession by Governor de Galvez, ordering the commandant to put the petitioner in possession of the land solicited, and dated at New Orleans, June 20, 1781. 4th. A deed of sale of the above-described land, passed before George King, notary, and witnesses, at Opelousas, December 21, 1820, from one William Hay to the said Joseph Young, sr., the claimant; in which deed it is stated that Pierre Fontenot, the petitioner, sold the said land to Joseph Ouachin, who sold it to Robert McKim, and by him left to his wife, who sold the same to the said William Hay, her son-in-law, the aforesaid sales all having been made by a delivery of the title papers.

The documents of title in this claim seem to be genuine. The chain of title being defective from the original claimant, (the sale of real estate in Louisiana requiring an act before a notary public and witnesses,) it is therefore recommended for confirmation in the name of the legal representatives of Pierre Fontenot.

A No. 13. The legal representatives of Alexander de l'Home, late of the county of Attakapas, claim a tract of land containing two thousand superficial arpents, equal to sixteen hundred and ninety-two and one-half acres, American measure, being for fifty arpents front with forty in depth, situated in the parish of St. Martin's, on the right bank of the river Tché; bounded on the upper side by land conceded to Fusilier de la Clair, and vacant land, and on the lower side by the land of Pierre Nezatz.

In support of this claim the following documents of title have been filed, that is to say: 1st. A plat of survey, by Don Carlos Trudeau, of the above-described tract of land, in favor of Madame Marie Jeanne Caron, widow of Joseph Deville de Goutin, stating that the same had been granted to her by the order of Governor Miro, dated May 9, 1786, and likewise by the patent or title in form of the Baron de Carondelet, dated May 24, 1792. 2d. The confirmation of the above grants to the said Marie Jeanne Caron, widow of Joseph Deville de Goutin, signed by Morales April 8, 1802. 3d. A deed of sale, dated July 30, 1802, passed before Antoine N. Broutin, public writer, of the above-described tract of land, from Charles Jumonville de Villier to Alexander de l'Home, in which sale it is stated that the said Charles Jumonville de Villier had acquired the same by purchase from the grantee, Marie Jeanne Caron, widow of Joseph de Villier.

The documents of title in this claim seem to be genuine. The sale from the original grantee, Caron, is wanting; but in the deed from Charles Jumonville de Villier, before the notary public in the city of New Orleans, of date July 30, 1802, mention is made by the said notary that the said Marie Jeanne Caron had sold the land in question to the said De Villier on the 21st of the same month, by a public act before the same notary. The undersigned register considers this a sufficient proof of sale to warrant the confirmation in the name of the claimant, which is recommended accordingly.

A No. 14. The legal representatives of Alexander de l'Home, late of the county of Attakapas, deceased, claim a tract of land containing five hundred and four superficial arpents, equal to four hundred and twenty-six and one-half acres, American measure, being for twelve arpents front with forty-two in depth, situated in the large cove of the Prairie Gros Chevreuil, and bounded on one side by the land of Fusilier de la Clair, and on the other by the land of Pierre Nezatz.

The following documents of title have been filed in support of this claim, to wit: 1st. The requête of Jean Dartes, dated August 24, 1775. 2d. The certificate of the Chevalier de Clouet, then commandant of the post of Attakapas, stating that the land solicited and above described was of his Majesty's domain, dated August 24, 1776. 3d. The concession or order of survey by Governor de Galvez, ordering the commandant to settle the petitioner on the land solicited, to wit: twelve arpents front with forty-two in depth. 4th. The certificate of possession by Mr. De Clouet, dated November 8, 1777, by which he certifies to have measured to the grantee twelve arpents front with twenty arpents in depth in the woods, and twenty arpents in the prairie.

The patent in form by the said Governor de Galvez, dated March 5, 1774, conceding the said twelve arpents front with twenty arpents in depth—which word "twenty" the claimants contend is a mistake, and should have been *forty-two* to embrace the quantity expressed in the first concession of the said governor, or *forty* to correspond with the quantity of which the commandant appears to have put the petitioner in possession. An instrument of writing signed by the said Chevalier de Clouet, and dated June 15, 1786, whereby Mr. De Clouet, jr., confesses to have transferred the titles to the above-described land to his cousin, the Chevalier de l'Home, in exchange for another tract; and further, that he, Mr. De Clouet, jr., became the proprietor of the said land by purchase from Mr. Latiolais, to whom it was sold by the petitioner, Dartes.

The documents of title in this claim seem to be genuine; and, from the tenor of the whole proceedings, the equitable extent of the claim ought to be twelve by forty arpents. The requête asks for the depth of *forty-two* arpents. The actual location of the commandant, in presence of the claimant and the adjoining proprietors, is for the depth of forty arpents, viz: twenty in the woods and twenty in the prairie; the title in form gives, indeed, but twenty arpents in depth, but the mistake might have very naturally happened from the hurry incident to these proceedings, and the actual subdivision of that number of acres into woods and prairies in the return of the commandant.

The claim is therefore recommended for confirmation for twelve arpents front by the depth of forty arpents, to the legal representatives of Alexander de l'Home.

A No. 15. The legal representatives of Anaclet Broussard, late of the parish of St. Martin's, deceased, claim a tract of land containing three hundred and twenty superficial arpents, equal to 270.80 acres, American measure, being eight arpents in front with forty arpents in depth, commencing at the termination of the depth of the land of the late Silvain Broussard, father of Anaclet, whose land fronts on the river Tché, in the parish of St. Martin's. In support of this claim the following documents of title have been filed: 1st. The requête of Anaclet Broussard, dated January 29, 1798, praying for the grant of the tract of land above described. 2d. The reference by the commandant of Attakapas to the surveyor, Mr. Gonsolin, dated January 29, 1798. 3d. The certificate of Mr. Gonsolin, stating that the above-mentioned land is vacant. 4th. The certificate of the commandant of Attakapas, Louis Le Blanc, dated February 7, 1798, stating that no objections existed to the lands being granted to the petitioner. 5th. The concession or order of survey by Governor Manuel Gayoso de Lemos, dated October 24, 1798, ordering the surveyor to put the party in possession of the land solicited.



The documents of title in this claim appear to be genuine, and the claim is therefore recommended for confirmation.

B No. 16. The legal representatives of Ignace Babin, of the parish of St. Martin's, claim a tract of land containing four hundred and twenty superficial arpents, equal to 355.27 American acres, to wit: ten arpents in front with forty-two arpents in depth, in the Grand Prairie of Attakapas, bounded, at the date of the concession, on one side by the lands of Joseph Babin, and on the other side by the King's domain.

In support of this claim the following document of title has been filed, that is to say: An authenticated copy, under the hand of Samuel H. Harper, register of the eastern district, of a patent or title in form to the said Ignace Babin, granting to him the above-described land, dated March 5, 1778, and signed by Governor de Galvez. The patent mentioned in this claim corresponds with one on the abstract of patents certified by the register at New Orleans for the use of this office; but, on examining the claims, this is found to have been confirmed to Thomas Caruthers by commissioners' certificate No. 1756. It is, therefore, not recommended for confirmation.

A No. 17. The legal representatives of Solomon Andrus, late of the county of Attakapas, deceased, claim a tract of land containing four hundred and eighty superficial arpents, equal to — American acres, to wit: twelve arpents front by forty arpents in depth, at a place called Grand Cote, in said county.

The following documents of title have been filed in support of this claim: The requête of Solomon Andrus, dated April 6, 1795, praying for a grant of the above-described land; the certificate of approval of François Caso y Luengo, the commandant of Attakapas, dated April 4, 1795; and the order of survey of the Baron de Carondelet, dated May 4, 1795, granting the above-described land to the petitioner.

The documents of title in this claim seem to be genuine, and the claim is therefore recommended for confirmation.

A No. 18. The legal representatives of Joseph Carriere, late of the county of Attakapas, deceased, claim a tract of land containing eight hundred superficial arpents, equal to — American acres, to wit: twenty arpents front on the east side of Vermilion river, in the parish of St. Martin's, by the depth of forty arpents; bounded on one side by land formerly belonging to Santiago Fusilier. The claimants have filed in support of this claim an exemplification from the records of the register's office at New Orleans, of a complete patent in favor of the said Joseph Carriere, made and granted in New Orleans on June 23, 1781, by Don Bernardo de Galvez, then governor of the province of Louisiana, for the above described land, and which is found to correspond with the extract of patents in this office.

The documents of title in this claim appear to be genuine, and it is therefore recommended for confirmation.

A No. 19. The legal representatives of Paul Le Blanc, late of the city of New Orleans, deceased, claim a tract of land containing two thousand superficial arpents, equal to 1,692.56 American acres, to wit: twenty-five arpents front on both banks of the Bayou Salé, in the county of Attakapas, with the depth of forty arpents on each side of said bayou. In support of this claim the following documents of title have been filed, to wit: the requête of Paul Le Blanc, without date, soliciting a grant of the above-mentioned tract of land, to which are subjoined certain proceedings and decrees of the officers of the land department under the Spanish government, to wit: Mr. Louis Charles Le Blanc, commandant of the post of Attakapas; Pierre Pedesclaux, delegated judge; Gilberto Leonard, the fiscal royal; together with the order of survey of Mr. Morales, intendant of the province of Louisiana, dated at New Orleans, from October 30 to November 8, 1802.

The following testimonial proof has been adduced in this claim:

Before me, Philogène Favrot, judge of the parish of West Baton Rouge, State of Louisiana, personally came and appeared Armand Duplantier and Pierre Favrot, both residing in the State aforesaid, and, after being duly sworn, depose and say that they are well informed, by personal knowledge, that Paul Le Blanc, late an officer in the Spanish service, and De Villeneuve Le Blanc, Terence Le Blanc, and Octave Le Blanc, his sons, all residing within the State aforesaid, own several tracts of land situated on the Bayou Salé, in the county of Attakapas; that the said Paul Le Blanc, Villeneuve Le Blanc, Terence Le Blanc, and Octave Le Blanc had their claims to said tracts of land in the office of Laveau Trudeau, late surveyor general of the province of Louisiana; that, both under the Spanish and territorial governments, they made great exertions to get said claims from said office, but could not get them owing to the said Laveau Trudeau's bad state of health; that, since the State of Louisiana has become *indépendante*, the aforesaid claimants could not get said claims, as the said State of Louisiana had made no provisions for the purchase of said office until the year 1818; and the said deponents further say not.

DUPLANTIER.

FAVROT, *Pere*.

Signed before me November 22, 1820.

P. H. FAVROT, *P. Judge*.

The documents of title in the foregoing claim appear to be genuine. The extraordinary fact mentioned by the witnesses, of the purchase of the office of the late surveyor general of the province of Louisiana, is actually true. The legislature of the State of Louisiana, in 1818, passed an act, and made a large appropriation to this effect; and until this era numerous claimants had been deprived of their title papers, which should have been transferred among the essential archives to the succeeding government. This claim is therefore recommended for confirmation.

A No. 20. Octavio Le Blanc, of the city of New Orleans, claims a tract of land containing 2,000 superficial arpents, equal to 1,692.56 American acres, to wit: twenty-five arpents front on Bayou Salé, in the county of Attakapas, with the depth of forty arpents on each side of said bayou.

In support of this claim the following documents of title have been filed, to wit: the requête of the claimant, without date, soliciting a grant of the above-mentioned land, to which are subjoined certain proceedings and decrees of the officers of the land department under the Spanish government, dated at New Orleans from October 30 to November 8, 1802; to wit: Mr. Louis Charles de Blanc, commandant of the post of Attakapas; Pierre Pedesclaux, delegated judge; Gilbert Leonard, fiscal royal, together with the order of survey signed by Morales, intendant of the province of Louisiana at the dates above mentioned.

The testimonial proof is the same in this as in the preceding claim, (No. 19.) The documents of title appearing to be genuine, it is therefore recommended for confirmation.

A No. 21. Joseph Le Blanc, of the city of New Orleans, claims a tract of land containing 2,000 superficial arpents, equal to 1,692.56 American acres, to wit: twenty-five arpents on both sides of the Bayou Salé, in the county of Attakapas, front by the depth of forty arpents.



In support of this claim the following documents of title have been filed, to wit: the requête of the claimant, without date, praying for a grant of the above-described tract of land, to which are subjoined certain proceedings and decrees of the officers of the land department under the Spanish government, dated at New Orleans, from October 30 to November 8, 1802, to wit: Mr. Louis Charles De Blanc, commandant of the post of Attakapas; Pierre Pedesclaux, delegated judge; Gilbert Leonard, fiscal royal, together with the order of survey signed by Morales, intendant of the province of Louisiana at the above-mentioned dates.

The testimonial proof is the same in this as in the preceding claim, (No. 19,) and the documents of title appearing to be genuine, it is therefore recommended for confirmation.

A No. 22. Terence Le Blanc, of the parish of St. Jean Baptiste, claims a tract of land containing 2,000 superficial arpents, equal to 1,692.56 American acres, to wit: twenty-five arpents front on both sides of the Bayou Sallé, in the county of Attakapas, with the depth of forty arpents.

In support of this claim the following documents of title have been filed, to wit: the requête of the claimant, without date, praying for the above-described tract of land, to which are subjoined certain proceedings and decrees of the officers of the land department under the Spanish government, dated at New Orleans, from October 30 to November 8, 1802, to wit: Mr. Louis C. De Blanc, commandant of the post of Attakapas; Pierre Pedesclaux, delegated judge; Gilbert Leonard, fiscal royal; together with the order of survey to the claimant signed by Mr. Morales, intendant of the province of Louisiana at the dates above mentioned.

The testimonial proof is the same in this as in the preceding claim, (No. 19;) and the documents of title appearing to be genuine, it is therefore recommended for confirmation.

A No. 23. Pierre Favrot, of the parish of West Baton Rouge, claims a tract of land containing 640 superficial arpents, equal to 541.60 American acres, being for sixteen arpents front, (or the quantity that may be found between the lines of Pierre Broussard and Rene Trahan, by which this claim is limited,) with the depth of forty arpents, fronting on the Bayou Tortue of the Vermilion, being part of an ancient patent or title in form from the Spanish government to Bernard Dautrive, conceded by Governor de Unzaga on September 4, 1771. The aforesaid patent having been destroyed by fire, the claimant cannot adduce any original document, but begs leave to refer to the abstract of patents for the evidence of the patent under which he claims.

In support of this claim the following documents are filed, being certified copies from the office of the parish judge of the parish of San Martin: 1st. The act of possession, dated December 8, 1775, given by the Chevalier de Clouet, then commandant of the post of Attakapas, to Mr. Dautrive, for the tract of land mentioned. 2d. The judicial sale, dated December 9, 1775, of Mr. Dautrive's property, before the Chevalier de Clouet and witnesses, by which Madam Dautrive became the purchaser of the said tract of land. 3d. A sale passed before the Chevalier de Clouet and witnesses, from Mr. and Madam Degruise, (the late widow Dautrive,) to the claimant, of date May 11, 1779, of the land first above described, being part of the tract which Madam Degruise purchased at the said judicial sale of property of her former husband, Mr. Dautrive, as above stated.

On referring to the abstract of patents in this office, it appears that there was a complete concession to Bernard Dautrive, of the date mentioned in this claim, for forty-two arpents front on the Bayou Tché, in the county of Attakapas, by the depth of one hundred and twenty arpents, or one league and a half, out of which the following seem to have been confirmed by the board of commissioners, to wit: five arpents front on the west or right bank of the Tché, to extend for depth to the Bayou Tortue, No. 1314; six arpents front with the same depth, No. 1315; six arpents front with the depth of forty, No. 1321; five arpents front with the depth of forty, No. 1322; and three arpents front by the depth of forty, No. 1345; making a front of twenty-five arpents, and leaving the quantity herein claimed. It is therefore recommended for confirmation.

B No. 24. Louis Bertrand, of the parish of Natchitoches, claims a tract of land containing one league square, situated at the head of the Bayou Nabenchas, in the Bayou Pierre settlement, in the said parish of Natchitoches.

In this claim the following documents of title have been filed, to wit: 1st. The requête of Bazil Gagne, dated at Bayou Pierre, September 3, 1804, addressed to Don José Joachim de Ugarte, commandant of the post of Nacogdoches, soliciting a grant of the above-described tract of land. 2d. The concession of the said commandant, dated September 10, 1804, granting the said land to Jacintha Gagne, widow of Jacques Gaulé, and sister to the petitioner, in consideration of the settlement which she had formed thereon. 3d. A receipt from Joseph Manuel de Castro, dated September 17, 1804, to Bazil Gagne, for the fees of office due, on giving possession of said land. The two following declarations being translations from the French language, are also filed in this claim, though the same have not been taken under the solemnity of an oath.

"I do hereby certify that for ten years last past Mr. Louis Bertrand has been a planter, and resided on the land which he occupies, without any hindrance. Bayou Pierre, May 30, 1814.

"MARCEL DE SOTO."

"I do hereby certify that for the last ten years Mr. Louis Bertrand has resided on the land which belongs to him without any obstruction. Bayou Pierre, May 30, 1814.

"PIERRE LAFITTE."

The land herein claimed is no doubt situated in the Neutral Territory, or in that district of country whose jurisdiction was in dispute between Spain and the United States before the ratification of the treaty of February 22, 1819; it therefore could have no place in these reports. But, independent of this circumstance, the claim, considered on its merits, comes in a very questionable shape. The claimant makes not even an apology for an entire want of proof that he holds legally from Jacintha Gagne. The concession, too, is of an extraordinary kind; the original demand is made by B. Gagne; the concession is in the name of another. The oral testimony seems, also, to be studiously equivocal, affording no sort of proof that the residence of which it speaks was on the land claimed. This claim, therefore, could not be recommended for confirmation.

A No. 25. The heirs and legal representatives of David Smith, late of the county of Attakapas, deceased, claim a tract of land containing 1,600 superficial arpents, equal to 1,354 American acres, being for twenty arpents in front, on the river Tché, with forty arpents in depth on both sides of the said bayou,

between the island Tochome and the woods "*des Yocléé*," bounded, at the date of concession, on one side by the land of François Boutté, and on the other side by land of Hilaire Boutté.

In support of this claim the following documents of title are filed, to wit: 1st. The requête of Antoine Boutté soliciting a grant of the above-described tract of land, dated at Attakapas, May 16, 1777. 2d. The certificate of approval, stating that the land solicited is of the domain, dated September 2, 1777, and signed by the Chevalier de Clouet, then commandant of the post of Attakapas. 3d. The order of survey or concession by Governor de Galvez, ordering the commandant to put the petitioner in possession of the land solicited, dated at New Orleans, February 26, 1778. 4th. The certificate of the same commandant, stating that, in pursuance of the governor's order, he had put the said Antoine Boutté in possession of the said land, and fixed the boundaries in presence of witnesses, dated December 30, 1778. 5th. The patent or title in form for the said tract of land to the petitioner, dated March 20, 1779, and signed by Governor de Galvez. 6th. A certified copy under the signature of James White, parish judge of the Attakapas, of a power of attorney from Antoine Boutté to François César Boutté, his brother, whereby he is authorized to partition the above-described tract of land among his (the grantee's) children, that is to say: Louis Hilaire Boutté, François Zenon Boutté, Jean Leon Boutté, and Modeste Boutté, wife of Louis Judice; the said procuration passed at New Orleans, October 13, 1806, before Narcisse Broutin, notary public, and witnesses. 7th. A certified copy under the signature of James White, parish judge of Attakapas, of a letter from Antoine Boutté to his brother, François César Boutté, dated at New Orleans, October 14, 1806, enclosing the above power of attorney, and containing particular instructions to the said François C. Boutté respecting the above partition. 8th. An act passed before James White, parish judge of the Attakapas, dated August 29, 1807, whereby François César Boutté partitions and divides the said land among the grantee's children above named. 9th. A deed of sale of the above-described land from the said Louis Hilaire Boutté, Marie Modeste Boutté, and Louis Judice, jr., to David Smith, passed before James White, parish judge of the Attakapas, April 21, 1808. 10th. The opinion, in writing, dated April 3, 1819, of the late commissioners for adjusting land claims in this district, annexed to the said patent, expressive of their belief of its genuineness, and recommending a survey of the land to be made by the principal deputy surveyor, the time for enregistering the same being elapsed.

On the genuineness of this claim there can be no doubt, and it is therefore recommended for confirmation.

A No. 26. Pierre Sauve, of the county of Attakapas, claims a tract of land containing 400 superficial arpents, equal to 338.50 American acres, to wit: ten arpents front on the west side of Bayou Capuchin, at its junction with the Bayou Tortue, with the depth of forty arpents.

In support of this claim the following documents of title have been filed, to wit: 1st. The requête, which has been defaced and torn, but which appears to be by François Gonsolin, dated October 1, 1787, and bearing his signature, being for ten arpents front by forty in depth. That part of the requête is torn off on which the description and situation of the land should have been written. 2d. The commandant's certificate entire, dated October 3, 1787, in the handwriting and bearing the signature of the Chevalier de Clouet, approving the request of the petitioner, and certifying that the land is vacant, and of the King's domain. 3d. So much of the order of survey or grant under the signature of Governor Miro as would show that it was dated some day in June, 1788, and that the land was conceded with the usual conditions.

The documents of title in this claim seem to be genuine, and the claim is therefore recommended for confirmation.

A No. 27. John Louis and Gros Pierre, acting as the representatives, and two principal men of the Chetimaches Indians, claim, in behalf of the said nation, a tract of land, of which their nation has been in possession, and which they have occupied and cultivated for more than fifty years preceding the present date, situated on both sides of the river Teché, in the county of Attakapas and parish of St. Mary, having a front of about one league on a right line from the upper to the lower limit; bounded on the upper side by a large live-oak, standing on the line between the land of Madame Widow Gregoire Pellerin and the said nation, and below by land conceded to Joseph Prevost, *alias* Collet, with a depth not absolutely defined, but which the said nation contends could not have been short of forty arpents on each side of the said river.

In support of this claim the following documents of title have been filed: 1st. An act dated at New Orleans, June 19, 1767, under the signature of Mr. Aubry, then governor of the province of Louisiana under the French dynasty, recognizing the Chetimaches nation, and ordering the commandant at Manchec to treat their chief with regard. 2d. An act under the signature of Governor de Galvez, dated at New Orleans, September 14, 1777, commanding the commandant and other subjects of the Spanish government to respect the rights of the said Indians in the lands which they occupied, and to protect them in the possession thereof.

The claimants make known that they do not at present own the whole of the lands within the limits aforesaid. That they only retain the title in such portion thereof as has not been sold by the said nation. That the sales which have been made by them and their ancestors, and which they recognize as having been made in good faith, and for full and valuable considerations, are as follows: To Mr. Frederick Pellerin a tract of thirty-five arpents front on both sides of the river, to be taken from the upper boundary; to Mr. Hyacinthe Bernard thirty-three arpents front on both sides of said river, twenty-three arpents of which to be taken adjoining on the upper side to the land which the nation has sold to Mr. F. Pellerin, and ten arpents adjoining below to lands which they had sold to Baptiste Carmouche, whose claim has been confirmed by the government of the United States from long and subsequent occupancy.

The following testimonial proof has been adduced in this claim: Agricole Fusilier deposes that "he is fifty-three years of age, and was born in the county of Attakapas, where he has resided from the time of his birth; that from his earliest recollection the Chetimache Indians have resided on the river Teché, at the place where they have claimed, between the boundaries of the land of the Madame Widow Pellerin and the land conceded to Joseph Prevost; that the rights of the Indians in that situation and on both sides of the river have always been respected by the Spanish government, and no person permitted to interfere with them but such as had acquired a title from them by fair purchase, and for full and valuable considerations."

Frederick Pellerin deposes that "he is in his fiftieth year, and a native of Attakapas, where he has resided constantly from his birth; that he has known the Chetimache Indians and their lands from his infancy, and that it is perfectly within his knowledge that the testimony of Mr. Fusilier, as above given, is in all respects true."

The claim herein alluded to as conveyed by the Indians to Baptiste Carmouche, and confirmed to him by the United States, cannot be found, and consequently the extent of the claim cannot be exactly ascertained.



It appears that the documents herein adduced are genuine, and equal to the highest order of grants, if we are to credit the testimony of Mr. Louis C. de Blanc, now living in Attakapas, and enjoying an unsullied reputation, who was for many years a commandant, civil and military, first for the post of Natchitoches, and afterwards of Attakapas, "that the claims of Indians were always recognized by the Spanish government, and no act thereof was ever considered necessary to their validity." See claim No. 1, in the reports of the commissioners on the Opelousas claims, reported April 6, 1815.

This claim can only be recognized to the extent of one league square, or for eighty arpents front on both sides of the Bayou Tché, with the depth of forty arpents on each side. The confirmation is therefore recommended for that quantity, to commence at the live-oak on the lower boundary of Madame Gregorie, Widow Pellerin, and to run down the Tché, for quantity, eighty arpents, and to include the land herein recognized by the claimants to have been sold by them, viz., to Mr. Frederick Pellerin thirty-five arpents front on both sides of the bayou; to Mr. Hyacinthe Bernard thirty-three arpents front on both sides of the bayou, and the claim of Carmouche. It may be proper to observe that the claim of Hyacinthe Bernard, herein mentioned, was formerly before the board of commissioners, and the testimony not having been sufficient they reported unfavorably on it in their report of the Attakapas claims, No. 14. The additional testimony herein offered has induced a confirmatory decision in recognizing it as valid in the present claim.

B No. 28. John Thompson, of the parish of St. Landry, claims a tract of land containing six thousand four hundred superficial arpents of land, to wit: eighty arpents front on the Bayou Sansfaçon, with the depth of forty arpents on both sides of the said bayou, to be taken at the end of forty arpents from Bayou Bœuf, already conceded.

In support of this claim the following documents of title have been filed: 1st. The requête of Estevan Flores, dated at New Orleans, November 11, 1791, soliciting the land as above described. 2d. The concession or order of survey by Governor Miro, dated at New Orleans, November 26, 1791, ordering the surveyor general of the province, Don Carlos Trudeau, to establish the petitioner on the land solicited. 3d. An authenticated copy of a deed of sale executed before Hugh Laverigne, esq., notary public in the city of New Orleans, dated March 15, 1820, by Estevan Flores, conveys to the present claimant all his right and title in the tract of land above described.

From a close examination of the requête and order of survey filed in this claim, there are very strong doubts of their genuineness, and it is apprehended that the gentleman who has filed them has been defrauded by the grossest counterfeits; but as it would be unjust to report positively against it without instituting a strict inquiry, and as this inquiry could not be instituted without delaying the exhibit of these claims before the ensuing Congress, it is therefore recommended that a further time be given by the honorable Congress, that a full examination may be had, and the whole testimony be incorporated in the report.

A No. 29. The legal representatives of Bernardo Pantaleon, late of the parish of Natchitoches, deceased, claim a tract of four square leagues of land situate about twenty or twenty-five miles in a northwesterly direction from the village of Natchitoches, in the parish of Natchitoches, at a place called Tapalcote, northwardly from a rivulet called Tierra Blanca; its boundaries running along a rivulet called Arroyo del Durasno, (the ancient name of Tapalcote bayou,) extending two leagues to the westward and two leagues to the southward, bounded on the east by a lake called Spanish lake.

In this claim the claimants file the following documents of title, to wit: a concession from Don José Joaquin Ugarte, then governor and commandant of the post of Nacogdoches, dated April 20, 1798, granting the above-described land to the said Bernardo Pantaleon.

The following oral testimony has likewise been adduced in this claim: Doctor John Sibley, being duly sworn, deposes that he is well acquainted with the tract of land above described; that it is within his knowledge that the family of the deceased, Mr. Pantaleon, has been in possession thereof since the year 1804; and it is known to the deponent that the said land has been respected as their property ever since that date; and from what he has understood in the parish, it is well known that the land has been occupied by the claimant and the late Mr. Tolin for more than twenty years before the date of their concession.

The documents of title in this claim seem to be genuine, and the evidence of Doctor Sibley, a gentleman whose declarations may be relied upon, establishes a long residence on the land claimed.

It is therefore recommended for confirmation to the extent of one league square, that is to say, having a front of eighty-four arpents, equal to seventy-six American acres, on the bayou or rivulet Arroyo del Durasno, with the same depth, to include the settlement made by the family of the deceased Pantaleon at and since the year 1804.

A No. 30. John Sibley, of the parish of Natchitoches, claims a tract of land containing one thousand six hundred arpents, equal to one thousand three hundred and fifty-four and a half American acres, to wit: forty arpents front with the depth of forty arpents, situated about seven leagues above the village of Natchitoches, on the road to Bayou Pierre, being the tract of land formerly occupied by François Morvant, and which he acquired from the Spanish government. The claimant refers to the following documents filed in a claim, No. 761, entered with the register of the land office at Opelousas, in the name of John and Edward Bolin, June 15, 1813, to wit: a concession by Don Antonio Gil y Barvo, then lieutenant governor and commandant at Nacogdoches, to the said François Morvant, dated October 16, 1799; a deed of sale duly executed and recorded in the office of the judge of the parish of Natchitoches January 10, 1810, from Maria Euphrosyne Morvant, daughter and heir of the said François, to the aforesaid John and Edward Bolin; and hath filed herewith an authentic copy of a deed from Patrick Murphy, sheriff of the parish of Natchitoches, to the claimant, dated January 24, 1814, by which he has acquired all the right and title which they, the said J. and E. Bolin, had in the tract of land aforesaid.

This is a claim presented for revision under the 4th section of the act by virtue of which these claims have been entered. It has heretofore been reported by the register and receiver of this district, in their report of December 30, 1815, under the No. 1106, and in class 8, in the name of John and Edward Bolin. It was there rejected on two grounds: 1st, that there was no proof of occupancy; and 2d, that the register and receiver had no knowledge of the governors of Texas, its laws, jurisdiction, &c. On referring to the evidence of William Ettridge, taken before David Chase, as justice of the peace for the county of Natchitoches, August 30, 1815, on the subject of this claim, and of record in this office, in the book of evidence, page 303, the witness states that he knows the land to have been occupied twenty-one years previous to 1815 (the time of his deposition) by the original grantee, which makes the occupancy to have existed four years after the date of the concession.

On the subject of the powers and jurisdiction of the lieutenant governor of the province there now remains no doubt, since the register and receiver of this district held their late session at Natchitoches to



receive and report on the claims of the Neutral Territory. It was then established, by incontrovertible testimony, that the lieutenant governor of the province of Texas had the full power and authority to make concessions of the domain to any extent, and to give patents and consummate all titles.

There is a remaining difficulty, however, as to the lieutenant governors who, from time to time, exercised jurisdiction in the province. The concession filed in this claim has nothing, however, in its appearance to induce an apprehension that it is not genuine. The deed by the sheriff to the claimant is in due form and authentic, and, the whole circumstances considered, the claim is recommended for confirmation.

A No. 31. William Moore, of the parish of St. Landry, claims a tract of about eighty superficial arpents of land, to wit: two arpents front with forty arpents in depth, being part of a tract of land conceded by an order of survey, under the signature of Governor Miro, dated April 18, 1782, to John Hernandez, parts of the said tract being confirmed by the board of commissioners, by their certificates B No. 2005 and B No. 2006; the first to the heir of John Bureau, the other to Antoine Anselin, bearing the quantity above expressed, and to which the claimant has acquired a title by regular purchase; in support of which he hath filed herewith certified extracts from the records in the office of George King, esq., parish judge at Opelousas, that is to say: 1st. A deed of sale, dated February 17, 1806, from Albert Beausergent to Antoine Harclain. 2d. Deed of sale, of the same date, from Albert Beausergent to Vitral. 3d. A deed of sale, dated September 23, 1816, from Paul Vitral to the claimant. He likewise files a plat of survey representing the part hereby claimed. In this claim the following oral testimony has been adduced, that is to say: John Poussyn, being sworn, deposes that he has, for thirty-three consecutive years preceding this date, resided within about two leagues of the land claimed; that he is perfectly acquainted with the claim of Antoine Anselin, holding under the title of Hernandez, and has always understood that between that claim and the land held by Antoine Lacour, (*alias* Regest,) a free man of color, under a requête in his own name, and also under a purchase of the claim of Malbert Sansfaçon, there is one common line or limit; that the title of the said Antoine Anselin is perfectly recognized in the neighborhood as covering the whole of the land to Lacour's boundary.

The claimant, for further explanation, refers to the record of the above-mentioned commissioners' certificate, and also to the record of the order of survey.

On referring to the two claims stated to have been part of the same original grant under which the present claimant holds, (B No. 2005 and B No. 2006,) they are stated to be *each a half* of an original tract founded on an order of survey in favor of Jean Hernandez, "*for the tract lying between the land of Louis Roman de lafosse and Jean B. Malhebert, (alias Sansfaçon), dated April 18, 1782, under the signature of Miro, then governor of the province of Louisiana.*" If these confirmations are correct, it follows that this claim has nothing to support it; added to this, the claimant has not shown that the title of these two arpents was ever conveyed from the original grantee to his vendees, but he vouches for the existence of such evidence; he also shows by a sketch from the surveyor's office that the surveys of the claims under the certificates 2005 and 2006 leave the precise quantity which he claims; and as the principal object of Congress in these cases must be to disavow any title, and *not to decide between the contending claims of individuals*—all these circumstances considered, together with the oral testimony herein adduced, which is entitled to credit, this claim is recommended for confirmation in the name of the legal representatives of Jean Hernandez, and subject to the claims aforesaid, marked B Nos. 2005 and 2006.

A No. 32. Peter O'Connor, of the parish of St. Landry, claims a tract of land containing eight hundred superficial arpents, to wit: twenty arpents front with forty arpents in depth, equal to six hundred and seventy-seven American acres, situated in the Prairie Mamon, fronting on the Bayou Cane, and commencing at the road commonly called Don Manuel's road, which is the upper limit of the tract; the place being also known by the name of *Point du Lac*, which tract of land was conceded by the Spanish government of Louisiana to the claimant in the year 1801, but the title papers being accidentally destroyed the claimant thinks it proper to state all the circumstances, in order that the nature and justice of his claim may be perfectly understood. In the year 1801 the claimant, having a young and increasing family, and only a very small tract of land, applied in the usual form for a grant for the above-described tract. His petition was sanctioned by the then commandant of the post of Opelousas, Don Martin Duralde, on the surveyor's certificate that the land was vacant; and some time afterwards sent to New Orleans for the purpose of obtaining an order of survey, which was granted, but, owing to untoward circumstances, the papers were taken, with others, to Pensacola, and there accidentally burnt; that, not being able to recover his title papers, he, the claimant, in the year 1806, entered a notice of his claim for the said land with the register of the land office at Opelousas, under that section of the act of Congress which gave a donation to settlers having made some improvement on said land in the year 1803; but, as he did not reside there on the 20th of December in that year, his claim was rejected by the board of commissioners. The claimant further states that, from the time of the entry until the rejection of his claim, which came to his knowledge some time in the year 1814 or 1815, he paid State or territorial taxes on the land, and a part of the time taxes to the United States. To establish the most material and important circumstances herein set forth, the claimant has filed with this notice the following document, being an extract of a letter in the handwriting of the late Gilbert Leonard, attorney general for the King of Spain, at the date of the claimant's application, the same being addressed to Doctor Theophilus Elmer, at Opelousas, and in the following words:

"P. S.—In order to serve Peter Connor, you must send me a copy in the manner or form I should make out my certificate or declaration in his favor; it must mention the time he petitioned for the land and the name of the commandant who recommended it. I recollect it was granted by the intendant, but, for want of applying in time for the title, it was taken with others papers to Pensacola, where since all the archives of the intendency were burnt by accident. The land was, I repeat, granted to Connor by my assent or consentment as attorney general then for his Catholic Majesty's finance. All these circumstances, I presume, should be mentioned in my declaration or certificate, and I will sign and swear to it before the justice of the peace."

On the said extract is the following endorsement: "September 1, 1820. I certify that the within is a part of a letter received by me from the late Gilbert Leonard, deceased, early in the year 1816, the remainder of the letter being private, and, in nowise touching the subject, was torn off."

"THEO. ELMER."

The following oral testimony is filed by the said claimants: John Corman, aged thirty-eight years, being sworn, deposes that he distinctly recollects going in company with Peter O'Connor and François

Fontenot to Mr. Duralde, then commandant of the post of Opelousas, in the latter part of the month of October, or some time in the month of November, in the year 1801, for the purpose of applying for lands; that the said O'Connor and this deponent applied for lands adjoining each other in the Prairie Mamon, to front on the Bayou Cane, and the deponent distinctly recollects that the requête of Mr. O'Connor was sanctioned by the said commandant at that time for a tract of twenty arpents front with the ordinary depth, taking for the upper limit of the said tract the road commonly known as Don Manuel's road, and thence descending the bayou for the front. The deponent is the more confident and positive as to the particular location and quantity of land because of an agreement between the deponent and the said O'Connor before the application to the commandant to make the said road the division between their respective claims, and also from having seen and read the said requête, at the house of Peter O'Connor, after it had received the commandant's sanction, and before it was sent to New Orleans for the governor's decree.

This claim is most unquestionably genuine, and the evidence entitled to perfect credit; it is therefore recommended for confirmation.

A No. 33. The legal representatives of the widow of St. Marc Darby and the representatives of Louis de la Houssaye claim, as their joint and undivided property, a tract of land situated in the county of Attakapas, on the river Teché, of thirty arpents front, with the depth of forty arpents, on the east side of the said river, being one-half of a tract of sixty arpents front, with the depth aforesaid, which was claimed by Edward Forstall as executor of the estate of the deceased widow of Mr. St. Marc Darby.

The claimants refer to the late board of commissioners' reports, No. 62, by which it will be seen that only one-half of their claim as aforesaid has been confirmed.

This is a claim presented for the revision of the register, under the fourth section of the act by virtue of which these claims have been entered. On referring to the Attakapas claims reported by the commissioners May 1, 1815, this claim is found to have been recommended for confirmation, under the No. 62, for *only thirty arpents front*, by the depth of forty arpents, on the east side of the river.

The testimony taken therein establishes that the requête and order of survey were for thirty arpents front on *each side* of the bayou; that for the accommodation of her neighbors the grantee consented that her survey of sixty arpents front should be made on the east side of the bayou; that in pursuance of this agreement the surveyor general, Mr. Laveau Trudeau, (an officer of great authority and consideration under the Spanish Government,) did actually make the location, and thus returned it. It does not appear that this act was ever objected to by the Spanish government; and, under the circumstances, the commissioners rejected one-half of the claim as having been abandoned by the grantee, and under the belief that this change of location could not be made by the party and the surveyor general. But this was an opinion most certainly contrary to equity and justice. The object of the present government is certainly to carry into effect the views of the former; and as it does appear that the Spanish government did actually divest itself of 2,400 superficial arpents of the domain; that from a spirit of compromise and good understanding among her neighbors, and not from any unfair attempts to defraud the government, (for a front on each bank is much preferable to the present location,) the grantee consented to take her survey entirely on the east side of the bayou; that the survey was so made by an officer of high rank, and acquiesced in by the neighbors to the present day, as appears in the aforesaid report of the commissioners, the claim is therefore recommended for confirmation for thirty arpents front on the east side of the Bayou Teché, as prayed for by the claimants.

A No. 34. The legal representatives of Louis and Alexander de la Houssaye give notice that they claim sixteen hundred superficial arpents of land, equal to 1,354½ American acres, situated at the place called Pause Point, on the river Teché, in the county of Attakapas. The claimants refer to the certificate of the late board of commissioners, No. 947, and to the documents of title recorded by the deputy register for the county of Attakapas, in the book kept by him, in pages 104, 105, and 106, by which it will be seen that their claim, under a concession from the Spanish government to the late Mr. Paul Augustin le Peltier Chevalier de la Houssaye, was forty arpents front, by the depth of forty arpents, on each side of the river Teché, making a superficial quantity of three thousand two hundred arpents, equal to 2,708.10 American acres; whereas, by the certificate above referred to, there has been confirmed to the claimants' father, the late Mr. Louis de la Houssaye, so much of their title only as lies on the left bank of the river Teché, to wit: 1,600 superficial arpents. The object, therefore, of the present claimants is to bring before the Congress of the United States the aforesaid claim.

On examination of the documents as referred to in this claim, it appears that there was an error as herein expressed, and that the order of survey is for forty arpents front on each side of the Bayou Teché, with the depth of forty arpents.

It is therefore recommended for confirmation, as prayed for, in conformity to the ancient survey found of record.

B No. 35. Celestin Lavergne, of the parish of St. Landry, claims a tract of land containing eight hundred superficial arpents, equal to 667 American acres, to wit: twenty arpents front, with forty arpents in depth, situated in the Grand Prairie of Bellair Fontenot, and bounded, at the date of the concession, on one side by the land of Joseph Boisdoré, and on the other by that of Louis Veillon. In this claim the following documents of title have been filed, to wit: 1st. The requête of Valerie Boisdoré, soliciting the tract above described, dated at Opelousas, June 21, 1788. 2d. The certificate of the commandant, Mr. Forstall, stating that the land solicited is not of the domain. 3d. The concession or order of survey by Governor Miro, dated at New Orleans, July 2, 1788, conceding, with the usual conditions, the land as solicited; subjoined to which order of survey is a transfer of the said land signed by Valerie Boisdoré, the grantee, to Joseph Petit. 4th. An authenticated copy of a deed of sale, passed before Philip Pedesclaux, notary public at New Orleans, bearing date August 6, 1818, from the above-named Valerie Boisdoré to the claimant, represented by his agent Valerie Nicholas, transferring the above land.

From close examination of the requête and order of survey filed in this claim, there are very strong doubts of their genuineness, and it is apprehended that the gentleman who has filed them has been defrauded by the grossest counterfeits; but as it would be unjust to report positively against it without instituting a strict inquiry, and as this inquiry could not be instituted without delaying the exhibit of these claims before the ensuing Congress, it is therefore recommended that a further time be given by Congress, that a full examination may be had, and the whole testimony be incorporated in the report.

B No. 36. John Thompson, of the parish of St. Landry, claims a tract of land containing three thousand two hundred superficial arpents of land, equal to 2,708.9 American acres, to wit: forty arpents front on the Bayou Boeuf, in the county (formerly post) of Opelousas, with the depth of forty arpents on



each side of said bayou. In support of this claim the following documents of title have been filed, to wit: 1st. The requête of Foribio Mendoza, dated at New Orleans, July 9, 1791, soliciting a grant of the above-described lands. 2d. The concession or order of survey by Governor Miro, dated also at New Orleans, July 16, 1791. 3d. A deed of sale of said lands from the said Foribio Mendoza to the claimant, executed before John Lind, esq., then a notary public in the city of New Orleans, dated February 24, 1819.

From a close examination of the requête and order of survey filed in this claim, there are very strong doubts of their genuineness, and it is apprehended that the gentleman who has filed them has been defrauded by the grossest counterfeits; but as it would be unjust to report positively against it without instituting a strict inquiry, and as this inquiry could not be instituted without delaying the exhibit of these claims before the ensuing Congress, it is therefore recommended that a further time be given by the honorable Congress, that a full examination may be had, and the whole testimony be incorporated in the report.

NOTE.—Since the undersigned has taken up the consideration of this claim testimony has been furnished to establish the genuineness of this grant; but as the undersigned does not conceive himself authorized to take into consideration any evidence or documents which were not furnished previous to December 31, 1820, it has been disregarded. At the urgent solicitation, however, of the interested the substance of this testimony has been presented, viz: "Joseph Fernandez says, under oath, that four or five years before the change of the Spanish government he knew a man named Foribio Mendoza, who was then a corporal in the Louisiana regiment; that he knows he had obtained a concession of a tract of land on Bayou Boeuf; that the said Mendoza, after having left Louisiana about the change of government to the United States, returned some years ago to sell his land; that some time after his return he informed the deponent that he had sold it to a man named Thompson; and that a few days after he, the said Mendoza, set out for Havana."

"Joseph A. Silva says, on oath, that during the Spanish government in 1791, to his knowledge, Foribio Mendoza, formerly a corporal in the Louisiana regiment, obtained a concession for a tract of land situated on Bayou Boeuf, having forty arpents in front, on each side of the said bayou, by the depth of forty arpents; that the said Mendoza left the country immediately after the change of government to the French, and returned in the beginning of the year 1819 to Louisiana; some time after his arrival he told the deponent that he wished to sell all his lands, (that is, all the concession); some days afterwards he set out for Havana, after having said that he had sold the land." A man by the name of Mathias Cordon certifies that, in 1790, he knew Joseph A. Silva, at that time a soldier of the Louisiana regiment, and that his good conduct and probity had induced his superior officers (*ses chefs*) to give him a certificate to enable him to gain a livelihood, (*pour lui faciliter à gagner sa vie.*)

Considering that this evidence has been taken entirely *ex parte*, without the knowledge of the undersigned; that the witnesses reside at a great distance, and the failure of testimony to establish their veracity, it is thought unadvisable to make any change in the report.

B No. 37. Stephen Tippet, sen., of the parish of Rapides, claims a tract of land containing six hundred superficial arpents, equal to 507.57 American acres, to wit: fifteen arpents in front, with forty arpents in depth, to be taken on any vacant lands in the counties of Attakapas or Opelousas.

The claimant has filed in this claim a requête addressed to the Spanish government August 29, 1796, soliciting a grant of the above quantity of land; to which is annexed the decree of the Baron de Carondelet, dated September 21, 1796, conceding the above-described land for either of the above-mentioned counties.

The concession in this claim is not in the usual form, it being merely stated in the margin of the requête, "conceded for Attakapas or Opelousas," with the signature of the Baron de Carondelet.

The undersigned is rather inclined to the opinion that the above concession is genuine, and had, in the first instance, recommended its confirmation; but possessing such immense advantages of location, and being unaccompanied by any testimonial or other proof why its presentation has been thus long delayed, or even any remark to that effect by the claimant in his notice, it has been thought most prudent to postpone it, among other claims in this report, for further proof; and its reconsideration is recommended accordingly.

A No. 38. Valerie Martin, of the parish of St. Martin's, claims a tract of land containing 400 superficial arpents, equal to 338½ American acres, being for ten arpents front, on the right bank of the river Teché, with the depth of forty arpents, bounded on the lower side by the land of Fran. Moreau, and on the upper side by the land of Henry Hebert, being part of a tract formerly conceded by the Spanish government to Jean François Ledé, sold by his testamentary executor, Mr. Solomon Malines, as appears by an authenticated copy of a judicial sale filed in this claim, and dated March 14, 1786, at which Claude Martin, the father of the claimant, became the purchaser of the above-described tract of land, as well as of other portions of the said grant, as is established by the receipt of the said executor to the said Claude Martin, dated January 22, 1787, an authenticated copy of which is likewise filed in the said claim.

The claimant hath referred to the abstract from complete patents in the office of the register of the land office, by which it is seen that the land in question was conceded to the said Jean François Ledé February 14, 1769; he also refers to the testimony of Pierre Broussard, given August 5, 1812, before the board of commissioners, in the claim of the widow of the said Claude Martin, and to the testimony taken August 6, 1812, in the claim of John Charles Dugas, to establish the grant of the said Ledé, which is said to have been accidentally burnt.

This claim appears to be just; the confirmation is therefore recommended.

A No. 39. The legal representatives of Claude Martin, of the parish of St. Martin's, claim a tract of land containing 888 American acres, having a front of ten arpents, to be taken at the extremity of forty arpents from the right bank of the river Teché, at the back of land claimed by Valerie Martin, and extending thence, for depth, to the river Vermilion, bounded on the northwest by Pierre Broussard's land, and on the southeast by land of François Moreau; which tract of land the said Claude Martin acquired by purchase from the testamentary executor of François Ledé.

The claimants have referred to documents filed in the claim of Valerie Martin; No. 38, to establish their title and the former existence of the grant to Jean François Ledé.

This claim appears to be just, and the confirmation is therefore recommended.

A No. 40. The legal representatives of Luke Collins, late of the county of Opelousas, deceased, claim a tract of land of ten arpents front on the river Teché, in the Petit Bois, with the depth that may be found without entering into the Prairie Bassé, to be taken from the boundary of Luke Collins, father of the deceased Luke Collins, and adjoining on the lower side to public land. In support of this claim the



following documents of title have been filed, to wit: the requête of the said Luke Collins, dated at Opelousas, July 11, 1786, soliciting a grant of the above-described land; 2d, the certificate of the Chevalier de Clouet, then commandant of the post of Opelousas, dated July 12, 1786, approving of the said requête; 3d, the concession or order of survey signed by Governor Miro, dated at New Orleans, October 6, 1786, conceding the above-described land to the said Luke Collins with the usual conditions.

The claimants have stated that this claim must have been entered by their deceased father in his lifetime, and have referred to the record book, No. 4, page 63, in the register's office for the record of the above requête and order of survey under which they hold, which document is in the possession of them, the said claimants, without their being able to account for its being delivered to them without any certificate having issued in confirmation of the claim, or any report having been made on it, unless the words written on the back of the said order of survey "confirmed August 28, 1809," may have been considered a confirmation of the claim, which they have again submitted, in order that it may receive from the government a legal confirmation.

This claim appears to be just, and the confirmation is therefore recommended.

B No. 41. John José Caradine, of Adams county, State of Mississippi, claims a tract of five hundred superficial arpents of land situated on the Bayou Sansfaçon, in the parish of Avoyelles, near the Bayou Rouge. The claimant hath filed in this claim a requête, to which his own signature is affixed, dated at Natchez, February 16, 1797, and directed to the commandant general of the province of Louisiana.

The reference of the Baron de Carondelet to the governor at Natchez, dated at New Orleans, March 2, 1797, to which is subjoined the decree of Manuel Gayoso de Lemos, governor of the Natchez district, dated at Natchez, April 2, 1797, conceding to the petitioner five hundred arpents of land at the place mentioned in a certificate of the surveyor, which has been lost; and, to establish that the same did exist, the claimant hath filed an affidavit, taken before Samuel Thornberry, a justice of the peace.

This claim was originally recommended for confirmation, but there existing some doubt of the authenticity of the titles, it is now thought most prudent to postpone it, among other claims in this report, for further proof, and its reconsideration is recommended accordingly.

A No. 42. The legal representatives of Reuben Dyer claim a tract of one thousand arpents of land, equal to 846.25 American acres, situated on the Bayou Bœuf, near the Bayou Sansfaçon. In this claim the following documents have been filed, to wit: an authenticated translation from the office of the keeper and translator of the Spanish records in the State of Mississippi of the requête of the said Reuben Dyer, dated at New Orleans, January 18, 1799, to which is subjoined the decree of the governor, Gayoso, of the same date, conceding the quantity of land above claimed, all certified by David Harper, keeper of the said records, by his certificate, dated January 14, 1818. The claimants have likewise filed a certificate of Governor Holmes, stating that the said Harper was, at the date of the last-mentioned certificate, keeper of the said office. They also have filed the following testimony of William Thompson, taken before William B. Jackson, justice of the peace for Adams county, in the State of Mississippi, to wit: "Personally appeared before the undersigned, a justice of the peace in and for the said county, William Thompson, who, being duly sworn, depose and saith, that in the month of December, and year eighteen hundred and three, and previous thereto, a man by the name of Reuben Dyer was in possession and raised a crop on the east bank of the Bayou Bœuf, just above where the Bayou Sansfaçon joins with the said Bayou Bœuf. Sworn and subscribed before me this 4th day of December, 1820.

"WILLIAM B. JACKSON, J. P."

The documents of title in this claim seem to be genuine, and it is therefore recommended for confirmation.

A No. 43. William Collins, as guardian or tutor for the heirs of William Collins, deceased, claims a tract of land containing one thousand arpents, situated on both sides of Bayou Bœuf, and adjoining below the land of Reuben Dyer, on Bayou Sansfaçon, commonly called Sandy Bayou. The claimant, in his said capacity, hath filed in this claim the following documents, being authentic translations from the records of the county of Adams, in the State of Mississippi, to wit: a requête in the name of the said deceased William Collins, praying for a grant of the above-described lands, and dated at New Orleans, January 18, 1799, to which is subjoined the decree of Governor Gayoso, of the same date, stating that the petitioner is entitled to the above-described land.

The following written testimony has been filed in this claim:

#### No. 1.

##### STATE OF LOUISIANA, *Parish of Concordia:*

Before the undersigned judge personally came William Thompson, who, being solemnly sworn on the Holy Evangelist of Almighty God, depose and saith, to the best of his knowledge and belief, that William Collins did cultivate and reside on a certain tract of land containing one thousand arpents, situated on the Bayou Bœuf, at the mouth of the Bayou Sansfaçon; that he resided on the said land in the year one thousand eight hundred and two, and the year after; that he had obtained it from the Spanish government, during the administration of Don Manuel Gayoso de Lemos, in the year one thousand seven hundred and ninety-nine, for himself, his mother, brothers, and sisters; and that his legal representatives still have possession of the said tract of land; that the grant or *ricket* was placed in the hands of Peter Walker, esq., counsellor at law, for the purpose of entering the same in the land office authorized to receive the same, but that he was prevented from doing so by death; that the representatives of William Collins were unable to obtain the same until about five years last past, and that the land office was then closed, and that there was no possibility of entering the same.

WILLIAM THOMPSON,  
EDWARD BROUGHTON, [L. s.]  
*Parish Judge and Notary Public.*

DECEMBER 30, 1819.

#### No. 2.

##### STATE OF LOUISIANA, *Parish of Feliciana:*

Before me, William C. Wade, judge of the parish aforesaid, came and appeared James Thomas, who, being duly sworn, says that a grant or *ricket*, calling for the Bayou Bœuf, adjoining lands claimed by

Reuben Dyer, was placed in deponent's hands to send on to Judge Henry Johnson, a member of Congress, by the legal representative of William Collins, to get the title confirmed; which grant has either been lost or taken from among his papers, for it cannot be found; also, that the petition of William Collins, signed by him, and the decree to said petition, signed by Manuel Gayoso de Lemos, is also lost or taken out of deponent's possession, and cannot be found. Deponent further says that he is well acquainted with the signature of Manuel Gayoso de Lemos, and that the said order was in his own handwriting.

JAMES THOMAS.

Sworn to and subscribed before me this 7th day of February, 1826.

WM. C. WADE, *Parish Judge of Feliciana.*

No. 3.

STATE OF MISSISSIPPI, *Adams County:*

Personally appeared before me, the undersigned, a justice of the peace in and for said county, William Thompson, who, being duly sworn, deposed and saith that in the month of December, in the year one thousand eight hundred and three, he was at the house of William Collins, and at that time, and had been previously thereto, cultivating and inhabiting a tract of land on the Bayou Beuf, just below where it makes a junction with the Bayou Sansfaçon, which said Collins is now in possession of said lands by his tenants; and that there is now cleared on said tract of land between one hundred and eighty and two hundred acres; and that he has always understood that said Collins claimed one thousand arpents in said tract by virtue of a grant from the Spanish government.

WM. THOMPSON.

Sworn to and subscribed before me this 4th day of December, 1820.

WM. B. JACKSON, *J. P.*

The documents of title in this claim seem to be genuine, and it is therefore recommended for confirmation.

A No. 44. The heirs and legal representatives of Maria Josepha Dauphin, widow Senet, claim a tract of land containing four hundred and eighty superficial arpents, to wit: twelve arpents front with a depth of forty arpents, situated on the right bank of the river Teché, in the county of Attakapas, and being the residue of a tract of thirty arpents front with forty arpents in depth, conceded by the Spanish government to the said Maria Josepha Dauphin September 2, 1786, as will appear by an authenticated extract from the order of survey filed with the notice of the claims of Jean Baptiste Senet and Jean Louis Drouet, to whom the titles of the other eighteen arpents front have been confirmed by the certificates of the board of commissioners, No. 1915, to Jean B. Senet for eight arpents front by forty arpents in depth, and the certificate, No. 1916, to Jean Louis Drouet for ten arpents in front with forty arpents in depth, to which confirmations, and the documents and testimony accompanying their notices, the claimants refer.

On examination of all the claims in this office, no report or confirmation is found for the residue of the concession herein mentioned; the claim is therefore recommended for confirmation.

A No. 45. Michael Cormier, of the county of Attakapas, claims a tract of land containing two hundred and forty superficial arpents, equal to 203.2 American acres, to wit: six arpents front by the depth of forty arpents, situated in the Grand Prairie of the Vermilion, in the said parish, and bounded on all sides by vacant land; which tract of land was conceded by Mr. Delluzaga, then governor of the province of Louisiana, by grant to this claimant, bearing date May 4, 1776.

The claimant has reason to believe that the original grant for the said tract of land still exists among the archives of the city of New Orleans, but, although he has used due diligence to obtain it, he has not yet been able to do so. He therefore begs leave to refer to the abstract of patents in this office for the extract or memorandum of a patent agreeing with the one in question, and also to a memorandum from the register's office in New Orleans, which he has filed in this claim. The claimant also states that the word "Opelousas" in the said abstract must have originated in a mistake, as it was well understood that the land solicited, though near the limits of Opelousas, is in the Grand Prairie of the Vermilion, in the county of Attakapas.

The documents of title as mentioned by the claimant in this case have no doubt existed; and the abstract of patents in this office, and that from the city of New Orleans, being considered sufficient evidence of this fact, the claim is therefore recommended for confirmation for the quantity claimed in the Grand Prairie of the Attakapas.

A No. 46. The legal representatives of Jean Baptiste Cormier, of the county of Attakapas, claim a tract of land containing four hundred superficial arpents, equal to 336.86 American acres, to wit: ten arpents front with forty arpents in depth, situated in the quarter of Belvue, in the county of Opelousas, bounded, at the date of the concession, on one side by the land of Fabien Richard, and on the other by the land of Pedro Primo.

The claimants have filed in this claim an authenticated extract from the records of the office of the register of the eastern district, whereby it appears that the above-described land is enregistered in the name of the said Jean B. Cormier.

The claimants refer also to the abstract of patents in this office, by which it will be seen that the said tract of land was granted to the deceased, Jean Baptiste Cormier, by the Spanish government June 23, 1781.

The foregoing claim, on examination of the abstract of patents in this office and the documents herein filed, has every appearance of being just and genuine, and is therefore recommended for confirmation.

A No. 47. The legal representatives of Fusilier de la Claire claim a tract of land containing six hundred and forty superficial arpents, equal to 541.62 American acres, to wit: sixteen arpents front with the depth of forty arpents, on the west side of the river Vermilion, in the county of Attakapas, which tract of land was conceded, February 17, 1772, to the said Fusilier de la Claire, as appears by the abstract of patents in this office, and a memorandum from the office of the register of the land office at New Orleans filed in the claim of Michael Cormier, (No. 45,) to which the claimants refer.

The documents of title in this claim are certainly genuine, and it is therefore recommended for confirmation.

A No. 48. Louis Richard, sr., and Louis Richard, jr., of the county of Opelousas, claim a tract of land containing eight hundred superficial arpents, equal to 677 American acres, to wit: twenty arpents front on the east side of the Bayou Vermilion, in the county of Attakapas, with the depth of forty arpents,

adjoining on one side to the land of Pierre Carriere, and on the other side to the King's domain at the date of the concession. In this claim the following documents of title have been filed: 1st. The requête of Michael Carriere, praying for a tract of the above-described land, dated at Opelousas, November 24, 1777, to which is subjoined, 2d. The certificate of the commandant, the Chevalier de Clouet, stating that the said land is of the domain, and dated at Opelousas, January 10, 1778. 3d. The order of survey or concession by Governor de Galvez, without date, conceding the above-described land as solicited. 4th. An authenticated copy of a judicial sale, dated December 24, 1820, by which they, the said claimants, have acquired the title of the said land above described. The documents of title in this claim seem to be genuine; they were found among the successional papers of an ancient inhabitant of this country, who died some years since, and, after being inventoried according to law by the parish judge, were sold to the claimants at public auction, December 24, for the sum of \$130. The claim is therefore recommended for confirmation.

B No. 49. The legal representatives of Miguel Erasmo claim a tract of land containing three thousand two hundred superficial arpents, equal to 2,708.76 American acres, to wit: forty arpents front on the Bayou Rouge, in the parish of Avoyelles, with the depth of forty arpents on both sides of the said bayou, bounded on all sides by vacant land. In this claim the following documents of title have been filed, to wit: 1st, a requête in the name of the said Miguel Erasmo, dated at New Orleans, July 3, 1788, soliciting a grant of the above-described tract of land; to which is subjoined an order of survey or concession under the signature of Estevan Miro, dated at New Orleans, July 6, 1789, conceding the aforesaid tract of land as prayed for, with the usual conditions.

From a close examination of the requête and order of survey filed in this claim, there are very strong doubts of their genuineness; but as it would be unjust to report positively against it without instituting a strict inquiry, and as this inquiry could not be instituted without delaying the exhibit of these claims before the ensuing Congress, it is therefore recommended that a further time be given by the honorable Congress, that a full examination may be had, and the whole testimony incorporated in the report.

B No. 50. The legal representatives of Juan de Leon claim a tract of land containing three thousand two hundred superficial arpents, equal to 2,708.10 American acres, to wit: eighty arpents front on the right bank of the Bayou Vermilion, at its mouth, with the depth of forty arpents, in the county of Attakapas, bounded, at the date of the concession, on both sides by the King's domain.

In this claim the following documents of title have been filed, viz: 1st, the requête of the said Juan de Leon, dated at New Orleans, March 4, 1790, praying for a grant of the above-described tract of land, to which is subjoined an order of survey or concession under the signature of Estevan Miro, dated at New Orleans, March 7, 1790, conceding the above-described tract of land as solicited.

From a close examination of the requête and order of survey filed in these claims, there are very strong doubts of their genuineness; but as it would be unjust to report positively against it without instituting a strict inquiry, and as the inquiry could not be instituted without delaying the exhibit of these claims before the ensuing Congress, it is therefore recommended that a further time be given by the honorable Congress, that a full examination may be had, and the whole testimony incorporated in the report.

B No. 51. Martin Despallier, of the parish of Rapides, claims a tract of land containing three thousand two hundred superficial arpents, to wit: forty arpents front on the Bayou Latanier, in the district (now parish) of Rapides, with the depth of forty arpents on both sides of the said bayou, bounded above and below by the domain of the King at the date of the concession.

In this claim the following documents of title have been filed, to wit: the requête of Bernard Lacroix, dated at New Orleans, September 3, 1776, soliciting a grant of the above-described tract of land. The concession or order of survey of Bernardo de Galvez, then governor of the province of Louisiana, dated September 8, 1776, conceding the said land as solicited, which tract of land was, August 4, 1798, sold by the said Bernard Lacroix to Jaques Denau, and, on September 11, 1820, by the said Jaques Denau to the said claimant, as appears by the assignments on the back of the concession aforesaid.

From a close examination of the requête and order of survey filed in this claim, there are very strong doubts of their genuineness; but as it would be unjust to report positively against it without instituting a strict inquiry, and as this inquiry could not be instituted without delaying the exhibit of these claims before the ensuing Congress, it is therefore recommended that a further time be given by the honorable Congress, that a full examination may be had, and the whole testimony incorporated in the report.

A No. 52. François Breau, of the parish of St. Martin's, claims a tract of land containing five hundred and forty-five American acres, having a front of ten arpents on the left bank of the river Vermilion, with the depth represented in a plat herewith filed; bounded on the northwest by the land of Hypolite Breau, and on the southeast by the land of Orilliant Breau, being part of a tract formerly ceded by the Spanish government to Jean François Ledé, and after his death sold by his testamentary executor, Mr. Solomon Malines, in distinct portions; at which sale the father of the present claimant, Mr. Firmin Breau, became the purchaser of a portion of ten arpents front on the river Teché, with the depth of forty arpents on the left or east of said river, and with the depth on the opposite side from the Teché to the river Vermilion, within which portion is the tract at present claimed and represented in the said plat of survey. The claimant hath also filed with this notice an authenticated copy of an act of the then commandant of the post of Attakapas, the Chevalier de Clouet, by which it will appear that his father, the late Firmin Breau, was put in possession of the tract of land in question, in pursuance of his purchase aforesaid, as long since as January 12, 1788, which possession has ever since been maintained by him and those who have held under him. He hath also filed the following documents, viz: an act passed before Judge White, of the parish of St. Martin's, dated January 30, 1809, signed by all the persons concerned, for the partition and adjustment of the estate of the said F. Breau, and a deed of sale from Charles Breau to this claimant, dated December 18, 1815. The claimant hath referred to the documents filed in the claim of Valeric Martin, No. 38, to the extracts of complete patents in the office of the register, and also to the testimony given in the claim of John Charles Dugas, August 6, 1812, before the register and receiver, all of which he believes will sufficiently establish the validity of his title.

An endorsement in the handwriting of the former register on the notice of this claim refers to the connected plat of the Ledé tract, in which it appears that this immense claim has been often recognized by the commissioners in the various claims that have been presented as purchases out of it. And, after examining all the circumstances of this claim, it is recommended for confirmation.

A No. 53. Hypolite Breau, of the parish of St. Martin's, claims a tract of land containing two hundred and twenty American acres, having a front of about four arpents on the left bank of the river Vermilion,



with the depth; thence in a northeasterly direction to the land of François Bernard; bounded on the northwest by the land of John Charles Dourant, and on the southeast by the land of François Breau; which tract of land is a part of the grant from the Spanish government to Jean François Ledé, and was acquired by the claimant by purchase from Mr. Neuville de Clouet, as will appear by an authenticated copy of a deed of sale herewith filed, dated "August 15, 1808." This notice is also accompanied by a plat of survey; and, for the better understanding of his claim, the claimant refers to documents in the claim of Valeri Martin, No. 38, and also to the abstract from patents in the register's office in Opelousas, and to the testimony adduced before the register and receiver August 6, 1812, in the claim of John Charles Dugas.

This claim is circumstanced precisely as the preceding, being a *bona fide* purchase out of the great Ledé tract; and the proofs being considered sufficient, it is therefore recommended for confirmation.

A No. 54. Jean Charles Dourant, of the parish of St. Martin's, claims a tract of land containing one hundred and ninety-seven American acres, having a front of three arpents on the left bank of the river Vermilion, in the parish of St. Martin's, with the depth extending from the said river, in a northeasterly direction, to the land of the Widow Dourant; bounded on the northwest by the land of Jean Landry, and on the southeast by the land of Hypolite Breau, agreeably to a plat of survey herewith filed; which tract of land is a part of a grant from the Spanish government to Jean François Ledé. The claimant refers to documents filed in the claim of Valeri Martin, No. 38, to the abstract from patents in the register's office at Opelousas, and to testimony adduced before the register and receiver in the claim of Jean Charles Dugas.

This claim is circumstanced precisely as the preceding, being a *bona fide* purchase out of the great Ledé tract; and the proofs being considered sufficient, it is therefore recommended for confirmation.

A No. 55. Orelan Breau, of the parish of St. Martin's, claims a tract of land containing three hundred and thirty-six American acres, as represented in a plat of survey herewith filed, having a front of six arpents on the left bank of the river Vermilion, in the said parish of St. Martin's, and extending in depth, in a northeasterly direction, from the said river to the land of Margaret and Adelaide Breau; bounded on the northwest by the land of François Breau, father of the claimant, and on the southeast by the land of Pierre Broussard; which tract is a part of a grant made by the Spanish government to Jean François Ledé, and was sold by his testamentary executor, Mr. Solomon Malines, as will appear by the documents filed in the claim of Valeri Martin, the abstract of patents in the office of the register at Opelousas, and the testimony adduced before the register and receiver in the claim of John Charles Dugas; to all of which the claimant refers. He has also filed, as a further evidence of title, a deed of sale duly authenticated by the judge of the parish of St. Martin's, from his father, Mr. François Breau, for the said tract of land, which deed is dated December 18, 1815.

This claim is circumstanced precisely as the preceding, being a *bona fide* purchase out of the great Ledé tract; and the proofs being considered sufficient, it is therefore recommended for confirmation.

A No. 56. Olivia Bodreau, of the parish of St. Martin's, claims a tract of land containing fifty-eight acres and one-half of an acre, as represented by the plat which is herewith filed; bounded on the northwest by the lands of Constant Breau and Pierre Broussard, on the southwest by the land of Paul Breau, on the southeast by the land of John Charles Durant, and on the east by the land of Neuville de Clouet; which tract is situated within the limits of a grant made by the Spanish government to Jean François Ledé, and was sold, after the death of the said Ledé, by his testamentary executor, Mr. Solomon Malines, as will appear by documents filed in the claim of Valeri Martin, by the abstract of patents in the office of the register at Opelousas, and by the testimony in the claim of John Charles Dugas, reported by the register and receiver December 30, 1815; to all of which the claimant refers, as well as to a deed of sale duly authenticated by the judge of the parish of St. Martin's from Julian Melançon to the claimant, herewith filed, dated February 6, 1813.

This claim is circumstanced precisely as the preceding, being a *bona fide* purchase out of the great Ledé tract; and the proofs being considered sufficient, it is therefore recommended for confirmation.

B No. 57. Santiago Crus, of the parish of Natchitoches, claims a tract of land containing eight hundred superficial arpents, equal to 677 American acres, to wit: twenty arpents of land front on the right bank in descending of the Bayou Rouge, with the ordinary depth of forty arpents, situated in the parish of Avoyelles; bounded, at the date of the concession, on both sides by the King's domain. In support of this claim the following documents of title have been filed, to wit: a requête in the name of the claimant, dated July 2, 1802, praying for a grant of the above-described land, to which is subjoined the concession or order of survey under the signature of Governor Manuel de Salcedo, dated at New Orleans, July 6, 1802, conceding the said land solicited.

From a close examination of the requête and order of survey filed in this claim there are very strong doubts of their genuineness; but as it would be unjust to report positively against it without instituting a strict inquiry, and as the inquiry could not be instituted without delaying the exhibit of these claims before the ensuing Congress, it is therefore recommended that a further time be given by the honorable Congress, that a full examination may be had, and the whole testimony incorporated in the report.

B No. 58. The representatives of Juan Lopes claim a tract of land containing sixteen hundred superficial arpents, equal to 1,365.20 American acres, to wit: forty arpents front on the right bank of Bayou Boeuf, to commence from the foot of the Island of Pines, with the depth of forty arpents.

In this claim the following documents of title have been filed, viz: a requête in the name of the said Juan Lopes, dated May 3, 1798, praying for a grant of the above-described tract of land, to which is subjoined the concession or order of survey by Governor Gayoso, dated at New Orleans, May 8, 1798, conceding the said land as solicited.

The documents of title in this claim have the appearance of being counterfeits. From reasons, however, which have been adduced in claims Nos. 28, 36, and 37, &c., it is recommended that the final decision of this claim be postponed until testimony may be adduced upon it, and examined and recorded at more leisure.

A No. 59. The legal representatives of Jean B. Figuran, late of the parish of St. Landry, deceased, claim a tract of land containing sixteen hundred superficial arpents, equal to 1,365.20 American acres, to wit: forty arpents front, with forty arpents in depth, at the place commonly called the Point of Rushes, at the Pass of Malette, in the parish of St. Landry. The claimants have filed in support of this claim the following documents of title, to wit: a requête in the name of the said Jean B. Figuran, dated at New Orleans, September 24, 1784, praying for a grant of the above-described land. The certificate of the commandant of Opelousas, Mr. De Clouet, dated December 28, 1784; the concession or order of survey

by Governor Miro, dated (doubtlessly through mistake) December 24, 1784, conceding the said land as solicited.

The documents of title in this claim appear to be genuine, and it is therefore recommended for confirmation.

A No. 60. The legal representatives of Narcisse Carriere claim a tract of land containing eight hundred superficial arpents, equal to 677 American acres, to wit: twenty arpents front on the river Vermilion, with the depth of forty arpents; bounded, at the date of the concession, on one side by the land of Pierre Carriere, and on the other by the King's domain. In this claim the following documents of title have been filed, to wit: 1st, the requête of the said Narcisse Carriere, dated at Opelousas, November 24, 1777, soliciting a grant of the above-described tract of land; 2d, the certificate of the commandant, the Chevalier de Clouet, dated November 25, 1777, stating that the land petitioned for was of the domain; 3d, the order of survey by Governor de Galvez, dated at New Orleans, February 26, 1778, conceding the said land as solicited to the petitioner, and ordering the commandant to fix the boundaries of the said land; 4th, the return or certificate of the commandant, the Chevalier de Clouet, stating that he had fixed the boundaries of the said land in presence of the said Narcisse Carriere and the neighbors, dated November 28, 1778; 5th, the patent or title in form by Governor de Galvez to the said Narcisse Carriere, dated at New Orleans, June 23, 1781, for the above-described land.

This claim is founded upon a complete Spanish patent—the most authentic and complete that is known. The patent bears every mark of genuineness, is printed, and its date corresponds with one on the abstract of patents in this office, together with the quantity and boundaries of the land conceded. It is therefore recommended for confirmation.

A No. 61. Emanuel Prudhomme, of the parish of Natchitoches, claims a tract of land containing sixty superficial arpents, equal to 50.72 American acres, to wit: one arpent and a half front on the left bank of the Red river, nearly opposite to the village of Natchitoches, with the depth of forty arpents; bounded, at the date of the concession, on the lower side by the land of Madame Alexis, and on the upper side by the land of Mr. Badin, the depth extending towards the east.

In this claim the following documents of title have been filed, to wit: 1st, the requête of Madame Widow Chaigneau, dated at Natchitoches, April 17, 1782, soliciting a title to the above-described tract of land, of which she had formerly become possessed by purchase; 2d, the certificate of M. de Vaugine, then commandant of Natchitoches, dated June 19, 1782, approving of the said requête, and stating that he had surveyed the said land and fixed the boundaries in presence of witnesses; 3d, the concession or order of survey by Governor Miro, conceding the above-described land as solicited, and ordering the commandant to establish the petitioner thereon. The following authenticated written evidence has likewise been filed in this claim:

STATE OF LOUISIANA, *Parish of Natchitoches:*

Before the subscriber, judge of the parish of Natchitoches, appeared Felix Trudeau, formerly commandant of the post of Natchitoches, who made oath that the land claimed by Emanuel Prudhomme, in the name of the Widow Chaigneau, is one of the first settled tracts in this parish; that the same has been inhabited and cultivated from the year 1796, at which time this deponent came to this parish, and, to appearance, from long before until the present day.

FELIX TRUDEAU.

Sworn and subscribed this 21st day of December, 1820, before me.

CHARLES SLOCUM, *Judge of the Parish of Natchitoches.*

I, Charles Slocum, judge of the parish of Natchitoches, do certify that the said Felix Trudeau was former commandant of the post of Natchitoches, and that full faith and credit is due to his testimony.

Given under my hand and impression of the seal of my office, at Natchitoches, this 21st day of December, A. D. 1820.

CHARLES SLOCUM, *Judge of the Parish of Natchitoches.*

The documents of title in this claim appear to be genuine, and it is therefore recommended for confirmation; but, as the claimant has failed to produce a regular chain of titles, the confirmation is recommended in the name of the legal representatives of the Widow Chaigneau.

A No. 62. Emanuel Prudhomme, of the parish of Natchitoches, claims a tract of land having three arpents and a half and fifty-five feet front, with the depth of forty arpents, situated in the parish of Natchitoches, on Red river, nearly opposite the post of Natchitoches, and bounded below by the Bayou Mobile.

In this claim the following documents of title are filed, to wit: 1st. The requête of Madame Widow St. Denis, dated at Natchitoches, April 17, 1782, soliciting a grant of the above-described land. 2d. The certificate of M. de Vaugine, then commandant of the post of Natchitoches, dated April 20, 1782, approving of the said requête, and stating that he had surveyed the said land and fixed the boundaries in presence of two witnesses. 3d. The concession or order of survey by Governor Miro, conceding the above-described land as solicited, and ordering the commandant to establish the petitioner thereon. The following authenticated written evidence has likewise been filed in this claim:

STATE OF LOUISIANA, *Parish of Natchitoches:*

Before me, Charles Slocum, judge of the parish of Natchitoches aforesaid, appeared Felix Trudeau, formerly commandant of the post of Natchitoches, who made oath that the tract of land claimed by Mr. Emanuel Prudhomme, in the name of Madame St. Denis, at the Bayou Mobile, immediately opposite the upper part of the post of Natchitoches, is one of the first tracts settled in the country, and that the same has been occupied, cultivated, and possessed from the year 1796, at which time this deponent came to the post of Natchitoches, and for a long time before, from appearances, until the present date.

FELIX TRUDEAU.

Sworn and subscribed December 21, 1820, before me.

CHARLES SLOCUM, *Judge of the parish of Natchitoches.*

I, Charles Slocum, judge of the parish of Natchitoches, in the State of Louisiana, ex-officio notary



public in and for the said parish, do certify that Felix Trudeau was former commandant of the post of Natchitoches, and that full faith and credit is due to his testimony.

Given under my hand and the seal of my office, at Natchitoches, December 21, A. D. 1820.

[L. s.]

CHARLES SLOCUM, *Parish Judge.*

The documents of title in this claim appear to be genuine; but as the claimant has not produced a regular chain of title, its confirmation is recommended in the name of the legal representatives of Madame the Widow St. Denis.

A No. 63. The heirs and legal representatives of the late Madame Louise de Favrot, widow of Don Alexander Chevalier de Clouet, claim, in virtue of an order of survey under the signature of Governor Miro, dated at New Orleans, May 17, 1790, an exact translation of which is herewith filed, a tract of land which may contain about nine hundred and twenty superficial acres, American measure, situated in the parish of St. Martin, and bounded on the east and southeast by other lands of the claimants; on the west by the lands of John Guilleau, François Arseneau, Alexander Arseneau, the widow of Pierre Arseneau, the widow of Louis Arseneau, François Carmouche, and Joseph Breaux; and on the northwest and northeast by vacant lands. For the better elucidation of their pretensions they have filed in this claim a connected map of the lands in the vicinity of the tract claimed, a copy of which they have requested to be laid before the honorable the Congress of the United States. They have also deemed it expedient to state the particular circumstances of this case, for which purpose it is to be understood that, in conformity with the laws and regulations of the United States, a notice for this claim, and the order of survey which is the basis of the title, and to which the claimants have already referred, were, at an early period, and under the first law, passed for the purpose, filed and enregistered with the late register of the land office for this district. That when his successor came into office their said claim was laid before the board of commissioners appointed for the purpose of deciding on land claims. That the said commissioners gave their certificate, marked B No. 983, an extract from which is also herewith filed, in confirmation of only sixteen hundred superficial arpents of the land claimed, to wit: For that part which is represented in the plat by the lines A, G, H, I, whereas, as well from the concession of Governor Miro as the oral testimony which has been adduced in support of their claim, it will be seen that their title should have embraced the parts circumscribed by the lines A, B, C, D, F, G. In making known the foregoing facts, which are necessary to a full understanding of their claim, the claimants have wished it to be understood that they are well satisfied that the commissioners, in deciding in their case, have been actuated by just and upright views. They believe, however, that either from an erroneous translation or some other cause their title has not been correctly understood; they have further stated that, although they believe their title is anterior in date to those of Messrs. John Guilleau, François Arseneau, and others, whose lands front on the river Vermilion, and with whose lines those of the claimants seem to conflict, they have expressly disclaimed any intention or wish to disturb their neighbors in their possessions, and therefore have confined their claim to those parts represented in the said plat by the lines shaded with yellow. The claimants have further filed in this claim a renunciation by the said persons to the right of pre-emption, to which they might be entitled at the back of their respective tracts.

The following are the documents which the claimants have filed in this claim, the first whereof is an exact translation of the said requête and order of survey, as follows:

"To Mr. De Miro, brigadier of the King's army, inspector and intendant general of the province of Louisiana, &c.: Madame Louisa D. Favrot, Widow de Clouet, residing at Attakapas, has the honor of representing to you most humbly that she has been greatly surprised at not finding among the papers of the succession the concession for the continuation of the forty arpents of land where her domicile is, and which her deceased husband, Don Alexander Chevalier de Clouet, had always assured her he had, and on which continuation is her cypress, which has at all times been used for the wants of the habitation.

"Having been under necessity, by reasons of debts, of selling the first concession adjoining that formerly belonging to the deceased Ledé, where she resides, she prays for you, sir, to be pleased immediately to grant her the concession of the continuation as far as the Bayou Vermilion, which is at the distance of forty arpents, more or less, from the boundary of depth—a favor which she expects to receive, praying to God for the duration of your days."

DE FAVROT DE CLOUET.

ATTAKAPAS, September 8, 1789.

"There is no hindrance to the demand made by the petitioner, the neighbors assuring that it is the continuation of the land on which she resides, and to which no person forms any opposition."

J. DE LA VILLEBOUVRE.

ATTAKAPAS, September 8, 1789.

NEW ORLEANS, March 17, 1790.

"The surveyor of this province, Don Carlos Laveau Trudeau, will establish the party upon the second depth of land which is solicited and described in the widow's memorial, it being well understood that the said second depth shall not exceed forty arpents, being vacant and not causing any prejudice to the neighbors; he will extend his proceedings in continuation hereof, signing the same with the aforesaid neighbors; and he will remit the same to me in order to provide the person interested with a title in form."

ESTEVAN MIRO.

The following is an extract from the certificate of the commissioners above referred to:

"B No. 983. Joseph Alexander de Clouet, of the county of Attakapas, is confirmed in his claim to a tract of land containing about sixteen hundred superficial arpents, equal to 1,354.03 American acres, founded on an order of survey in favor of Louise de Favrot, widow of Alexander Chevalier de Clouet, for forty arpents in front, to be taken at the extremity of the other land of the claimant, with the depth to the river Vermilion, but not to exceed forty arpents, bearing date March 17, 1790, and signed by Estevan Miro, then governor of the province of Louisiana, situated in the county of Attakapas, bounded at the time petitioned for, on all sides except the front, by the domain of the King."

The following is an exact translation from the French of the renunciation by the persons therein named to the right of pre-emption:

"We, the undersigned persons, whose lands front on the Bayou Vermilion, and extend in depth to the lands belonging to the legal representatives of the late Madame Louise Favrot, widow of Mr.



Alexander Chevalier de Clouet, do hereby renounce, expressly, all right of preference whatsoever which we might have under the pre-emption law of 1811, which has been revived by the act of Congress of 11th May of the present year, it being well understood by us and the neighbors in general that the land back of our respective tracts was, or ought to have been, embraced in the concession made by Governor Miro to the said widow of the second depth of the land which has been granted to her husband.

"For which reason we think it but just that the government of the United States do confirm the said heirs, &c., in their right and title to the said land; and we ask permission to recommend the renewal of the confirmation to them of the title to the vacant lands lying south of the lands of Mr. J. Guilbeau, and between the back lines of the land of the said heirs and the left bank of the Bayou Vermilion, as an equivalent for the interference of our lands with those of the said representatives, as set forth in the plat."

Parish of Saint Landry, December 28, 1820, and the forty-fifth of the independence of the United States of America.

FRS. CARMOUCHE.

V. LOUISE <sup>her</sup> × ARCENAU<sup>x</sup>.  
mark.

J. B. HERUET, *witness*.

V. P. ARCENAU<sup>x</sup>.  
JOSEPH ATANAS <sup>his</sup> × BRAUX.  
mark.

P. R. BRAUX, *witness*.

ALEXANDER ARCENAU<sup>x</sup>.  
FRS. ARCENAU<sup>x</sup>.  
JEAN <sup>his</sup> × GUILBEAU.  
mark.

JAMES BRUCE, *witness*.

The following oral testimony has been adduced by the said claimants, to wit:

"In the claim of the representatives of Madame Louise de Favrot, widow of Don Alexander Chevalier de Clouet, Joseph Latiolais, being sworn, deposeth that he is nearly fifty years of age; that his residence for twenty-six years past has been on the land adjacent to the land claimed; that during the whole of that time the said widow, and those holding under her, have occupied the whole of the land embraced by the notice of the claim, which the said representatives have this day made under the order of survey accorded by Governor Miro for the second depth of the land which the said M. de Clouet held on the river Toché; and that the neighbors have always respected the right of the said widow lady and her heirs in the land aforesaid; that it is well known to the deponent that the cypress timber which the grantee required for the use of her other lands, and to obtain which was one of the motives for soliciting the grant, extends from the line marked in the map with the letters L M back to the rear of the tract. He also knows that the late Colonel Alexander de Clouet, son of the aforesaid lady, had resided for nearly thirty years on the back part of the said tract, and near to the river Vermilion; that at one time his residence was about at that part of the map where the letter P is marked; that afterwards he built—about fifteen year since, to the best of the deponent's recollection—at or near that part of the map where the letter K is marked, and which is the place of the present residence of Mr. François Benoist de St. Clair, the grandson of the aforesaid lady."

J. LATIOLAIS.

Sworn and subscribed December 29, 1820, before me—

LEVIN WAILES.

In the same claim, Andrew Martin, being sworn, deposeth and saith: "That having heard and had explained to him the testimony of Jos. Latiolais, he knows that the facts stated in the said testimony throughout are veritable; that the deponent is in his fifty-second year, a native of Attakapas, and has never resided at a greater distance than two leagues from the land claimed; that he knows perfectly well that the late Colonel Alexander de Clouet, his father, the late Don Alexander Chevalier de Clouet, and their respective families, have occupied the land in the rear of their front tract, and to the left bank of the river Vermilion, from an earlier date even than that stated by Mr. Latiolais; that he, the deponent, was present when the lands belonging to the succession of the late Mr. Ledé were laid off by the surveyor, at which time he perfectly recollects the late Chevalier de Clouet was put in possession of the land in question, to the bank of the Vermilion river, being bounded on the lower side by the land belonging to the said Ledé's estate."

ANDREW MARTIN.

Sworn and subscribed December 31, 1820, in presence of—

LEVIN WAILES.

From a thorough examination of this claim, there is little doubt of its justness.

On referring to the files in the claim confirmed by the commissioners, B No. 983, as referred to in this claim, it appears that the double depth of forty arpents, by virtue of the above-mentioned concession, was claimed by Joseph Alexander de Clouet in his notice, and the commissioners have given the area found in the square of forty arpents, without regard to the diverging lines of the original tract.

As the order of survey gives the land in continuation of the front tract, it must be complied with by continuing the lines of the original tract to the depth prayed for.

The circumstances considered, this claim is recommended for confirmation.

A No. 64. Charles Pavie and Charles Noyrit, trading under the firm of Pavie & Noyrit, of the parish of Natchitoches, claim a tract of land containing 5,876 American acres, to wit: one league square of the measure of Paris, which gives 2,500 toises, or eighty-three arpents and one-third of an arpent, situated at a place called and known by the name of "Los Tres Llanos," in the said parish of Natchitoches, being the tract of land on which Louis Latham lately resided, and which was granted many years ago by the Spanish government to a man named Sanchez. The titles to this land having been taken away from the grantee by irresistible force, the claimants rely on establishing the validity of their claims by the testimony which was adduced before the district court at the last term for the parish of Natchitoches, in

a suit instituted by the claimants against the aforesaid Louis Latham; a copy of which testimony, authenticated by the honorable Judge Murray, is herewith filed, and to which they beg leave to refer.

PAVIE & NOYRIT.  
LOUIS LATHAM.

NATCHITOCHEs, *District Court, December term, 1820.*

This suit was brought for the recovery of a certain tract of land containing one league square, situated on the Bayou de los Tres Llanos, at the place called Los Tres Blancos, in the parish of Natchitoches, now in the possession of Louis Latham, who occupies it as a tenant at will of the United States, according to the act of Congress passed — 1816, on the ground that the said tract of land had been granted to Sanchez by the Spanish government about sixty years ago, and that his title had been taken from him by irresistible force.

*Plaintiff's evidence.* "Donation of Sanchez to Sepulvedo, first proved by the subscribing witnesses, read and marked No. 1, dated June 2, 1818, for one league square. Sale from Sepulvedo to Pavie & Noyrit, dated November 18, 1820, and marked No. 2, for same land."

Felix Trudeau, sworn, says the Adizes were evacuated in 1772; the grants of land, now generally two leagues each or more, in that part of the Spanish province, were granted to all who demanded them by the governors of provinces; never less than one league square was granted. There were not any surveys made of lands thirty years ago; there was no surveyors at that time; a surveyor was sent, and became blind shortly after. In 1802 or 1803 there was an order given to send no requêtes to New Orleans without a plan, but the commandant had the power to give permission to settle. There was less strictness observed in granting titles on the other side of the Rio Hondo than on this.

Sanchez, the grantee of the land, introduced and objected to, the objection maintained, and the testimony taken to form part of the bill of exceptions; sworn, says his father had a grant for a tract of land four leagues around, or one league square; that governor Salcedo took the title with him to St. Antonio, when he went to take possession of St. Antonio. Louis Latham is in the place where the father of the witness cleared and had his house; the place is called "Los Tres Llanos;" his father had but one child; does not recollect the time his father left the Adizes; does not know how to write. Governor Lavois signed the title. He does not recollect his age. Lavois was governor of the internal provinces; the governor lived at Adizes; he was at Nacogdoches when Salcedo took the titles from there, but does not know in what year they were taken. He told Latham in 1803 that the land was his when Latham first settled on the same.

José Ramon Chaban, (objected to,) sworn, says that he knows Sanchez had a title to the land at "Los Tres Llanos;" cannot read and write; carried the title to Salcedo, at Nacogdoches, who took the title with him. Governor Salcedo asked the title of the witness; he does not recollect in what year. The land had a league square, as his father-in-law told him.

Pedro de Lara, sworn, knows that Sanchez had a title for a tract of land of one league square; knows the title was taken from Nacogdoches; has read the title of Sanchez; the title was signed by Lavois, the governor, and had a small seal. He is eighty-six years old, and was born in the Adizes, the father of Sanchez at the Adizes; he was settled at the "Tres Llanos." Latham lives where Sanchez was settled. The settlement of the Adizes was broken up by order of the Spanish government. Lands were granted to some of them on the other side of the Sabine. Sanchez had other lands given him. Does not know why Salcedo took the titles from Nacogdoches, but he knows that Salcedo never returned them. Sanchez had a rancho\* near Nacogdoches.

Cherino, sworn, says that the father of Sanchez lived at "Tres Llanos." Latham lives where the father of Sanchez lived, and cultivates the land which Sanchez opened; cannot read nor write. There were grants made to all those who asked for lands. Was a child when the Adizes was evacuated. Is sixty-seven years old. The witness has seen Sanchez in the possession of the land "De Los Tres Llanos." The land is the best in the country for pasturage. Sanchez and Pedro de Lara were married when the witness was a child. Is a native of the Adizes. The father of the witness lived with the priest, and had no land of his own either at Adizes or at Nacogdoches. When Sanchez left the Adizes, he left a man named Mansola on his land to take care of it; this man died there.

Pedro Procla, sworn. The proprietor of the Tres Llanos was the father of Sanchez. The witness worked with him for three years. The house of Latham is near where the house of Sanchez was. Latham cultivates where Sanchez cultivated, and where the witness ploughed. The order was given by the King of Spain that the troops and inhabitants of Adizes should be removed to St. Antonio; there was no clause in the order disposing of their lands. Knows that Salcedo passed through Nacogdoches in 1810, as he can recollect, and took the titles of the inhabitants, saying that he would confirm them, and give them greater force. The best pasturage and the best land of Adizes is at Los Tres Llanos. The inhabitants of the Adizes were settled there, raised cattle, and made corn. He never saw the title of Sanchez. In 1772 the inhabitants left the Adizes; Rippardo, governor, gave the orders; the witness recollected him well; the witness is sixty-five years old. Sanchez had a title to a small tract of land given him at Nacogdoches. Saw the title of Jacinto Mora about four or five years ago. Inhabitants formerly settled in good faith on land under a verbal permission; some with titles, but rarely. Had heard of Governor Lavois, but he was before his time. Salcedo told the witness that he took the titles to have them renewed in the audience of Guadalupe, to give them, as he said, more effect. The witness was appointed by Salcedo to survey for those who requested land; that the manner of obtaining titles at Nacogdoches was by presenting a requête to the commandant, asking for the quantity of land the parties wished, ordinarily one league square. The commandant then gave an order to the syndic to put the party in possession; the governor then gave an order to the surveyor to measure the land; the survey took, ordinarily, three men to witness, and there was a proces verbal, in writing, made of the proceedings, which was considered as completing the title. The witness was syndic at Nacogdoches during the time the Spanish government was in existence at that period. The abandonment of the Adizes was forced; the inhabitants were obliged to leave their crops in the month of June, and were not permitted to gather them; two or three families who were sick remained; the government did not take their lands. The inhabitants went to St. Antonio. Captain y Barbo went to Mexico from there, and made a representation to the viceroy, who permitted them to return to Trinity. From there they went to Nacogdoches, and the revolution has driven them here.

\* A tavern.

I, William Murray, judge of the district court for the sixth district in the parish of Natchitoches, and State of Louisiana, do hereby certify that the foregoing testimony, contained in six pages, was taken down in writing by me on the trial of the cause of Louis Latham at the suit of Pavie & Noyret, and delivered on oath, the opposite parties cross-examining. I further certify that the witnesses are aged and infirm, and Pedro Procla, whom I personally know, is a respectable witness; and from their manner of giving in their testimony, I think full faith and credit due to the evidence of the other witnesses.

In witness whereof, I have hereunto set my hand this 22d day of December, A. D. 1820.

WILLIAM MURRAY, *Judge of the Sixth District.*

From the examination of all the facts in this claim, it appears to be genuine; and, as has been mentioned in another, it is not the object of the government to decide between contending claimants, but simply to disavow the public claim. It is therefore recommended for confirmation, subject to such other claim as may be established in due course of law.

A No. 65. The legal representatives of Jacob Schemel, late of the parish of St. Landry, claim a tract of land of six hundred arpents, more or less, situated in the *Prairie des Femmes*, in the parish aforesaid, to wit: fifteen arpents front on the Bayou Bourbeau, with the depth of the land of Mr. Maurre. In this claim the following documents of title have been filed, to wit: a requête made by the said Jacob Schemel May 4, 1780, to which is annexed the certificate of approval by the then commandant, the Chevalier de Clouet, dated May 25, 1780, and the order of survey by Governor de Galvez, dated June 21, 1781, conceding the land as solicited.

The documents of title in this claim, among many others, have been drawn from the office of the surveyor general of the city of New Orleans since the purchase, by the sale of the office of the former surveyor general of the State of Louisiana, as mentioned in a former report. They appear to be genuine, and the claim is therefore recommended for confirmation.

A No. 66. Jean Landry, of the parish of St. Martin's, claims a tract of land containing one hundred and seventy-three and one-half American acres, having a front of three arpents and a half on the left bank of the river Vermilion, with the depth extending from said river in a northeasterly direction to the land of Neuville de Clouet, bounded on the northwest side by the land of Paul Bro, and on the southeast side by land of Jean Charles Douran, agreeably to a plat of survey filed. This tract of land is a part of a grant from the Spanish government to Jean François Ledé. The claimant refers to documents filed in the claim of Valerie Martin, No. 38, to the abstract from patents in the register's office, Opelousas, and to testimony adduced before the register and receiver in the claim of John Charles Dugas.

This claim is circumstanced precisely as that of No. 52 and others, being a *bona fide* purchase out of the great Ledé tract, and the proofs being considered sufficient, it is therefore recommended for confirmation.

B No. 67. The legal representatives of Pierre and Julien Besson, brothers, claim a tract of land containing twelve hundred superficial arpents, equal to one thousand fifteen and a half American acres, at a place called *Ecore Rouge*, in the Geese prairie, about six leagues above the post of Natchitoches, bounded on one side by the Bayou Ecore Rouge, and on the other by that called Bourbeaux. The claimants file herewith a requête for the said land, made by the said Pierre and Julien Besson February 25, 1770, soliciting a grant of the above-described tract of land, to which is subjoined the concession of the same date, and granting the said land as solicited, made by Mr. Athanase Mazieres, at that time lieutenant governor and commandant for the post of Natchitoches.

In this claim there are not sufficient, indeed no data in the office to test the genuineness of the documents filed herein. Without knowing even that there was ever such an officer at the post of Natchitoches as Lieutenant Governor de Mazieres, and in the absence of any oral testimony, this claim cannot for the present be recommended for confirmation. As it bears marks of some authenticity, and as it would be unjust to condemn it without allowing the claimants further time to substantiate it, which it may be in their power to do, it is therefore recommended that a further time be given to the claimants for that purpose.

A No. 68. Isaac Crow, of the parish of Natchitoches, claims a tract of land containing twenty-seven thousand seven hundred and seventy-five arpents and one-half of an arpent, equal to twenty-three thousand five hundred and five American acres, being for four square leagues, measure of Paris, situated on the east or left bank of the river Sabine, in the parish of Natchitoches, to Nacogdoches, one-half of the said tract lying above or north of the said road, and the other half below or south of it, which tract is one moiety of a tract of eight superficial leagues, to wit: four leagues on the east, and four leagues on the west side of the Sabine, which were conceded to Vicente Michelé June 17, 1797, by Don José M. Guadiana, lieutenant governor for the King at Nacogdoches and its dependencies, and of which he, the said Vicente Michelé, was formally put in possession on the 20th day of the same month and year, by Don José Cayetano de Zepeda, agreeably to the usages under the Spanish government for that district. The part of said grant hereby claimed having been transferred by Vicente Michelé to the claimant for the consideration expressed in his deed of sale, bearing date at the post of Nacogdoches, June 19, 1802, and the said claimant having occupied and cultivated the said land ever since, and having fully complied with the conditions and stipulations on which he obtained the said land, as appears by the authenticated documents filed in this claim, as follows:

*To the lieutenant governor, Mr. Joseph M. Guadiana:*

Sir: Vicente Michelé, a settler of this place of *Nuestra Señora del Pilar*, of Nacogdoches, in the district of the province of Texas, with due respect before your honor, I take the liberty to ask and solicit, agreeable to the rules of equity and justice, without any injury to previous solicitations, saith that, residing in the settlement of Nacogdoches, and with the intention of remaining in it as a settler, and subject to orders, I beg of your benevolence, as invested with the faculty of the distribution of the lands in favor of those who should come to settle within this *comprehension*, grants to me the privilege to settle myself at the place called *Las Sabinas*, my object being to raise horses, cattle, hogs, &c.; the lands on both sides of the river Sabine, up to the borders of Gulley, or *Arroyo de las Borregas*; said place is vacant and unsettled, the Indian, Pedro Captain, having quitted and abandoned it, and also his son-in-law, John Boden, since better than one year past, as it is well known to the land commissioner of this district; in consequence of which, if you are pleased to grant to me, on this side of the river Sabine, two leagues of land, extending to the *Arroyo de las Borregas* on the north course; two more leagues, from the main roads to the middle, on the south course; two leagues on the other side of said river, in an easterly direction; two leagues to



the north, meeting the said main roads; to the south two leagues, leaving the Sabine free to the public; promising to your honor that a great deal of advantage and benefit will be found by travellers at my establishment, as it is my intention to have a canoe for the people to cross with more safety, which ferrage I will receive from those who will go about their own business, with exception to those in the King's service or the interests of government, and, besides not admitting any pay, I will at any time be ready personally to render any service whatever, and the same with the ministers who will be duly bound to cross the river. I will oblige myself to build houses on the said lands, enclosures, and cultivate that portion of the land that I possibly can within the time required by the law, by your honor giving me a real and personal possession of the said land; and all that is required as testimony for my own safety and my rights, granting me this writing or document on this paper, as there is none of the stamped paper in all this vicinity, as the law directs. In witness whereof, I have hereunto signed. Nacogdoches, June 17, 1797.

VICENTE MICHELÉ.

Apply to the procurador, say land commissioner of this district, which will leave the interested party in possession of the land of his solicitude, provided there be no interference of a third.

JOSÉ N. GUADIANA.

I, José Cayetano de Zepeda, land commissioner and surveyor for this settlement of Nacogdoches, in virtue of the foregoing decree: I have been on the said lands solicited by the said Vicente Michelé, which lies on each side of the river Sabine, at the ferry, and known by the name of *Las Sabinas*; and having seen and examined the said place named *Las Sabinas*, I found no objection in granting to him on the north course two leagues on the one and the other side, and on the westward two leagues on each side, leaving free and for the public good the *Sabines*, as also the canoe that will be put for the benefit and good of the public, each person paying twenty-five cents, and twenty-five cents for each load of mules, and twenty-five cents for each load of horses; and he is to be at any time in readiness for the service of government, without any charges, also with the ministers. I took with me the said Vicente Michelé, and we went on the said courses, and at each corner of said land, and in sign of possession, he made marks on trees, cut some trees down, &c.; and I granted him the said possession in the name of his Majesty, in presence of the witnesses, my assistants, with whom I did, and for want of a notary public, as there is none here, and having wrote this on common paper, having none of the stamped, which I certify. Nacogdoches, June 20, 1797.

JOSEPH CAYETANO DE ZEPEDA.

JOSEPH LOUIS DE LA VEGA.

ANDRUS RUIZ.

[Here follows the transfer of Vicente Michelé to Joseph Miguel Crow, in the post of Nacogdoches, June 19, 1802.]

I, Miguel de Musquez, commandant of this post, lieutenant, military and political, acting in place of notary public, with witnesses of assistants, for want of a public officer or notary public, as there is none in this comprehension, personally appeared before me Vicente Michelé and Miguel Crow: the first says that the lands are his own on the river Sabine, passage to the *Sabines*, to be transferred unto the said Crow, those in the said comprehension that lie on the eastern side of the said river, under the condition that he is to remain on the ground and discharge the duties mentioned in the title granted to him for the said land, and that the person or persons representing or acting for the above-mentioned Crow, to cross as is stipulated and agreed with Vicente Michelé; and in case he should wish to sell or dispose of said land, he is duly bound to do it with regard to the conditions herein mentioned, and that the said receives the same, and agrees to observe the above conditions as they are stipulated in the grant thereof; and that this of writing was extended the same way. It was agreed upon and signed by the said Michelé, and Crow made his cross, and I, the said judge, have signed the same, with two witnesses required, which I certify.

VICENTE MICHELÉ.

Witnesses: MIGUEL DE MUSQUEZ.

BOSSIE DAVENPORT.

[Here follows the agreement respecting the plat.]

To the commandant :

SIR: Joseph Miguel Crow, a settler of this jurisdiction of Nuestra Senora del Pilar, of Nacogdoches, on the borders of the river Sabines, before you, with due respect, says that, in the month of April, 1796, he settled himself on said river, and built a flat on his own account to cross said river with. The conditions stipulated in the petition presented at that time for this purpose, which grant was made to him by decree of the commandant that had the command that year, and, having misunderstood the said contract, has experienced and suffered to this day the greatest extortions with his numerous family, as it is evident, seeing himself obliged either to quit or to ask of your notorious goodness to make void his obligations in the said contract, and admit the same, as it is an act of justice, and make the following: "That all public affairs or King's business, and also the priests, will pass as soon as they will call, without charges; that the carts or wagons, when the river is high, in that case only will pay three dollars, and when the water extends in the swamp six dollars each cart. It is well understood this price is for the cart, oxen, &c., belonging to the same, together with the horses for the use of those that conduct the cart. That an empty cart at low water will have to pay two dollars, and four dollars at high water; that a single passenger or traveller at high water will pay two bits ferrage for himself and two bits for his horse, if he has one, and two bits for the load of each mule or horse. In consideration of your goodness, I expect to receive the sanction of this my solicitude." Nacogdoches, May 24, 1803.

Acting in behalf of JOSEPH CHABEAU,  
MICHAEL CROW.

"In the town of Nacogdoches, May 25, 1803, I, Miguel de Musquez, military and political commandant of this town and its jurisdiction, in consideration of the exposure or representation made by Miguel Crow, and the benefit deriving by it to the public of this place, I do hereby approve of the establishing of a flat to the foregoing solicitude in order to cross this river, which is commonly wide and rises very frequently. In consequence of the same, I declare to be granted as he asks, and I have caused the same to be made

known to the public, and delivered him a copy of this document, and I have signed the same with two witnesses."

MIGUEL DE MUSQUEZ.

MIGUEL <sup>his</sup> + CROW.  
mark.

N. B.—On the twenty-second day of the month of March, in the year eighteen hundred and five, this copy was taken from the original, and is true and correct, and compared with that, that remaining in the records made by Joseph M. Guadiana and the Lieutenant Miguel de Musquez, my predecessors in command, and by the solicitude of Miguel Crow and Jean Say: I sign these presents with two witnesses, as there is no notary public.

Witnesses: JOSEPH MANUEL DELGADO,  
MANUEL BUSTAMANTE,  
JOSEPH JOAQUIN UGARTE.

STATE OF LOUISIANA, *Parish of Natchitoches*:

Personally before me, David Case, justice of the peace in and for the parish aforesaid, appeared Joseph Carriere, who, being duly sworn, deposeth and saith that the foregoing is a true translation from the original copy in Spanish.

Sworn and subscribed to this 8th day of August, A. D. 1820, before me, said David Case, justice of the peace in and for the parish aforesaid.

JOSEPH CARRIERE.

The following oral testimony has been filed in the claim of Isaac Crow, of a tract of land on the river Sabine, at the place where the road from Natchitoches to Nacogdoches crosses the said river:

"William Shewell, being sworn, deposeth that he is at present nearly eighty years of age, a native of the State of Pennsylvania; that about twenty-five years ago he went to Nacogdoches, where he resided several years; that his place of residence has been frequently changed since; but having resided under the Spanish government, and chiefly within the province of Texas, for the last twenty-five years, and during that time having frequently travelled the road between Natchitoches and Nacogdoches, he has been well acquainted with a tract of land claimed by Isaac Crow, under his purchase from a man named Vicente Michelé, on the river Sabine, where the said road crosses it. The deponent knows that a man named Chabineau, was established on the land in question, for the purpose of keeping a ferry, about twenty years ago, to the best of his recollection. That the said Chabineau had resided at the place about two years, when he was accidentally drowned in crossing the river. That about sixteen or seventeen years ago the claimant, Isaac Crow, having married the widow of Chabineau, settled on the land in question, and purchased from the said Vicente Michelé the part of the tract which lies on the east or left bank of the river, on condition of his keeping up the ferry and crossing of the King's troops, and the priests, and the said Michelé, and those in his employ, free of any ferriage; that he has reason to believe these conditions were fully complied with on the part of the said Crow, who continued to reside at the place until about seven years since, when he left home to attend to some affairs on the east side of the Mississippi, and has not since returned, although his family still remains there and has kept up the ferry, and has nearly fifty acres of land under cultivation."

WM. <sup>his</sup> + SHEWELL.  
mark.

Sworn and described before me December 30, 1820.

LEVIN WAILES, *Register of the Land Office.*

The land mentioned in the foregoing claim is situated in the Neutral Territory, or in that district of country between the Rio Hond and Sabine, whose jurisdiction was in dispute between the governments of the United States and the province of Texas before the treaty ratified February 22, 1819.

The undersigned register being one of the commissioners for receiving and reporting those claims in the Neutral Territory aforesaid, it is proper here to observe that those commissioners agreed to pass over all those claims that might have been entered with the register under the act of May 11, 1820, to be disposed of in these reports. This claim has therefore been taken up and examined, and, from the documents filed and testimony adduced, the claim is recommended for confirmation for a quantity not exceeding one league square, or five thousand seven hundred superficial American acres, to be taken on the east bank of the river Sabine, in the county of Natchitoches, at the ferry where the road crosses from Natchitoches to Nacogdoches, and to be located the one-half north and the other half south of said road.

A No. 69. The legal representatives of George Miller, late of the parish of St. Landry, claim a tract of land of four hundred and eighty arpents, equal to 406.21 American acres, to wit: twelve arpents in front by forty in depth, situated on the Bayou Bourbeaux, in the same parish, and bounded on one side by land of Jacob Miller, and on the other side by the domain, at the time of the concession thereof. In this claim the following documents of title have been filed, to wit: the requête of the said George Miller, dated at Opelousas, September 19, 1788, soliciting a grant of the above-described tract of land, to which is subjoined the certificate of approval by the commandant of Opelousas, Mr. Forstall, dated the day and year above mentioned, stating that the said described land was of the domain, together with the order of survey of Governor Miro, dated June 15, 1791, granting the said land, as solicited, to the said George Miller.

The requête and concession filed in this claim have been drawn from the office of the surveyor general in the city of New Orleans, which were purchased by the State of Louisiana in 1818, from the succession of the late surveyor general of the Spanish province of Louisiana. They appear to be genuine, and the claim is therefore recommended for confirmation.

A No. 70. The legal representatives of Joseph Silvestre, late of the parish of St. Landry, claim a tract of land of three hundred and twenty superficial arpents, equal to 270.81 American acres, to wit: eight arpents front, with the ordinary depth of forty, situated at a place called the Grand Prairie, in the aforesaid parish, and bounded, at the time of the concession thereof, on one side by Mr. Franche, and on the other side by Mr. Joseph Fonteneau.

In this claim the following documents of title have been filed, to wit: the requête of the said Joseph Silvestre, dated at Opelousas, August 30, 1780, soliciting a grant of the above-described tract of land, to

which is subjoined the certificate of the Chevalier de Clouet, then commandant of Opelousas, dated September 4, 1780, stating that the said land was of the domain. The concession or order of survey by Governor de Galvez, dated at New Orleans, June 21, 1781, ordering the commandant to put the petitioner in possession of the above-described tract of land.

The requête and concession filed in this claim have been drawn from the office of the surveyor general in the city of New Orleans, which were purchased by the State of Louisiana in 1818, from the succession of the late surveyor general of the Spanish province of Louisiana. They appear to be genuine, and the claim is therefore recommended for confirmation.

B No. 71. Juan Aldereta, of the parish of Natchitoches, claims a tract of land of eight hundred superficial arpents, equal to 677 American acres, to wit: twenty arpents front, situated on the river Colorado, with forty in depth, at twenty arpents distance, more or less, from the mouth of a river which enters four leagues below Rapides, in the parish of Rapides, and bounded, at the time of the concession thereof, on both sides by his Majesty's domain.

In this claim the following documents of title have been filed, to wit: The requête of the said claimant, without date, soliciting a grant of the above-described tract of land, to which is subjoined the concession or order of survey of Governor de Galvez, dated at New Orleans, June 8, 1777, ordering the surveyor of the province to establish the petitioner on the above-described tract of land.

From a view of the documents filed in this claim, it has the appearance of being a forgery. The claim is unaccompanied by any oral testimony, and as it may be in the power of the claimant to remove all doubts and to establish his title by the introduction of further evidence, it is therefore recommended that further time be allowed for that purpose.

B No. 72. Jean Tomazeau, of the parish of Rapides, claims a tract of land of sixteen hundred superficial arpents, equal to 1,354 American acres, to wit: twenty arpents of land front on both sides of the Bayou Delorme, in the said parish of Rapides, and below the village Bilocci, with the ordinary depth of forty arpents, and bounded above and below by the domain. In this claim the following documents of title have been filed, to wit: The requête of the said claimant, dated at New Orleans, November 8, 1798, praying for a grant of the above-described tract of land, to which is subjoined the concession or order of survey by Governor Gayoso, dated at New Orleans, November 11, 1798, ordering the surveyor, Don Carlos Trudeau, to establish the party upon the above-described land.

From a view of the documents filed in this claim, it has the appearance of being a forgery. The claim is unaccompanied by any oral testimony, and, as it may be in the power of the claimant to remove all doubts and to establish his title by the introduction of further evidence, it is therefore recommended that further time be allowed for that purpose.

B No. 73. Louis Duran, of the parish of Ouachita, claims a tract of land of three thousand two hundred superficial arpents, equal to 2,708.10 American acres, to wit: forty arpents of land front, situated on both sides of the Petit Bachele, below the village of the Bilocci, in the parish of Rapides, with the depth of forty arpents, and bounded on both sides by his Majesty's domain at the time of the concession thereof. In this claim the following documents of title have been filed: the requête of the claimant, without date, soliciting a grant of the above-described tract of land, to which is subjoined the order of survey of Governor Miro, dated May 4, 1788, granting the said land as solicited, and ordering the surveyor, Don Carlos Trudeau, to establish the claimant thereon.

From a view of the documents filed in this claim, it has the appearance of being a forgery; but, as has been mentioned in the other claims, it is recommended to give further time for the introduction of testimony, as it may be in the power of the claimant, by that means, to substantiate his claim.

A No. 74. Joseph Irwin, of the parish of St. Landry, claims a tract of land containing six thousand four hundred square arpents, equal to five thousand four hundred and sixteen and two-tenths of an acre, to wit: eighty arpents square, situated at the place called the Ant Hill, in the parish of Natchitoches, about twenty leagues in a northwesterly direction from the village of Natchitoches, on the river Sabine; which tract of land was conceded by the Spanish government to Paul Bonet Lafitte August 16, 1800, by Don Miguel de Moral, then civil and military commandant, exercising the office and authority of lieutenant governor for the town of Nacogdoches and its dependencies. The claimant hath filed in his claim the original concession above referred to, to which is annexed an assignment or donation by the said Paul Bonet Lafitte to Louis and Cesar Lafitte for the said tract of land, dated September 18, 1800, and a transfer, by assignment, of the said land by the said Cesar Lafitte and Louis Lafitte to the claimant, dated September 10, 1814, which has been duly proved and authenticated before the judge of the parish of Natchitoches, as will appear by the certificate under his signature and the seal of his office, dated April 21, 1818.

It will be seen that no definite quantity of land is expressed in the concession already referred to. The claimant, nevertheless, relies on the justice of Congress to confirm his title to the extent he claims, because he is well assured that it was well understood between the lieutenant governor and commandant at Nacogdoches and the grantee that there were to have been laid off under the said concession the quantity of two square leagues of land; and that the claim has, ever since the date of the concession, been respected as a valid one by the neighbors to that extent.

The claimant might refer to many documents in the register's office of the western district to establish that, under the Spanish authorities at Nacogdoches, the grants of land were frequently for two, four, and sometimes as many as eight square leagues; he will, however, confine his references to the documents filed in the claim of Isaac Crow, and to the testimony in the claim of Pavy and Noyrit, which he hopes will satisfy the honorable Congress of the United States that he is at least entitled to so much land as he has claimed, and which is less than the area of a square league, the smallest quantity for which grants from Nacogdoches were usually made.

The following is an exact translation of the above-mentioned grant, and the transfers made thereof: Don Joseph Michel del Moral and Zenaltes, acting as commandant, military and civil, of this town of Nacogdoches and its jurisdiction, &c.

In the execution of the royal jurisdiction which I exercise, and in consideration of the just right which Paul Lafitte has to a piece of land to be located at the place called the Ant Hill, he hath appeared for the purpose of having the same granted to him; which I order and command, and have signed the same, with the two assistant witnesses undersigned, August 16, 1800. In faith whereof, I hereby certify the same.

JOSÉ MIGUEL DE MORAL.

Witnesses: JOSÉ DELASON.

JOACHIN DE LOS ANGELES.



"I acknowledge, by this writing under my hand, to have given, as a pure donation, to Louis and Caesar Lafitte the above-described land. In faith whereof, I have signed this September 18, 1800.

"PABLO BONET LAFITTE."

"Transferred to Joseph Irwin for the sum of five hundred dollars, which he paid me at Bayou Pierre, September 10, 1814.

"CÆSAR LAFITTE.

"LOUIS LAFITTE.

"Witnesses:

"MARCEL DE SOTO.

"NOYRIT."

The following is a copy of the acknowledgment taken before the judge of the parish of Natchitoches:

"This 21st day of April, 1818, personally appeared before me, P. D. Cailleau Lafontaine, judge of the parish of Natchitoches, in the State of Louisiana, and ex-officio notary public for and in the aforesaid parish, appeared Charles Noyrit, of the said parish, who, in presence of David Case and Miguel Arcienaga, has acknowledged his signature to the above and within deed as witness, and has also declared he was present when the principals, Caesar Lafitte and Louis Lafitte, signed the same in his presence, and the said Charles Noyrit signed the same after reading, with the above-named witnesses, the day, month, and year above written.

"NOYRIT.

"Attest: DAVID CASE.

"MIGUEL ARCENAGA."

"In witness whereof, I have hereunto set my name and seal of office.

"P. D. CAILLEAU LAFONTAINE." [L. s.]

This is a claim situated in the Neutral Territory, and the same may be here observed as in No. 68, to which reference is made. The documents seem to be genuine, and the claim is recommended for confirmation.

A No. 75. The legal representatives of Joseph Valliere Dauterive claim a tract of land containing 1,600 superficial arpents, equal to 1,354 American acres, to wit: twenty arpents front on both sides of the river Tché, with forty arpents in depth, bounded at the time of the concession on one side by the land of the Widow Gregoire, and on the other side by land claimed by the Chetimaches Indians.

In this claim the following documents of title have been filed, to wit: 1st. The requête of the said Joseph Valliere Dauterive, soliciting a grant of the above-described tract of land, and dated August 2, 1788. 2d. The certificate of approval by the Chevalier de Clouet, commandant of the post of Attakapas, stating the lands to be of the domain, dated September 22, 1778. 3d. The concession or order of survey by Governor de Galvez, ordering the said commandant to put the petitioner in possession of the land prayed for. 4th. The certificate of the said commandant, stating that he had put the party in possession of said land in presence of witnesses, dated November 20, 1780. 5th. The patent or title in form to Joseph Valliere Dauterive for the said described tract of land, dated at New Orleans, January 15, 1783, and signed by Governor Miro.

The documents of title in this claim have been examined, and are thought to be genuine. An endorsement, in the handwriting of the former register, is found on the files in the following words: "Copied from the originals, which have been carefully examined and found to be of unquestionable authenticity," and signed by the said register.

The claim is therefore recommended for confirmation.

A No. 76. The legal representatives of Pierre Naizat claim a tract of land containing 480 superficial arpents, equal to 406.21 American acres, to wit: twelve arpents front, with forty in depth, twenty whereof to be taken in the woods, and the remainder in the prairie at a place called the *Grande Coulee*, running east and west, and bounded at the time of the concession by the King's domain.

In this claim the following documents of title have been filed, to wit: 1st. The requête of the said Pierre Naizat for the above-described tract of land, dated July 28, 1774. 2d. The order of the survey or concession by Governor de Unzaga, ordering the commandant to put the petitioner in possession of the land prayed for, and to fix and place the boundaries thereof, dated January 15, 1776. 3d. The certificate of the Chevalier de Clouet, commandant of Attakapas, setting forth that, in pursuance of the governor's decree, he had put the petitioner in possession of the land solicited, and fixed the boundaries, in presence of witnesses, dated November 24, 1776. 4th. The patent or title in form to the said Pierre Naizat for the above-described tract of land, dated at New Orleans, January 5, 1777, and signed by Governor de Galvez.

On examination of the patent or title in form, (*titulo en forma*), it is found to correspond with the abstract of patents deposited in this office. It is believed to be genuine, and the claim is therefore recommended for confirmation.

A No. 77. The legal representatives of Mr. De Villieres claim a tract of land containing 480 superficial arpents, equal to four hundred and six and twenty-one hundredths American acres, to wit: six arpents front by forty in depth, situated on the left bank of the river Tché, and the same quantity on the east bank, commencing at the boundary of Gregoire Pellerin, thence descending the said bayou to the Indian village.

In this claim the following documents of title have been filed: 1st. The requête of Thomas Acken, dated at Attakapas, September 15, 1771, soliciting a grant of the above-described tract of land. 2d. The certificate of the commandant of Attakapas, Mr. Fuselier de la Claire, approving the said requête, and certifying that the land was of the domain, dated January 24, 1772. 3d. The concession or order of survey by Governor de Unzaga, without date, ordering the said commandant to put the petitioner in possession of the above land, and to fix and place the boundaries thereof. 4th. The certificate of the same commandant, setting forth that, in pursuance of the governor's order, he had put the petitioner in possession of the land solicited, in presence of the neighbors, and fixed the boundaries thereof, dated May 12, 1772. 5th. The patent or title in form to Thomas Acken for the said tract of land, dated at New Orleans, November 6, 1772, and signed by Governor de Unzaga. 6th. A certificate written on the above requête, dated May 20, 1778, and signed by the Chevalier de Clouet, then commandant of Attakapas, certifying

the transfer of the said title to Mr. De Villieres. 7th. A paper written under the private signature of Thomas Acken, whereby it appears that he had transferred the said land to Mr. De Villieres.

On examination of the patent or title in form, (*titulo en forma*), it is found to correspond with the abstract of patents deposited in this office. It is believed to be genuine, and the claim is therefore recommended for confirmation.

A No. 78. The legal representatives of John Gradenigo, late of the county of Opelousas, deceased, claim a tract of land containing 240 superficial arpents, equal to about 203 acres, being for six arpents front, with forty arpents in depth, situated in the parish of St. Landry. The claimants have referred for evidence of their title to the following documents already on record in the register's office at Opelousas, that is to say: a concession made February 11, 1765, by Messrs. Aubrey, commandant, and Foucault, *ordonnateur*, officers under the government of the French province of Louisiana, to Mr. Guillory, for "six arpents of land front on the bayou of Opelousas, with the ordinary depth, bounded on one side by the *vacherie* of Mr. Ricard, and on the other side by the part which may be occupied by Mr. Lameraad, and ten other arpents front on the bayou Bœuf," an authenticated extract from which concession or grant, given by Mr. Gurley, former register of the land office at New Orleans, is recorded in the register's office at Opelousas, in book No. 4, page 104; also an extract from the registry of proceedings of the superior council of the province of Louisiana, dated December 29, 1766, by which the land mentioned in the preceding are adjudicated to the grantee in a suit between him and a Madame Girard; subjoined to which, under date of April 27, 1778, is an original instrument, by which Baptiste Guillory (supposed to be the son of Gregoire Guillory, the grantee) has sold and transferred, in presence of Mr. de Cloet, then commandant, the title of the land mentioned in the decision of the superior council aforesaid to the above-named John Gradenigo, which decision, and transfer of title are also recorded in the register's office at Opelousas, in book No. 4, pages 105 to 108, inclusive, out of which lands the said Gradenigo having sold but the part fronting on bayou Bœuf, of ten by forty arpents, to John Tear, to whom the title was confirmed by the certificate of the late board of commissioners, marked A No. 93, it necessarily results that the six arpents front now claimed must still be of right the property of the heirs of the deceased John Gradenigo, who have solicited a confirmation of their title.

The documents of title in this claim seem to be genuine, the facts stated in the notice to be true, and the claim is therefore recommended for confirmation.

A No. 79. The legal representatives of Louis Latiolais, of the county of Attakapas, deceased, claim 800 superficial arpents of land, equal to 677 acres, to wit: twenty arpents front by the depth of forty arpents, situated in the quarter of Bellevue, on Plaquemine Brule, in the parish of St. Landry, and bounded on one side by land formerly owned by Sibrairie Saunier, and on the other side by that which formerly belonged to Mr. Mondon.

The claimants have referred for evidence of their title to the abstract from patents furnished for the use of the board of commissioners, and now making part of the records in the office of the register at Opelousas, by which it will be seen that on March 5, 1778, the said tract of land was patented by the then governor of the province of Louisiana to Bertrand Auret. And they have filed with this notice an authenticated copy from the records of the office of the judge of the parish of St. Landry, of a sale made of the above-described tract of land, dated November 21, 1790, by the commandant of Opelousas, to Dejean and Lastrapes, for the benefit of the creditors of the said Auret; and also of an act executed before Celestin Lavergne, notary public for the parish of St. Landry, dated September 23, 1820, by which Henry Lastrapes, surviving partner of the house of Dejean & Lastrapes, acknowledges to have sold and received payment from the aforesaid Louis Latiolais, deceased, of the above-described tract of land.

The patent or title in form (*titulo en forma*) filed in this claim has been examined, and is found to correspond with the abstract of patents making part of the records of this office. It is believed to be genuine, and the claim is therefore recommended for confirmation.

A No. 80. The legal representatives of Michel Bernard, late of the parish of St. Martin's, deceased, claim 800 superficial arpents of land, equal to seven hundred and ten and eighty-six-hundredths American acres, being for ten arpents front by the depth of forty-two arpents on each side of the Bayou Carenacro, bounded, at the date of the grant on one side by the land of John Gilbeau, and on the other side by the land of Silvan Broussard; which tract of land was granted by Governor de Galvez March 5, 1778.

The claimants have referred for the evidence of their title to the abstract of patents furnished for the use of the commissioners, and now making part of the records of the register's office in Opelousas; and also to the record book No. 3, page 316, in which the original patent herein referred to has been enregistered by the late register, but delivered out without the same having been acted on by the board of commissioners.

On examining this claim it is found not exactly to correspond with the abstract of patents, as it regards the quantity; the dates and boundaries, however, are found to be similar. But on referring to the record, the patent is found in due form as mentioned by the claimant. No claim corresponding with this has ever been acted upon in this office.

It is considered genuine, and is therefore recommended for confirmation.

A No. 81. John Sibley, of the parish of Natchitoches, claims a tract of land containing 6,944 superficial arpents, equal to 5,876.57 American acres, being the place known by the name of Peach Mount, in the said parish of Natchitoches; which tract of land was conceded by the Spanish government to Joseph Wallace April 12, 1790, by Antonio Gil y Barbo, then captain of militia, and exercising the functions of governor of the town of Nacogdoches and its dependencies.

The claimant hath filed the original concession above referred to, on which is endorsed a transfer of the above-described land to the claimant and William C. Alexander, signed by Thomas Wallace, the son of the grantee, as well in his own name as for the other heirs of the said Joseph Wallace, and dated at Natchitoches, May 20, 1809. He hath likewise filed an authenticated copy of a judicial sale of the undivided half of the said land, being the part appertaining to William C. Alexander, dated June 21, 1819, under the signature and seal of Charles Slocum, judge of the said parish of Natchitoches, at which sale the claimant became the purchaser, thereby making himself the proprietor of the whole tract above described.

The documents of title in this claim appear to be genuine, and it is therefore recommended for confirmation.

A No. 82. Simon Le Blanc, of the county of Attakapas, claims a tract of land containing two hundred and forty superficial arpents, equal to 203.10 American acres, to wit: six arpents front on the west side of the Bayou Vermilion, with the depth of forty arpents, in the county of Attakapas,

bounded on one side by the land of Michel Pevoto, as set forth in the original requête and certificate of the commandant, and on the other by vacant land.

In support of this claim the claimant refers to the requête and certificate of the commandant of the post of Attakapas, Mr. Louis C. Le Blanc, of date September 3, 1798, which was entered with the register and receiver under the act of March 10, 1812; and by some neglect the claim by them was reported No. 71, for only four arpents front instead of ten, as will be seen in the record of the above-mentioned claim, No. 30, pages 23 and 24, in which it will be seen that he was entitled to the residue he now claims.

This is a claim presented for revision, and on examining it the register and receiver have certainly erred in their report, and it is therefore recommended for confirmation for the quantity claimed.

A No. 83. The legal representatives of Jacques Fontenot. It appears by the register's letter of date July 14, 1820, to Mr. De Baillou, a person of intelligence in the neighborhood of this claim, that a requête and order of survey for a tract of land conceded by Governor Galvez to Jacques Fontenot, of ten arpents front, with forty in depth, in the Grand Prairie at the Petit Chene, on the Bayou Catarau, in Opelousas, was delivered to the register before the passage of the law by Congress of May 11, 1820, after which, as appears by said letter, the register wrote to Mr. De Baillou for information.

It seems from the memorandum of the register that the grant was filed with him by one Joseph Fontenot, and his object seems to have been to ascertain all the owners of the land; and from a letter on file, from Samuel Hook, of date November 8, 1820, it seems that part of the land is owned by the heirs of Simon Hook, but no deeds of sale are produced.

In acting upon these claims, the undersigned considers it the great object of the government of the United States to carry into effect the inchoate acts of the former governments, and where it is manifest that the former government intended to invest an individual with part of its domain the present government ought to consummate it in favor of the legal representatives of the grantee. For a person holding under the original grantee may, it is conceived, avail himself of such a confirmation in the same manner as if the act of confirmation had been special to him. And the original grant in this claim bearing every mark of authenticity, it is recommended for confirmation, for the quantity and at the place mentioned in the grant, to the legal representatives of Jacques Fontenot, the original grantee.

B No. 84. John Hayes has filed a notice for a tract of land on the Bayou Petit Ance, for ten arpents front, with the ordinary depth, founded, as stated in the notice, on a Spanish grant which is lost, or in the hands of Louis de Blanc, absent in New Orleans. It has never been produced, and no document of title accompanies the notice; it is therefore rejected.

B No. 85. Mathurin Guillot. This is a claim founded on a requête to Pierre Landerneau, and not coming within the provisions of the law, it is rejected.

B No. 86. Heirs of King Holstein. This claim is founded on a requête only, and not coming within the provisions of the law, it is rejected.

A No. 87. John Stine has filed his notice for the revision of his claim under the 4th section of the act by virtue of which these claims have been entered. It was rejected by the late board of commissioners, composed of the register and receiver, in their report of December 30, 1815, under the No. 721, and in class No. 8. In the files of this claim is found the following note, by and in the handwriting of the then register, of date September 9, 1820, viz:

"The enclosed requête is filed by Mr. John Stine, to be laid before Congress as evidence of the validity of his claim filed with the register October 29, 1812, No. 576. The circumstances attending this claim are the following, as known to the present register, to wit:

"That in filing his claim with the late register for a tract of land conceded to said Stine by the Spanish government, of eight arpents front, with the ordinary depth of forty arpents, at a place called Grand Coat, the requête now filed must have been presented, and as no notice was made for it, it is presumed the register must have supposed the requête to be a paper belonging to the Grand Coat claim; it was accordingly laid among the papers of that claim and overlooked. It bears on the back, in the handwriting of the then translator of the board, these words, 'Stine's requête.' Mr. Stine can establish by testimony that he has exercised ownership over the said land by building a cabin on it and cultivating a garden, before the change of government, intending at that time to make it the place of his residence. The paper above mentioned was not found until after the claim No. 576 had been reported."

The following testimonial proof is also found on file, viz:

"In the claim of John Stine, Luke Briant, being sworn, deposes and saith that he is well acquainted with the said land, and with the claimant, who is the head of a family, and more than fifty years of age; that in the latter part of the year 1801, or the commencement of the year 1802, he, the deponent, was on the said land, when he recollects there was a small house thereon, in which the claimant had (as the deponent was informed and believes) resided; that there were several acres of the land then cleared and prepared for cultivation, a part of which had been cultivated that or the preceding year; that there were several bearing peach trees on said land, which was spoken of then by the neighbors as belonging to said Stine, and has ever since been respected by them as his property. The deponent further saith that he acquired a knowledge of the above circumstances from being in treaty with the said Stine for the purchase of the said land at the time he visited it, but as the terms of payment which he proposed were not such as Mr. Stine thought proper to accept, they did not agree. Sworn November 25, 1820."

The requête is filed, bearing date June 26, 1796, in which the said John Stine states himself for some years a resident in the post of Attakapas, and, wishing to form a settlement in the said post for the subsistence of his wife and two children, solicits a grant for 10 arpents front, with the depth of 20 or 25 arpents, on the east side of the Bayou Teché, in the rear of Mr. McCarty's land, to commence at a point on the grand woods fronting the island called Sassafra, and thence running downward. The certificate of vacancy by the commandant, Luengo, is attached. The whole seems to be genuine and authentic. Although the claim does not come within the terms of the law, being neither a *grant nor order of survey*, yet presenting the strongest points of equity, showing that everything was done by the claimant which could have been required of him, many years ago, when the claim would have been sanctioned had not the requête been unfortunately mislaid.

It is therefore recommended for confirmation for 250 superficial arpents, in conformity with the requête.

B No. 88. Claim of John Shult. This is a claim presented for revision under the fourth section of the act by virtue of which these claims have been entered.

It was reported by the register and receiver in their report of December 30, 1815, under the No. 407, in class 7. The additional testimony offered tends to establish the claim by *settlement only*; besides which, it appearing to be north of Red river, it is out of this jurisdiction. It is therefore rejected.



B No. 89. Claim of François Gonsoulin. This is a claim founded on a requête of date December 10, 1802, in the name of the claimant, for 640 superficial arpents of land in the rear of a tract already owned by the said claimant. This, also, is a claim presented for revision, as appears from the register's note on the files, in the following words:

"François Gonsoulin's requête, to be filed in his claim entered December 24, 1812, see registers No. 187, received August 30, 1820, and to be reported under the act of Congress entitled 'An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana,' approved May 11, 1820.

"On referring to this claim it is found to have been [reported by the register and receiver in their report of December 30, 1815, under the No. 384, in class No. 7. It was there claimed by virtue of settlement only."

It does not come within the provisions of the law, nor is it accompanied by any of the equitable circumstances of the preceding claim, No. 87. It ought therefore to be rejected.

A No. 90. Claim of Louis Guillory. This is a claim for nine arpents front by forty deep, situated in the county of Opelousas, in the quarter of the Grand Prairie, alleged in the notice to be a part of a grant to one Pinel from the Spanish government, which is said to have been destroyed by fire.

It is much to be regretted that the claimant has not furnished more proof, both of the existence of the grant and of its probable loss by fire, because the undersigned is persuaded, from the character of the claimant and witnesses, that a grant must have existed, as is stated in the notice, and by one of the witnesses themselves.

In this claim Jean Lafleur, aged forty-nine years, being sworn, says that the land in question is well known to him; that it is a matter of public notoriety that it makes part of the concession from the Spanish government to a man named Pinel, for twenty-five arpents front; that it was purchased by this deponent more than twenty years past from a man named Lamoth, and about seventeen years past sold by this deponent to the present claimant, who is forty-one years of age, and has a family consisting of a wife and ten children; that the land in question has been constantly inhabited and cultivated from the earliest recollection of the deponent to the present time: first by the grantee, Pinel, afterwards by Nicholas Lamoth, and subsequently by the present claimant, by Madame the Widow Fusilier, and others; that it is known to this deponent that the present claimant never had any concession of land from the Spanish government, and that the tract in question is the only land from which he expects to draw a subsistence and support for his numerous family of children. The deponent further saith that, although the title of a part of the said land has passed through him, he is in no respect interested in its confirmation or rejection, having made a sale without guaranteeing the validity of the title.

Charles Soileau, being sworn, and having had explained to him the testimony of J. Lafleur, declares that the principal facts therein stated are known to him to be true. Sworn September 14, 1820.

In the handwriting of the former register is found the following memorandum in this claim, viz:

"NOVEMBER 15, 1798.

"Nicholas Lamoth sells to Jean Lafleur six arpents front of land, with the ordinary depth, in Grand Prairie, bounded on one side by Nicholas Deshotel, and on the other by Jacques Deshotel."

"JUNE 7, 1803.

"By two deeds of sale duly executed, both of this date, by Jean Lafleur to Louis Guillory, jr., one for four and the other for two arpents front, the tract of land above described, in the deed from Lamoth to Lafleur, appears to have been conveyed to said Guillory."

"OCTOBER 25, 1797.

"Nicholas Lamoth sells six other arpents, understood to be out of the same original tract, to Jacques Deshotel. This deed is written in Spanish, and is signed by Lamoth, but does not appear to have been officially executed."

"OCTOBER 24, 1810.

"Jacques Deshotel sells the same land to François Guillory. This deed executed before George King, parish judge, and duly recorded."

"It is understood that the tracts claimed by the Messrs. Guillory, making together twelve arpents front, are a part of the same original tract out of which Madame Helen Sorlean claimed, and has had confirmed to her under occupancy, by certificate B 1420, a tract of ten arpents front. The whole of these three tracts are said to proceed originally from a man named Pinel, to whom it is said to have been conceded by the Spanish government. It is also said that the original document of title under which Pinel held was destroyed by fire, and that the land being a donation from Pinel to Lamoth, no deed was ever executed. It is known that at that date it was very common to transfer lands in what was termed good faith, without executing any deed."

Perhaps this claim does not come within the provisions of the law, regarding its strict letter; but, taking into consideration the length of time, and the *quo animo* the claimant has possessed the land, a title to which he solicits, it would be but just on the part of the government to confirm the party in his claim to nine arpents front by forty in depth, in the place above mentioned, to adjoin the land confirmed to Madame Helen Soileau, by commissioners' certificate marked B No. 1420.

B No. 91. The legal representatives of Marie de St. Denis. This claim is for a league square on the Kesatchie, in the county of Natchitoches, situated between two bayous which run out above the land cultivated by Goutierre at the time of the concession.

The claim is founded on a grant which accompanies the notice, of date September 11, 1769, in favor of Marie de St. Denis, wife of De Soto, and signed by the Chevalier de Villier, in these words: "In consideration of the above statement, we have granted, by the ordinary depth, to the said Madame de St. Denis Soto, the land which she demands, in order to make crops, as well as to settle the said vacharie. In faith whereof, we have signed at Natchitoches, this 12th September, 1769.

"LE CHE. DE VILLIER."

The requête preceding this grant is in the usual form, praying for a tract as described above, situated between two small bayous, &c., with the ordinary depth, called the Laurel tract.

The Chevalier de Villier is addressed in the requête by the style of "captain of infantry, and commanding at Natchitoches for the King."

Judge Murray, agent for the claimants, in his notice, styles him the "French governor of Natchitoches."

The nature of the present document of title depends upon the capacity in which the Chevalier de

Villier acted, whether as commandant or as governor; if the first, the document is but a requête, his act amounting to the usual certificate of vacancy only; if the latter, it must be considered as a grant, though not clothed with the usual forms. The claim as it now presents itself cannot be recommended for confirmation; but the undersigned would recommend that a further time may be given for its re-examination, in order that the nature and authenticity of the grant may be scrutinized and the location properly fixed.

B No. 92. Representatives of Louis Monet. This is a claim for forty arpents front on Red river, by the depth of four arpents, making the superficial area claimed one hundred and sixty arpents, by virtue of a Spanish grant by the Baron de Carondelet to Louis Monet, of date May 12, 1792.

On examining the claims of this office, the same, or one precisely similar, has been confirmed to the widow of the said Louis Monet, by commissioners' certificate, marked B No. 2112. This, therefore, ought to be rejected.

B No. 93. Claim of Edward McLaughlin, assignee of Joseph Procelle. This is a claim presented for revision; it has been reported by the register and receiver in their report of December 30, 1815, under the No. 954, in class 8. Additional testimony is now offered to substantiate the claim by *settlement only*. It is therefore not recommended for confirmation.

B No. 94. Legal representatives of Jane Ramsay claim 2,000 arpents, in virtue of a decree of concession of March 3, 1787. L. J. Barbin styling himself clerk and translator L. O. E. D., State of Louisiana, certifies, February 17, 1818, that among the Spanish records, &c., the following was found, which, translated, is as follows:

"MARCH 3, 1787.

"To Mrs. Jane Ramsay, a decree which is in file of this office. To Mrs. Jane Ramsay, widow of Mr. Ramsay, an officer who was in the service of his Britannic Majesty, who solicits the possession of 3,150 acres for an English concession which her husband possessed in West Florida; she may place or locate the following decree or order for Natchez:

"NEW ORLEANS, March 3, 1787.

"As soon as the party shall have found 2,000 arpents of vacant land, in conformity with her solicitation, *the concession thereof may be granted her* in consideration of what she states."

It does not appear by this certificate that the decree was obtained in the usual form, and signed by the Spanish governor, who, at that time, was Miro. Besides which, what is called the grant seems only a special permission to the party to locate 2,000 arpents on vacant land, *that the concession thereof may be granted her*. It does not appear that she ever availed herself of this permission, and, for aught we know, she may have left the Spanish dominions before locating her claim, which, of itself, would operate the nullity of the grant.

B No. 95. Louis Cartier claims 280 acres of land in the county of Opelousas, Grand Prairie. It was formerly reported by the register and receiver, December 30, 1815, under the No. 924, in class 8. The additional testimony now offered only tends to establish the claim by right of settlement and occupancy. It ought therefore to be rejected.

B No. 96. Thomas Wallace has presented this claim for revision. It was reported by the register and receiver, December 30, 1815, under the No. 726, class 8. The additional testimony now offered tends only to establish the claim by right of settlement and occupancy. It ought therefore to be rejected.

All which is respectfully submitted.

VALENTINE KING, *Register*.

19TH CONGRESS.]

No. 491.

[1ST SESSION.]

## AMOUNT OF FORFEITURES BY PURCHASERS OF PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 7, 1826.

TREASURY DEPARTMENT, *February 3, 1826.*

SIR: In obedience to a resolution of the House of Representatives of January 21, 1826, directing the Secretary of the Treasury to communicate to the House "the amount of money paid by the purchasers of public lands which have become forfeited to the United States from the commencement of the land system of the United States to the present time, designating the amount in each State and Territory," I have the honor to transmit herewith a letter from the Register of the Treasury, and the statement therein referred to, which contain the information required by the resolution.

I have the honor to be, with the highest respect, your most obedient servant,

RICHARD RUSH.

Hon. the SPEAKER of the House of Representatives.

TREASURY DEPARTMENT, *Register's Office, February 2, 1826.*

SIR: I have the honor to transmit herewith a statement exhibiting the amount of forfeitures which have accrued from the sales of public lands from the opening of the land offices to December 31, 1824, in compliance with a resolution of the House of Representatives of the 21st ultmo.

I have the honor to be, with great respect, sir, your obedient servant,

JOSEPH NOURSE, *Register*.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

Statement exhibiting the amount paid by individuals on account of the sales of public lands, which became forfeited to the United States in the several land offices within the States of Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama, and the Territory of Michigan, from the opening of the land offices to December 31, 1824, to which is added the forfeitures arising from sales made at New York in 1787, and at Pittsburg in 1796.

Years.	Ohio.	Indiana.	Illinois.	Missouri.	Mississippi.	Alabama.	Michigan.	Total.
1800.....	\$140 00							\$140 00
1801.....	1,100 00							1,100 00
1802.....	397 24							397 24
1803.....	245 00							245 00
1804.....	1,487 69							1,487 69
1805.....	1,040 91							1,040 91
1806.....	3,672 87							3,672 87
1807.....	3,552 08	\$435 04						3,987 12
1808.....	4,372 09	113 19						4,485 28
1809.....	13,986 32	113 68			\$112 98	\$291 20	\$25 22	14,529 40
1810.....	39,009 88	64 00			109 91	152 57		39,336 36
1811.....	69,769 17	318 53			150 02	438 49		70,696 91
1812.....	23,029 12	1,819 04			345 87	287 36		25,475 39
1813.....	59,220 06	8,044 53			19,070 12	48 00		79,362 71
1814.....	5,851 05	3,351 89	\$158 51		102 61	914 58		10,378 64
1815.....	6,632 44	4,877 55	560 80		32,500 77	344 17		44,915 73
1816.....	12,956 48	5,849 43	472 92		8,574 69	1,860 90		29,716 42
1817.....	15,889 27	6,148 03	1,371 52		5,944 98	8,608 22		37,962 02
1818.....	4,849 07	2,870 30	4,035 42	\$487 28	5,673 74	15,635 21	275 84	33,886 76
1819.....	1,140 78	1,479 09	2,995 56	11,942 29	1,962 12	25,919 20	393 72	45,823 76
1820.....	345 25	413 00	982 14	670 08	325 97	8,308 91	66 06	11,011 41
1821.....	604 03	212 83	205 09		769 61	939 90		2,821 46
1822.....	99 06	198 76	24	1 60		1,970 11		2,269 77
1823.....	4 78		1 10	18 89	280 00			304 69
1824.....	27,739 41	289 03	7,421 75	121 69	7,419 20	579 42		43,570 50
	297,220 05	36,597 82	18,965 05	13,241 74	76,362 59	66,218 24	760 84	508,666 33
Add forfeitures informally reported to the General Land Office by receivers in Alabama, not included in the above.....								22,069 41
Forfeitures accruing from sales of public land in New York, in 1787.....								530,735 74
Do.....do.....Pittsburg, in 1796.....								29,782 65
								525 94
								561,044 33

TREASURY DEPARTMENT, Register's Office, February 2, 1826.

JOSEPH NOURSE, Register.

19TH CONGRESS.]

No. 492.

[1ST SESSION.]

## LEAD MINES AND SALT SPRINGS.

COMMUNICATED TO THE SENATE FEBRUARY 8, 1826.

To the Senate of the United States:

In compliance with a resolution of the Senate of the 15th of December last, I communicate herewith reports from the Secretaries of the Treasury and of War, and from the Commissioner of the General Land Office, with documents relating to the lead mines and salt springs, containing the information desired by the resolution.

JOHN QUINCY ADAMS.

WASHINGTON, February 7, 1826.

TREASURY DEPARTMENT, February 6, 1826.

The Secretary of the Treasury, to whom was referred the resolution of the Senate of December 15, 1825, requesting "the President of the United States to cause the Senate to be furnished with an abstract of the leases made for lead mines and salt springs since March 3, 1807, with the amount of rent annually accruing upon each lease, and the amount paid into the treasury; also, with a copy of the instructions under which the agent for lead mines is now acting in the State of Missouri and upon the Upper Missis-



issippi, and a statement of the annual expense attending upon his agency," has the honor to transmit herewith a letter from the Register of the Treasury with the statement therein referred to, which contain all the information in the department not already communicated by the Commissioner of the General Land Office upon the subject of the said resolution.

Respectfully submitted.

RICHARD RUSH.

The President of the United States.

TREASURY DEPARTMENT, *Register's Office*, January 30, 1826.

SIR: Agreeably to your instructions, predicated on the resolution of the Senate of the United States in relation to the salines and lead mines of the United States, I have the honor to report that the whole amount of moneys received into the treasury from the salines, as per statement A, is twenty-eight thousand three hundred and ninety dollars and sixty-five cents; and that the whole amount of moneys received into the treasury from the lead mines, as per statement B, is two thousand dollars and seventy-seven cents.

I beg leave also to refer to statements C, D, and E, in relation to the rents accruing on the salines and one of the lead mines, taken from the accounts as settled at the treasury.

I have the honor to be, sir, with great respect, your most obedient servant,

JOSEPH NOURSE.

Hon. RICHARD RUSH, *Secretary of the Treasury*.

A.

*Statement of the amount paid into the treasury on account of the rent of the saline near the Wabash.*

1811.—By Ninian Edwards, governor of the Illinois Territory.....	\$2,500 00	
1812.—By Taylor, Wilkins & Co., lessees of the saline.....	7,910 25	
1813.—By Leonard White, agent.....	13,750 00	
1815.—By Leonard White, agent.....	4,000 00	
		<u>\$28,160 25</u>

*Statement of moneys paid into the treasury on account of the rent of the salt spring upon section 34, township 11, range 3, in the Steubenville district.*

1815.—By David Hoge, agent.....	\$76 80	
1816.—By David Hoge, agent.....	76 80	
1817.—By David Hoge, agent.....	76 80	
		<u>230 40</u>
		<u>28,390 65</u>

B.

*Statement of moneys paid into the treasury on account of the rent of the lead mines in Missouri.*

1818.—By Frederick Bates, agent.....	2,000 77	
		<u>30,391 42</u>

JOSEPH NOURSE, *Register*.

TREASURY DEPARTMENT, *Register's Office*, January 30, 1826.

C.

*Abstract of the amount of rent accruing from the saline on the Wabash, taken from the accounts (as settled at the treasury) of the agents, Isaac White and Leonard White, and the lessee, John Bate.*

	Bushels.
For the year 1807, Isaac White, agent.....	1,000 00
On June 20, 1810, Leonard White, agent.....	6,000 00
On September 1, 1810, Leonard White, agent.....	6,000 00
From September 1, 1810, to August 31, 1811, Leonard White, agent.....	5,600 00
From September 1, 1811, to August 31, 1812, Leonard White, agent.....	5,600 00
From September 1, 1812, to August 31, 1813, Leonard White, agent.....	5,600 00
From September 1, 1813, to March 16, 1814, Leonard White, agent.....	3,045 00
From March 17, 1814, to March 16, 1815, lease to John Bate.....	40,100
From March 17, 1815, to March 16, 1816, lease to John Bate.....	40,100
From March 17, 1816, to March 16, 1817, lease to John Bate.....	40,100
	<u>120,300 00</u>
From June 19, 1817, to August 26, 1818, Leonard White, agent.....	5,249 19
Bushels of salt.....	<u>158,394 19</u>

## D.

*Statement of the amount of rent annually accruing from the salt spring upon section No. 34, township No. 11, range No. 3, in the Steubenville district; lease from David Hoge to John Peterson.*

From August 12, 1814, to August 11, 1815.....	\$76 80
From August 12, 1815, to August 11, 1816.....	76 80
From August 12, 1816, to August 11, 1817.....	76 80
	<u>230 40</u>

## E.

*Statement of the amount of rent annually accruing from the lead mines in Missouri; lease from Frederick Bates to A. Partenay.*

From September 15, 1814, to September 14, 1815.....	\$2,354 97
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JOSEPH NOURSE, *Register.*

TREASURY DEPARTMENT, *Register's Office, January 30, 1826.*

WAR DEPARTMENT, *January 12, 1826.*

The Secretary of War, to whom was referred the resolution of the Senate of the 15th ultimo, requesting the President of the United States "to cause the Senate to be furnished with an abstract of the leases made for lead mines and salt springs since March 3, 1807, with the amount of rent annually accruing upon each lease, and the amount paid into the treasury; also, with a copy of the instructions under which the agent for lead mines is now acting in the State of Missouri and upon the Upper Mississippi, and a statement of the annual expense attending upon his agency," has the honor to transmit herewith a report of the Ordnance department, with accompanying documents, marked A, B, and C, which furnish all the information in the Department of War in relation to the resolution.

JAMES BARBOUR.

THE PRESIDENT of the United States.

ORDNANCE DEPARTMENT, *Washington, January 11, 1826.*

SIR: In answer to the resolution of the Senate of the 15th ultimo, in the following words, to wit: "Resolved, That the President of the United States be requested to cause the Senate to be furnished with an abstract of the leases made for lead mines and salt springs since March 3, 1807, with the amount of rent annually accruing upon each lease, and the amount paid into the treasury; also, with a copy of the instructions under which the agent for lead mines is now acting in the State of Missouri and upon the Upper Mississippi, and a statement of the annual expense attending his agency," I have the honor to transmit to you, herewith, papers marked A, B, and C, which contain all the information required that can be furnished by this department.

Statement A exhibits an abstract of all the leases made of United States lead mines since November 29, 1821, (the date of the transfer of their superintendence to the War Department,) the amount of rent (in lead) which has annually accrued upon each lease, and the amount paid to the United States. In reference to that part of the resolution making inquiry as to "the amount (of rent) paid into the treasury," I have to state that no money has been paid into the treasury on account of rent, as all the rents have been paid in lead, which has been deposited in store for the public use.

Statement B exhibits the amount of expense attending upon the agency for the year ending September 30, 1825, and the amount of the estimate for the same object for the year ensuing, calculated to meet the demand which the probable increase of rents will create.

It will be remarked, that neither the pay of the agent nor of his assistant have been included in the statement of the expenses of the agency for the last year. These have been omitted for the reasons that the agent is an officer of the army, and has been paid no more than his rank entitled him to, and that his assistant has been paid in lead from the rents received by the agent. This mode of compensating the assistant is not, however, considered to be the most approved; and therefore, in the estimate for the present year, an item is inserted expressly to meet that object, but it was adopted at the time from necessity. It was found by experience that, from the great distance of the principal mining districts from each other, the business could not be properly attended to without an assistant, and one was therefore employed, and upon the terms stated, as there was no other way perceived by which the consequent expense could be met.

Statement C contains the instructions under which the agent for the lead mines is now acting.

I have the honor to be, very respectfully,

G. BOMFORD, *Brevet Colonel, on ordnance service.*

HON. JAMES BARBOUR, *Secretary of War.*

## A.

*Abstract of leases made of the United States lead mines since November 29, 1821, (the date of the transfer of their superintendence to the War Department,) showing the amount of rent (in lead) which has annually accrued, and the amount which has been paid to the United States on each lease.*

Names of lessees, &c.	Amount of rent (in lead) accrued for the year ending September 30, 1822.	Amount of rent (in lead) accrued for the year ending September 30, 1824.	Amount of rent (in lead) accrued for the year ending September 30, 1825.	Whole amount of rent (in lead) paid to the United States, and deposited in store for the public ser- vice, since November 29, 1821.
	Pounds.	Pounds.	Pounds.	Pounds.
James Johnson.....	31,581			
James Conner.....	962			481
Bartholomew Sims.....	330	1,000		700
Edward Rutter.....	640			640
George Hines.....		2,900		2,900
David Bates.....		1,475		1,475
John McClennehan.....		2,639		2,639
N. Bates.....		1,700		1,700
Thomas January.....		4,950		4,950
Joseph Fmzer.....		460		400
J. P. Vannmeter.....		353		353
William Beatty.....		1,605		1,605
Joseph Hardy.....		500		500
William M. Perry.....			30,128	30,128
Moses Mecker.....			24,291	24,291
Bates and Vannmeter.....			26,917	26,917
Sundry persons.....			15,245	14,646
William K. Rule, leased April, 1825.....				
Samuel Perry, leased August 15, 1825.....			8,131	8,131
James Scott, leased May 31, 1825.....			343	
N. Montgomery, leased August 15, 1825.....			57	
William Ficklin, leased May 31, 1825.....				
Andrew Goforth, leased May 31, 1825.....				
William C. Greenup, leased May 31, 1825.....				
Francis Oluchon, leased May 31, 1825.....				
John Cobb, leased May 31, 1825.....				
James Farquhar, leased May 31, 1825.....				
William M. and John Perry, leased August 15, 1825.....				
Robert Fergusson, leased August 15, 1825.....				
Samuel McMarrey, leased August 15, 1825.....				
George Day, leased August 15, 1825.....				
John C. Scott, leased August 15, 1825.....				
A. W. Hudspeth, leased August 15, 1825.....				
John Davidson, leased August 15, 1825.....				
Daniel Hunt, leased August 15, 1825.....				
John L. Robinson, leased November 9, 1825.....				
Bryant and Glasgow, leased November 9, 1825.....				
David Howde, leased November 9, 1825.....				
William Edgar, leased November 9, 1825.....				
William Hudspeth, leased November 16, 1825.....				
James Glenn, leased November 16, 1825.....				
Aggregate.....	33,513	17,592	105,112	122,455

NOTE.—Until September 30, 1822, no leases were granted; and it will be perceived that no returns have been received from many of those above mentioned. This is accounted for by the circumstance of the late periods at which they were obtained.

ORDNANCE DEPARTMENT, January 11, 1826.

## B.

*Statement of the annual expense attending upon the agency for the United States lead mines, commencing with the year ending September 30, 1825.*

Amount paid during the year ending September 30, 1825, viz:

For clerk hire, labor, &c.....	\$217 94
For stationery and printing.....	54 34
For transporting and storing lead, and other incidental expenses.....	77 49

349 77



Estimated amount required to meet the expenses of the lead mines for the year 1826, viz:

For expenses at the lead mines, for transporting 200,000 pounds of lead from the mines in Missouri to the Mississippi river, at \$5 per thousand .....	\$1,000 00
For transporting 150,000 pounds from Fever river to St. Louis, at \$4 per thousand .....	600 00
For storage of 350,000 pounds of lead, at 75 cents per thousand .....	262 50
For the hire of persons to assist in collecting the rents and in transporting the lead ....	700 00
For stationery, printed blanks, and other incidental expenses .....	237 50
	<hr/>
	2,800 00

ORDNANCE DEPARTMENT, January 11, 1826.

To all whom it may concern:

Be it known that Lieutenant Martin Thomas, of the army of the United States, has been appointed by the President, on the part of the United States, agent for granting leases of the lead mine lands belonging to the same, subject to his approval and ratification, and to receive all rents which are and which may become due on all mines the property of the United States which have been worked, and which may hereafter be worked during the continuance of this appointment or agency; and to which all those concerned are hereby required to attend, and govern themselves accordingly.

By order of the War Department:

GEO. BOMFORD, *Lieutenant Colonel, on ordnance duty.*

ORDNANCE DEPARTMENT, Washington, August 18, 1824.

ORDNANCE DEPARTMENT, Washington, August 18, 1824.

SIR: I am directed by the Secretary of War to inform you that you have been appointed by the President of the United States to superintend the interests and general concerns of the government in the lead mine lands, more particularly those lying in the range of country within the limits of the Northwest or Michigan Territory.

The conditions upon which the mines are to be worked you will find enumerated in the leases and bonds furnished you herewith, numbered 1 and 2, which are to be filled up and executed under your direction, and transmitted to this office for the consideration of the President.

The necessity for your keeping regular accounts and entries of all your transactions is too obvious to require but little more than barely mentioning. Some form should be adopted best calculated to give the history of each quarter section, and from which you will at any time be able to form a general statement of the concern; and such general statement you are now required to make out and forward to this department at the end of every quarter.

As to the lead which you shall find on hand, as well as that which you may thereafter collect, you will cause it to be transmitted to the military storekeeper at Bellefontaine for safe-keeping, reporting the same to this office as you make the deliveries. To meet expenses which may thus necessarily arise, as well as others which are not foreseen, but which you may find it necessary to incur while upon this duty, I have requested a remittance to be made to you of three hundred dollars, for which you will forward accounts with the other quarterly returns which you are required to make.

Very respectfully, &c.,

GEO. BOMFORD, *Lieutenant Colonel, on ordnance duty.*

Lieut. MARTIN THOMAS, *Frankford, Pennsylvania.*

#### No. 1.

This indenture, made and entered into this — day of —, 182—, between —, of the army of the United States, acting under the direction of the Hon. —, Secretary of War, of the first part, and —, of —, of the second part, witnesseth: That the said party of the first part, for and in consideration of the rents, covenants, and agreements hereinafter mentioned, doth by these presents grant, lease, and farm unto the said party of the second part, his heirs and representatives, for the full term of three years from and after the ratification of these presents by the President of the United States, a tract of land, the property of the United States, supposed to contain mine or mines of lead ore, lying and being in —, and bounded as follows, viz: beginning —, containing — acres; to have and to hold the same from and after the time above stated, for the term aforesaid, unto the said party of the second part, his heirs and representatives, upon the conditions following, viz: That the said party of the second part hereby binds and obliges himself to commence mining and manufacturing of lead upon said land within nine months from the date of the ratification as aforesaid, and to continue such mining and manufacturing with a force which shall at no time be less than — men, weather and season permitting, without cessation or intermittance of more than four months at any one time; that the said party of the second part at the end of every month shall pay to the said party of the first part one-tenth of the whole products of said mining and manufacturing operations, in clean pure lead, as a rent for the use of the United States, and deposit the same in a storehouse to be built on the ground by the said second party, under the direction of the said party of the first part, who shall possess the key and custody of the same. It is further agreed and understood between the said parties that the said party of the second part, at his own cost and expense, shall make all the necessary preparations and improvements for the prosecution and fulfilment of this indenture on his part, for which he is allowed and permitted the use of

all such stone, wood, and water as may be found upon the premises, and as may be required without waste or extravagance. It is further agreed and understood between the said parties that the said second party shall keep a book or books in which he shall state a true and faithful account of all the mineral and lead which he shall raise and manufacture from time to time, which said book or books, or account, shall always be open and ready for the free inspection and examination of the said party of the first part, and which he shall at any time, when required by the said first party, verify on oath or affirmation. It is further understood and agreed between the said parties that the said party of the second part shall not at any time, nor in any manner whatever, dispose of or sub-lease the said land, or any part thereof, to any person or persons whatsoever; that at no time, under any pretext, shall the said party, or any one by or under his authority, convey away or remove the whole or any part of the mineral or lead from said land or place of manufacture without the consent and approbation of the said party of the first, until all arrearages of rent which shall be due and owing by him shall be settled up and paid.

And it is moreover and further explicitly understood and agreed between the said parties that, upon the failure of the said party of the second part to carry into effect any part of this indenture or agreement, or on his non-compliance with any of its stipulations, the said party of the first part may declare it void and forfeited at his option, and re-enter and take possession of the premises as if no such indenture or agreement had been made and entered into.

In testimony whereof, we, the said parties to these presents, have hereunto signed our names and affixed our seals the day and year before written.

Signed, sealed, and delivered in presence of—

\_\_\_\_\_. [SEAL.]  
\_\_\_\_\_. [SEAL.]

### No 2.

Know all men by these presents that we, \_\_\_\_\_, are holden and stand firmly bound unto the United States of America, or their certain attorney, in the penal sum of five thousand dollars, current money of the said United States, well and truly to be paid into their treasury; for which payment, well and truly to be made, we, the said \_\_\_\_\_, do hereby jointly and severally bind ourselves, our heirs, executors, and administrators, and each and every of them, jointly, severally, and firmly, by these presents. Signed with our hands and sealed with our seals, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and twenty—.

The condition of the above obligation is such, that whereas the said \_\_\_\_\_ has obtained from the President of the United States a lease, bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 182—, of a certain tract of land containing \_\_\_\_\_ acres, as therein more particularly described, which is supposed to contain lead ore: Now, if the said \_\_\_\_\_ shall faithfully and fully execute and comply with the terms and conditions set forth in said lease, then and in that case this obligation to be void and of no effect; otherwise to remain in full force and virtue.

\_\_\_\_\_. [SEAL.]  
\_\_\_\_\_. [SEAL.]  
\_\_\_\_\_. [SEAL.]

Witnesses present—

### No. 3.

ORDNANCE DEPARTMENT, *Washington, January 31, 1825.*

SIR: It has been represented to me by the officers of this department who have been appointed from time to time to superintend the leasing and working of the lead mines of the United States that a change in the system originally adopted, and now in force, could be advantageously made.

Up to the present period it has been a condition of the lease required by the United States that the lessee should pay, in lead, as a rent to the United States, one-tenth part of the lead produced from all the mineral procured from his lot. And the operation of this clause of the lease has heretofore been the establishment of a furnace upon every location, and to make every lessee a *smelter* also.

The change proposed is to do away this obligation upon the lessee to smelt his own mineral, and, in lieu thereof, to license persons specially to do the smelting, with the privilege of obtaining from the regular lessee, upon any terms the parties may agree on, all the mineral they can for that purpose, the lessee or miner to be bound to account for all the mineral which he raises, and the smelter for all the lead produced from his works, and who shall be accountable for the rent in proportion to the quantity of lead which he makes. In this way, although nothing is paid by the lessee directly, yet payment is made in the gross by the *smelter*. The number of smelters to be left to the discretion of the government, and their employment at the option of the lessee.

At present it is stated that the smelting part of the business is generally very imperfectly understood and executed, and, consequently, that there is much waste and loss sustained by all parties; that the number of accounts which are now obliged to be kept, (one for each furnace,) many of them for very small amounts, renders the collection of rents extremely perplexing and uncertain.

It is stated that, by the adoption of the plan proposed, persons of ability and experience to conduct the smelting operations in a proper manner would soon apply for the privilege; that many of the lessees would doubtless find it to their advantage to employ them; and that this part of the business, as it got into fewer and better hands, would tend not only to simplify the duties of the superintendent, but would have the effect to augment the amount of rents, and render their collection much more certain.

With these remarks the proposition is respectfully submitted for your consideration. Should you think proper, the experiment can be made with safety, as it could not, in no way, conflict with what has heretofore been done upon the subject.

I have the honor to be, &c.,

GEO. BOMFORD, *Lieutenant Colonel, on ordnance duty.*

HON. JOHN C. CALHOUN, *Secretary of War.*

Approved:

J. C. C.

ORDNANCE DEPARTMENT, *Washington, February 17, 1825.*

SIR: In regard to the proposition respecting the granting of licenses to persons for carrying on the business of smelting, it has been approved of by the Secretary of War, as per copy herewith, (No. 3,) by which you will perceive that the measure is approbated with the express understanding that it is not to impair, or interfere, or sanction anything contrary to existing regulations. All is left to act freely as before; and, in regard to the advantages derivable from the employment of the smelter, the lessee may or may not avail himself, as he may think proper, so that the success of the smelter must depend upon the voluntary support which he may receive. The rules and regulations for the government of the experiment will therefore be made accordingly.

As to the number of smelters to be employed under the above-mentioned authority, it will be regulated by the degree of necessity there may be for them, of which you will be the best judge. They should not, however, be increased beyond that number which is sufficient, by constant attention, to smelt all the mineral to be obtained; and, if practicable, such men only should be employed as are of good character, and from whom the government would be likely to meet with the least trouble and difficulty.

As the department may not be fully acquainted with all the provisions and restrictions which a license should contain, or of the necessary rules and regulations which should follow, their preparation is referred to you.

After these smelters shall have got into operation, application for leases may be made from lessees, with a view only to the collection of the mineral for the smelter, and not for the purpose of smelting it themselves. In such cases leases will be granted and such bonds required as will insure the most faithful accountability from them. By a slight alteration of the leases and bonds furnished you they can be made to answer in these cases.

The licenses will all be made subject to the approbation of the President of the United States, as the leases are. The bonds will refer to the instrument (license) upon which they are predicated, and be made payable as is provided in the blanks (see No. 2) furnished you. It will not be necessary, I presume, for the penalty, in any case, to exceed the sum of \$10,000.

You will have known of the recall of Major Anderson ere this reaches you. A copy of my letter to the Engineer department requesting it has been forwarded to you. It was done under the belief that he was no longer serviceable; and the place of an assistant to you was not supplied at the same time, because, in the first place, it was not known that it was necessary, and, in the next, that if it was necessary it would not be judicious to make an appointment without first consulting you as to the particular qualifications requisite. Your recommendation has therefore been just attended to and approved of by the Secretary of War. You are therefore hereby authorized to employ whoever you shall think best qualified to assist you, and who shall do all the surveying, &c., about which you shall want assistance, provided his compensation does not exceed \$550, and provided he accepts the same in lead, at a fair market price. As soon as you make an agreement send on a copy of it.

Very respectfully, &c.,

GEORGE BOMFORD, *Lieutenant Colonel, on ordnance duty.*

Lieut. MARTIN THOMAS, *St. Louis, Missouri.*

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*Extract of a letter from Lieutenant Martin Thomas, superintendent of the United States lead mines, to the Commissioner of the General Land Office, dated Potosi, Missouri, January 21, 1825.*

"It is my wish to know what regulations exist with respect to reservations of mineral lands. Very much of the mineral land in this vicinity is not reported as such; and as it has been the policy of the government not to sell lead mines, I would request some directions given to the registers and receivers how to proceed when I report officially the existence of signs of lead ore, in doing which I shall, of course, consult the true interests of the government.

"I perceive by the law concerning lead mines in *Indiana* that all purchases of lands, *knowing* them to be mineral, are considered fraudulent, and declared void. This I should suppose the best policy in all cases. Any system, however, would be preferable to the present uncertainty. The losses to the government by trespasses on the mine lands have been enormous, and, to a person unacquainted with the country, almost incredible. I am now endeavoring to make such arrangements as will prevent future losses, in doing which I shall want the co-operation of the registers and receivers at Jackson and St. Louis in particular."

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*Extract of a letter from the General Land Office to Lieutenant M. Thomas, dated February 22, 1825.*

"Your letter of the 21st ultimo has been received. You inquire what has been the regulations in relation to the reservation of the mineral lands. In reply, I have briefly to state that the practice has been for the register of the land office to make the reservation of such lands as the surveyors filed in his office indicated to contain lead mineral; but it is presumed that the partial examinations made by the surveyors were such as to have occasioned numerous omissions of appearances of lead in the *interior* of sections, their remarks being almost exclusively confined to the appearances on the immediate line of survey.

"Herewith is transmitted a copy of a circular letter to the registers and receivers of the land offices at Jackson and St. Louis, directing them to reserve from sale such lands as you may report to them to contain lead ore, which may not have already been reserved. Similar instructions will be given to other officers, should your researches induce you to suggest the propriety of any further measures."



*Copy of the circular enclosed in the above.*

TREASURY DEPARTMENT, *General Land Office, February 21, 1825.*

GENTLEMEN: Lieutenant M. Thomas, of the United States army, who has heretofore been introduced to you by letters from this office, is acting, under the direction of the War Department, as superintendent of the United States lead mines. He is engaged in exploring the country and ascertaining the extent to which lead mines exist on the public lands. In the execution of this duty it is to be presumed that the scrutiny of his researches may lead to the discovery of lead mineral to a much greater extent than it has been reported by the United States surveyors to exist. He is instructed to report to you all such information as he may deem necessary in relation to the lands which ought to be reserved by the government in consequence of the value of the lead mineral contained therein. And whenever the land recommended by him to be reserved from sale shall not already have been so reserved, you are authorized to exclude the same from sale, and to make the necessary entries of the fact upon your books and maps; and whenever it shall appear that any tract of land which is recommended by the said agent to be so reserved from sale shall have been sold, you will be pleased to report immediately to this office.

I am, very respectfully, sir, your obedient servant,

GEORGE GRAHAM

GENERAL LAND OFFICE, *January 26, 1826.*

Sir: In compliance, in part, with the resolution of the Senate dated December 15, 1825, I enclose an abstract of all the leases of lead mines and salt licks which can be found on the files of this office.

The books of this office exhibit no evidence of the amount that may have been paid into the treasury on those or any other leases which may have been granted for salt licks or lead mines.

With very great respect, your obedient servant,

GEORGE GRAHAM.

The President of the United States.

*Abstract of leases of lead mines.*

1807, *September 26.* Lease from F. Bates, recorder of land titles for the Territory of Louisiana, and agent for the United States, to Andrew Miller, of one hundred acres of land, situate on a small stream about fifteen miles eastwardly from Mine à Burton, to raise lead ore, for three years from the date of the approval of the contract by the President of the United States. Rent, one-tenth of all the mineral raised, payable quarterly.

1809, *February 1.* Lease from Governor Harrison to John Brown, Isaac E. Gano, and John Spouse, for five years from May 1, 1808, of four thousand acres of land in Indiana, on the river Ohio, to dig for lead ore. Lessees to erect buildings and works, and their improvements to be valued at the expiration of the lease, and paid for by the United States or subsequent lessee, if not leased again to the same persons: *Provided*, That the United States shall not pay more than \$3,000 for the improvements, nor be bound to make any payment therefor beyond the amount of rent received. No rent payable the first two years, but for the last three years of the lease the rent to be one-eighth part of all the ore found on the premises. No timber to be cut on the land except for building and fencing.

1809, *October 26.* Lease from Governor Harrison to Henry C. Gist, Jesse Bledsoe, and others, of four thousand acres of land in Illinois, containing a lead mine known as "Gist's lead mine," on the same conditions precisely as the preceding lease.

1811, *March 15.* Lease from Governor Edwards to William Ficklin, of four thousand acres of land in Randolph county, Illinois Territory, for the term of five years from date.

*Terms.*—The said Ficklin to be at liberty to dig for and take as much lead ore as he may think fit; also to erect thereon such buildings and works for the manufacture of lead, also for the accommodation of those engaged in the establishment, as, in his opinion, the success of the undertaking may require; said improvements to be valued at the end of the term of five years, and to be paid for by the United States, or by the subsequent lessee, if rented to any other than to the said William Ficklin: *Provided*, That the United States shall not pay more than \$3,000 on account of such improvements, nor be bound to make any payment therefor beyond the amount of rent they may have received.

(~~1811~~) To cite all the terms will require the copying of the whole instrument.)

1811, *June 18.* Lease from Frederick Bates, recorder of land titles for the Territory of Louisiana, of three hundred acres of land, the property of the United States, described as situate between a half and three-quarters of a mile from what has been called the "Old Mine tract," on the waters of Big river, in the district of St. Genevieve; mine discovered by Bryan and Wilkinson.

Lease in favor of H. Dodge, Wilson & Craighead, bearing date June 18, 1811.

*Terms.*—Lease to be in force for twelve months, the lessee agreeing to pay one-tenth part of all the mineral raised on said tract.

Renewed for twelve months, June 18, 1812.

1814, *September 15.* Lease from F. Bates to Amable Partenay, of Mine à Straddle, with 300 acres of land; Mine à Burton, with 200 acres; Mine à Bourassa, with 800 acres; Shous' mine, with 200 acres; Little Diggings, with 200 acres; Martin's mine, with 800 acres; and Silver mines, with 800 acres. Lease for twelve months from September 20, 1814. Rent, four dollars for every thousand pounds of mineral raised at each of the mines.

Lease renewed September 13, 1815, for two years, but rent reduced to three dollars and a half per thousand pounds of mineral.

1814, *October 31.* Lease from F. Bates to Samuel Hammond and Frederick Connor, of 100 acres of land, said to contain a lead mine, in the township of Joachin, on the north of the river of that name, for twelve months from the date of the lease. Rent, three dollars for every thousand pounds of mineral raised.

1814, *November 3.* Lease from F. Bates to Samuel Hammond, of 100 acres of land, containing a lead mine, on the south branch of Joachin river or creek, near the road from Herculeanum to Mine à Burton, for twelve months. Rent, three dollars for every thousand pounds of mineral raised.

1817, *June 18*. Lease from Michael Jones, register, and S. Bond, receiver of public moneys at Kaskaskia, agents for the United States, to Joseph Meacham, of lot No. 1 of the lead mines in Illinois, containing 640 acres of land, for three years. Rent, 26 per cent. on all the lead raised and collected, deliverable monthly at the mines, in pigs or bars.

1817, *June 18*. Lease from the same to Simeon Vanorsdal, of three lots, Nos. 2, 3, and 4, each containing 640 acres, for three years. Rent, 25 per cent. on all the lead obtained.

1817, *June 18*. Lease from the same to Timothy Nash, of ten lots, Nos. 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20, each containing 640 acres, for three years. Rent, 15 5-13ths per cent. on the lead raised.

1817, *June 18*. Lease from the same to William Morrison, of six lots, Nos. 21, 22, 23, 24, 25, and 30, for three years. Rent, 13 1/4 per cent. on the lead raised.

1817, *June 18*. Lease from the same to William Griffin, of four lots, Nos. 26, 27, 28, and 29, for three years. Rent for Nos. 26 and 27, 14 per cent.; for No. 28, 14 1/4 per cent.; and for No. 29, 15 per cent., on all the lead raised and collected on each of them respectively.

1815, *September 30*. Lease from F. Bates to Moses Fitzwater and Andrew Miller, of a lead mine situate in Washington county, about four or five miles from the town of Potosi, together with 500 acres of land, with the privilege of taking fuel and stone for building from the public lands adjacent. Lease for twelve months. Rent, \$3 50 per thousand pounds of mineral.

*Abstract of leases of salt springs.*

1810, *February 5*. Lease from Governor Edwards, of Illinois Territory, to Jonathan Taylor, of Randolph county, and Territory aforesaid, and Charles Wilkins and James Morrison, of Lexington, Kentucky, of the salt springs near the mouth of the river Wabash, for the term of three years, from March 1, 1810. Lessees to pay every three months six thousand bushels of good, dry, merchantable salt, weighing at least fifty pounds a bushel, free of all costs and charges. Quarterly rent to be increased to the quantity of seven thousand and five hundred bushels after six months from March 1, 1810, provided it shall be ascertained after the expiration of that period, by actual experiment, that the change in the mode of manufacturing salt from the then existing mode did not save at least one-third of the fuel.

1814, *March 17*. Lease from Ninian Edwards, governor of the Illinois Territory, to John Bates, of Jefferson county, Kentucky, of the salines on the river Wabash, known by the name of "Saline Spring or lick, and the Half-moon lick," together with so much ground around each of said springs as may be reasonable, for the purpose of erecting the necessary furnaces and buildings for the manufactory and extracting of salt from said spring. Lease to continue for the term of three years from the date. Rent to be ten thousand and twenty-five bushels of good, dry, merchantable salt, payable every three months, weighing at least fifty pounds per bushel, free from all charges and expenses whatever. The said John Bates to extract from the waters of said springs annually, during the aforesaid term of three years, the quantity of at least one hundred and fifty thousand bushels of good, dry, merchantable salt, weighing at least fifty pounds per bushel, and so much more as can possibly be made.

1817, *June 19*. Lease from Ninian Edwards, governor of the Illinois Territory, to Willis Hargrove and Meredith W. Fisher, of the above salines, for the term of three years from date. Rent to be one hundred and eighty-seven and a half bushels of good, dry, merchantable salt, payable every three months; free of all costs and charges.

1817, *June 19*. Lease from Ninian Edwards, governor of the Illinois Territory, to Jonathan Taylor, of Union county, Kentucky, of certain salines which have or may be found within a certain prescribed distance of the United States saline near the Wabash, for the term of three years from date. Rent, one hundred and sixty-six and a half bushels of good, dry, merchantable salt, payable at the end of every three months.

1817, *June 19*. Lease from Ninian Edwards, governor of the Illinois Territory, to George Robinson, of Gallatin county, in said Territory, of certain salines situate near the United States saline, so called, for the term of three years from date. Rent to be two hundred and fifty-one and a quarter bushels of salt, payable every three months.

1817, *June 19*. Lease from Ninian Edwards, governor of the Illinois Territory, to James Ratcliff, of White county, in said Territory, of certain salines situate near the United States saline, so called, for the term of three years from date. Rent to be two hundred and fifty and a quarter bushels of salt, payable every three months.

1814, *August 12*. Lease from David Hoge, agent for the United States, to John Peterson, of section No. 34, in township No. 11, of range No. 3, in the Steubenville district, containing a salt spring, for three years from the date. Rent, \$76 80 per annum. No timber to be cut or destroyed on the land, and coal only to be used in the manufactory. Approved by the President October 7, 1815.

1817, *September 10*. Lease from the same to the same, of the same; also for three years. Rent, \$113 per annum, on the previous conditions.

1815, *March 25*. Lease from the register and receiver of public moneys at Kaskaskia, of section No. 1, in township No. 9 south, of range No. 3 west, containing a saline, in the Territory of Illinois, to Conrad Will and his associates, for three years from January 11, 1815. Approved by the President June 13th following. Rent, \$76 80 per annum. No waste of timber to be committed on the adjacent land. Improvements to be paid for by the succeeding lessee, according to a valuation by arbitration.

1822, *August 6*. Lease from Governor Miller, of the Territory of Arkansas, by authority of the Secretary of the Treasury, to Reuben Sanders, Mark Bean, and Richard H. Bean, for saline on the Illinois, for three years from the date, with permission to use timber for fuel, building, and fencing. No rent stipulated to be paid.

1824, *June 2*. Permission from George Graham, Commissioner of the General Land Office, to William Bradford, with the approbation of the President, to take possession of a salt spring near the mouth of the Kiamettie, north of the Red river, in Arkansas, on condition that the said Bradford shall open a well of salt water, and continue to work at least twenty kettles at the same time, for the purpose of supplying the settlers with salt. Permission to continue for three years from October 1, 1824.

1817, *June 19*. Lease from Ninian Edwards, governor of the Illinois Territory, to Timothy Gerard, of Gallatin county, in said Territory, of certain salines near the United States saline, so called, for the term of three years from date. Rent to be two hundred and fifty bushels of good, dry, merchantable salt, payable every three months.

19TH CONGRESS.]

No. 493.

[1ST SESSION.]

APPLICATION OF ALABAMA FOR RELIEF OF PURCHASERS, FOR REDUCTION OF PRICE,  
CHANGE IN MODE OF SELLING, AND CESSION OF CERTAIN PUBLIC LANDS TO THAT  
STATE.

COMMUNICATED TO THE SENATE FEBRUARY 8, 1826.

*To the Senate and House of Representatives of the United States of America in Congress assembled :*

The memorial of the senate and house of representatives of the State of Alabama in general assembly convened respectfully represents: That a considerable portion of the debt contracted by citizens of the State of Alabama for lands of the United States sold prior to the first day of July, in the year one thousand eight hundred and twenty, remains unpaid. The acts of Congress heretofore passed for the relief of purchasers of the public lands, while they extended relief to the unfortunate debtor, contributed to the increase of the public revenue, and tended to destroy the odious relation of debtor and creditor which existed between the government and its citizens. Those acts, wise and beneficent as they were, have not, however, carried relief into the bosom of many meritorious families who are dependent for their support upon the sweat of their own brow, and for salvation from utter ruin upon the justice and liberality of the general government. Many persons, not then recovered from the infatuation produced by a period of unexampled but deceitful prosperity, failed to accept the boon which had been proffered by the general government, and only postponed the time of their suffering by claiming a further credit upon the lands which they had purchased. It is known to the Congress of the United States what untoward circumstances combined prior to the first of July, eighteen hundred and twenty, to give a fictitious value to every article of merchandise, and to wild and unsettled lands in the Mississippi Territory a supposed value beyond that of the best improved lands in the most populous parts of the United States. More than four millions of dollars of Mississippi stock, issued while three-fourths of the Mississippi Territory were covered with Indian titles, were to be redeemed at the treasury of the United States, after paying to the State of Georgia one million two hundred thousand dollars, and defraying the expenses of surveying and selling the public lands lying in that Territory. This stock was, however, receivable in payment of the public lands lying in that Territory, purchased after the date of said stock. Much of this stock was purchased by persons desirous to lay it out in lands in the Mississippi Territory at from forty to fifty dollars for the hundred. The depreciation of this stock induced purchasers of the public lands to give more than double the amount they would have otherwise given for the same land to be paid for in money. The high price of the staple product of the soil in the States of Alabama and Mississippi, which continued only a sufficient time to make the ruin of the citizens the more complete, added to the high prices of the public lands, and increased the calamity which finally overwhelmed the purchasers. At that time, too, the paper issuing from a multitude of banks without capital, and procured easily, increased the facilities of paying the first instalments upon lands purchased at prices varying from twenty to one hundred dollars per acre. It is known that the Mississippi stock, from the enormous prices of the lands purchased with it, was very soon almost withdrawn from the market, or attained a value little less than its nominal amount. Lands purchased with a medium thus depreciated, with the paper of banks which soon ceased to exist, and when cotton commanded thirty cents per pound, were in a short time to be paid for in cash, and at a time when the staple commodity of the country had declined from thirty to less than ten cents per pound. A just regard to the rights and interests of the citizens required of the government at this crisis a manifestation of its paternal regard and a modification of the contracts which were ruinous to the citizens and not beneficial to the government. Relief was extended to the purchasers of the public lands by several acts of Congress. From unavoidable accident, from want of information, or from a vain hope of complying with a contract, the ruinous nature of which was not yet discovered, many of the purchasers of lands in the State of Alabama failed to relinquish their purchases in conformity to the acts of Congress passed for their relief. The wealth of a nation is founded on the prosperity of its citizens, and the strength of the government is based on the affections of the people. To strengthen the southern frontier has heretofore been the laudable object of the government. With this view they have laid the foundation of a fortification in the State of Alabama which will be viewed by future generations as a monument of the wisdom and magnanimity of the age in which it was founded. It would not consist with this wise policy of the government, nor with its magnanimity, to turn from his home, which has been reclaimed from the wilderness by hard and scanty means, the yeoman who is ever ready to defend the soil at the bidding of his country. The interest of the government, it is conceived, even if it were to regard its revenue alone, would be promoted by granting relief to its citizens. At the end of six and eight years, for which credit has been claimed, the husbandman will find himself still unable to pay for his land. No payment will be made in the meantime, because he cannot hope to obtain a title for the land which he had purchased. At the expiration of the time for which credit has been claimed, the lands will revert to the United States after eight years of ruinous cultivation. The legislature of the State of Alabama cannot forbear respectfully to suggest a wish, in behalf of its citizens, that the Congress of the United States will take into its consideration the situation of the purchasers of the public lands, and extend for their benefit the time for relinquishing lands in conformity to the acts heretofore passed, and will allow such discounts upon cash payments as may be deemed just. Here they think justice requires that they should represent that the lands which were purchased at prices near their real value have been generally paid for either by lands relinquished or in cash, and that the lands yet unpaid for are those purchased at prices more above their value than those paid for, and are generally in the hands of persons least able to pay for them. This circumstance, it is conceived, ought to induce the representatives of the nation to allow a larger discount upon such cash payments as may hereafter be made. It is respectfully represented that the last law for the relief of the purchasers of the public lands did not afford any relief to a large and meritorious class of citizens who had not taken the benefit of the first law. Relief in behalf of this class of purchasers is respectfully prayed. The legislature would also respectfully represent that many good and worthy citizens who are settled upon public lands are, as the law now stands, in the power of the merciless speculator, and that his hard earnings may either be taken from him, or may be used as a means of extorting from him his last dollar. It is therefore respectfully prayed that a law may be passed protecting



the settler in the enjoyment of his crop, and saving him from the "tender mercies" of the unfeeling speculator. It is respectfully prayed that when the public lands shall be sold, after the season of preparing for a crop, the planter may be permitted to continue in possession of the land until he shall have gathered the fruits of his labor. The legislature of the State of Alabama cannot forbear the expression of an opinion that it would best comport with the wise policy which has heretofore governed the councils of the nation to permit the purchasers of lands not yet paid for to surrender them to the United States, and to receive certificates for the amount of the purchase money receivable in payment of the same lands when resold, or in payment of other lands of the United States.

*Resolved*, That the governor be requested to forward a copy of this memorial to each of our senators and representatives in Congress, and that our senators be instructed, and our representatives be requested, to use their exertions to obtain the objects contemplated by the said memorial.

WILLIAM KELLY,  
*Speaker of the House of Representatives.*  
NICHOLAS DAVIS,  
*President of the Senate.*

Approved January 14, 1826.

JOHN MURPHY.

RESOLUTIONS instructing our senators and requesting our representatives in Congress to use their best endeavors to procure the passage of a law to reduce the price of the public lands.

The legislature of the State of Alabama would respectfully represent to the Congress of the United States that the present mode of selling the public land to the highest bidder, though free from most of the objections attending the former system, is liable to some abuses in practice that it would be very desirable to correct or obviate. Every public sale is attended by a host of speculators, who really do not wish to own the soil, but to extort a premium from the occupants for the privilege of purchasing the cabin they have built and the field they have cleared. To effect that object, they enter into a combination and act in concert. They threaten the occupant to run his land to a higher price than his means will enable him to give unless he will pay them not to bid against him or buy the land from them at a considerable profit. Thus combined, they levy a contribution on the honest and industrious part of the community, and divert considerable sums from the treasury. A single individual has no chance to compete with such a formidable combination. The fear of being driven from his home compels him to yield to such terms as may be prescribed. Competition is stifled, and the land bid off at the *minimum* price in many instances, when a fair competition would enhance the price considerably. The legislature can see no remedy for this evil but in a change of the mode of selling the public land, and would therefore suggest, with great respect and deference, the propriety of dividing the unsold land into three or more classes, and fixing a price on each class, at which it might be entered. A much better price would be obtained by the government, and the citizen, perhaps, give less for his land. A price sufficiently high might be fixed, in the first instance, to guard against loss to the treasury. That price might be reduced at suitable intervals, if not entered at the former price, until all the land in any manner fit for cultivation would be entered. The legislature is aware that dividing the lands into classes according to quality, where the surveys are completed, would be attended with some little expense, but feel very confident that the increased price would greatly exceed the additional expense. The offering of great bodies of land for sale at the same time is calculated to drain the country of money, by inducing all who are able to purchase at the same time. By this means great embarrassment is felt in the traffic and commerce of the country. The exhaustion of the circulating medium would in a great measure be avoided by the proposed system; entries would be made from time to time, and the money thereby withdrawn from the common course of business less sensibly felt. There would be great propriety in ultimately reducing the quantity to be entered to forty acres, and the price to twenty-five cents an acre. Should this system be adopted, there can be no doubt that the United States would receive a great deal more money for their land, and the citizen obtain a home for less than he will inevitably have to give if the speculators can force him to buy from them the privilege of buying from the government, as they certainly will do if the *auction* system is continued. The gradual reduction of the price from time to time, at such intervals as will allow time for a fair experiment, will sell the good lands for their value more nearly than they bring at auction, and ultimately sell a vast quantity of poor land that can never be sold under the present system. It is highly important to every government that the soil should be taxable. Under the system of cash sales it cannot be important to continue the prohibition of the power of the State to tax the land for five years from the date of the purchase. That restriction, it is believed, was a part of the old credit system, and should have been abolished with it. Many citizens of this State are living on public land; they have improved it by their labor; and if the system of offering the land for a fixed price shall be adopted, the actual settler might be allowed a preference in the right to purchase for a reasonable period, through all the gradations of price, without the least prejudice to the treasury. The land should be subject to entry by the actual settler, at the price fixed, for a limited time, and if he failed to do so, it should be subject to entry by any other person for another space; and if not then entered, the price should be reduced, and the preference at the reduced price again allowed to the settler. Should this be done, many poor men will procure land on which they can raise their families; the country at large will be greatly improved, its industry increased, and its morals cherished.

*Resolved, therefore, by the senate and house of representatives of the State of Alabama in general assembly convened*, That our senators be, and they are hereby instructed, and our representatives requested, to use their best endeavors to procure the passage of a law to dispose of the public lands in the manner recommended in the foregoing memorial.

*Resolved, also*, That our senators be instructed, and our representatives requested, to use their best endeavors to procure for this State the lands lying within its limits to which the Indian title was extinguished by the treaty made at the Indian Springs; and, particularly, that they use their best endeavors to prevent the settlement of the Creek Indians residing in the State of Georgia within the limits of this State.

*And be it further resolved,* That the governor be, and he is hereby, requested to forward one copy of the foregoing memorial and resolutions to each of our senators and representatives in Congress.

WM. KELLY,  
*Speaker of the House of Representatives.*  
NICH'S DAVIS,  
*President of the Senate.*

Approved January 14, 1826.

JOHN MURPHY.

SENATE, January 13, 1826.

I do hereby certify that the within originated in the Senate.

F. S. LYON, *Secretary of the Senate.*

SECRETARY'S OFFICE, Cahaba, January 16, 1826.

I certify the foregoing to be a correct copy of the original roll deposited in my office.

JAMES I. THORNTON, *Secretary of State.*

19TH CONGRESS.]

No. 494.

[1ST SESSION.]

# APPLICATION OF TENNESSEE FOR A GRANT OF CERTAIN LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 9, 1826.

Mr. POLK, from the Select Committee, to whom was referred the memorial of the legislature of the State of Tennessee, asking a relinquishment of the title of the United States to certain vacant lands therein described, lying within the limits of that State, to be appropriated by the legislature thereof to the purposes of education, reported:

That in the year 1782 the State of North Carolina, by an act of the general assembly of that State, promised to her officers and soldiers lands proportioned in amount to their rank in the army, to be located by them in the then western territory of that State, as an additional compensation for their valor and services during the revolutionary war, and directed that *military land warrants* should be issued to all such as should make application to the proper authorities, and who should appear to be entitled to the same according to the provisions of the act; that during the war specie certificates, as they were termed, to a large amount, were issued under the authority of the State of North Carolina to defray the expenses incident to the prosecution of the war; and these certificates constituted a public debt, due by the State to the individuals who were the holders of them, and which the State was bound in good faith to redeem and pay off. And for this purpose, and likewise to dispose of her surplus western lands, by an act of the general assembly of the State of North Carolina, passed in the year 1783, an entry taker's office, subsequently called and generally known by the name of John Armstrong's office, was created, in which, according to the provisions of the act, for every two pounds in cash or in specie certificates paid into the office the individual was entitled to enter and obtain a warrant of survey for one hundred acres of western lands. Nearly all the holders of specie certificates, and, many others, embraced the provisions of the act, and obtained incipient titles to lands to be laid out in the western territory of the State, and to which grants were subsequently to issue. At that time, and until the year 1789, the chartered limits of the State of North Carolina extended west to the Mississippi river, and included what is now the State of Tennessee; and entries of land were made even to the western confines of the State, many of them in that section of the State to which the title of the Chickasaw tribe of Indians was not then extinguished. In the month of December, in the year 1789, the State of North Carolina ceded to the United States all that portion of her western territory which now constitutes the State of Tennessee, upon certain express conditions and limitations therein enumerated. Among the conditions thus enumerated, she reserved to herself the right to issue grants and perfect titles to all the unsatisfied and *bona fide* claims of her officers and soldiers for whom provision had been made by law, and likewise to satisfy all other claims properly chargeable upon the territory thus ceded. At the period of the cession many of the military land warrants of the officers and soldiers of the North Carolina line had not been issued. Other claims were floating and unlocated to any particular spot or parcel of land, and their number and amount were unascertained. Many other claims had been located and entered upon particular spots or parcels of lands, to the claimants of which no grants had issued, and thus the titles remained incomplete. This was the state of things at the period when the act of cession was passed by the State of North Carolina, in the month of December, 1789. In the month of April, 1790, the Congress of the United States accepted the cession made by North Carolina, and shortly afterwards established a territorial government therein. In the month of June, 1796, Tennessee was admitted into the Union as a free and independent State, and upon equal footing with her sister States. North Carolina, however, continued to exercise the powers which she had reserved to herself in the cession act, from its date, in 1789, until the year 1803, and continued to issue grants and perfect titles to lands lying within the State of Tennessee, according to the reservation which she had made to herself in the act of cession. In which year, (1803,) in consequence of the great inconvenience to the public, and particularly to warrant holders, in being compelled to have their titles perfected and grants issued at the seat of government of North Carolina, a distance of several hundred miles from the land entered and claimed by them, lying in the State of Tennessee, a negotiation was instituted between the two States (North Carolina and Tennessee) which resulted in a compact entered into between them, whereby the State of Tennessee was vested with full power and authority to issue grants and perfect titles to the remaining unsatisfied claims of North Carolina, in as full and ample a manner as North Carolina



possessed the same by virtue of the cession act, subject to certain restrictions and limitations therein contained, one of which was that North Carolina reserved to herself, exclusively, the right of issuing military warrants. On the 18th day of April, 1806, the Congress of the United States assented to and ratified the compact thus made between the two States, and, by an act of Congress passed on that day, recognized the power thus vested in the State of Tennessee, and authorized her, in the room and stead of North Carolina, to issue grants and perfect titles north and east of a line in the said act of Congress designated, commonly called the Congressional reservation line; but imposed as an express condition, among others enumerated in the act, upon which Tennessee was authorized to issue grants and perfect titles, that certain college and academy lands should be laid off, and likewise that six hundred and forty acres of land within every six miles square, where existing claims would admit in the said territory, north and east of the said line, should be laid off for the use of schools for the instruction of children forever; and by the same act of Congress provision is made that if the territory north and east of the said line should not contain a sufficient quantity of land fit for cultivation, according to the true intent and meaning of the original act of cession, to satisfy all the *bona fide* and outstanding claims of North Carolina, Congress would thereafter provide by law for the satisfaction of all such as could not be located in the territory aforesaid out of the lands lying south and west of the said line, denominated the Congressional reservation line. In September, 1806, Tennessee, by virtue of the power thus delegated to her, made provision to issue grants and perfect titles on the remaining unsatisfied claims of North Carolina, within the territory aforesaid, north and east of the said line; and likewise to carry into effect the benevolent intention of Congress with regard to the donation made for the use of schools. And for this purpose, under the authority of her laws, land offices were opened in August, 1807. But the memorial of the legislature of Tennessee states that, in consequence of the great number of existing claims derived from North Carolina but few of the school tracts of land were laid off, amounting only to 22,705 acres, leaving a deficit or balance unprovided for, of school lands, of 421,739 acres, which would have been the amount located if a 640 acre tract of school land had been laid off in every six miles square in the territory aforesaid, north and east of said line, as contemplated by the act of Congress of 1806. Tennessee, from 1807, and for many years thereafter, kept her land offices open, and continued to issue grants and perfect titles north and east of the line, on North Carolina claims, so long as the owners of warrants derived from North Carolina could find land in the territory aforesaid which they conceived worth appropriating, or upon which they were willing to sink their claims. All the lands fit for cultivation were taken up and exhausted, and still it was found that North Carolina claims to a considerable amount remained unsatisfied. The United States stood pledged by the act of Congress of 1806, before referred to, that if there should not be a sufficient quantity of land fit for cultivation north and east of the line in the said act designated to satisfy all the outstanding and *bona fide* claims of North Carolina, Congress would thereafter provide by law for satisfying all such as could not be located in the territory aforesaid out of the lands lying south and west of the said line. The fact having been clearly and certainly ascertained that there was not a sufficient quantity of land north and east of the said line to satisfy the outstanding claims of North Carolina, but that a large balance still remained unsatisfied, the United States, by an act of Congress passed April 4, 1818, (after the Indian title, by a treaty made with the Chickasaw tribe of Indians, had been extinguished to all that portion of the country south and west of the congressional reservation line, to which that tribe had previously claimed title, and over which they exercised dominion,) made provision to redeem the pledge thus given by the act of Congress of 1806, and directed that the balance of claims still unprovided for should be satisfied in that section of country, viz: in the country south and west of the congressional reservation line; and authorized the State of Tennessee to issue grants and perfect titles there, as she had done, under the act of 1806, north and east of the line, but made no provision similar to that of 1806 for the benefit of schools or the instruction of children. In 1819 Tennessee, in pursuance of the act of Congress of 1818, opened an office, and established a board of commissioners for the adjudication of the remaining unsatisfied North Carolina claims, in order to ascertain their validity; and likewise opened land offices, and proceeded to issue grants and perfect titles south and west of the congressional reservation line upon all such claims as were adjudicated valid, and limited the time of filing claims for adjudication. In 1821 the legislature of Tennessee gave further time for the adjudication and satisfaction of claims, and declared by law that her land offices should remain open for the satisfaction of claims until the first Monday in May, 1823, at which period they should be forever closed, and that all claims which should not be presented before that period should be forever barred. In the month of September, 1823, the general assembly of the State of Tennessee again convened, when it was discovered that a few claims were still unprovided for, and the legislature, for the purpose of providing for every honest and *bona fide* claim, again opened her offices for the adjudication and satisfaction of all such claims still remaining unprovided for as the legislature deemed *bona fide*, and directed her offices to remain open for this purpose until the first day of June, 1825; at which time, as she had done before, she directed her offices to be forever closed. At that session the legislature memorialized Congress to grant to the State of Tennessee the lands which should remain vacant south and west of the congressional reservation line after the first day of June, 1825, at which period her offices were to be closed, to supply the deficit in the common school fund north and east of the congressional reservation line, which had been promised to the State by the act of Congress of 1806, but which had been but partially realized. At the session of the legislature of Tennessee held in September, 1825, the State of North Carolina, by her agents, presented for satisfaction certain other claims which had been issued by that State; and the State of Tennessee, upon the presentation of the said claims, although her land offices had been directed to be forever closed on the first day of June, 1825, yet, being desirous to provide for the satisfaction of every *bona fide* claim properly chargeable upon the territory within her limits, and on being assured that the State of North Carolina had, by law, closed the issuance of any further claims, again opened her land offices for their satisfaction, upon terms acquiesced in by the two States. And for this purpose her land offices are directed to remain open until the first day of January, 1827, at which time, as she had twice before done, she directed her offices to be forever closed. The few remaining claims will doubtless be satisfied within that period. Tennessee, at the same session, (1825,) again memorialized Congress to grant to her the lands which should remain vacant and unappropriated south and west of the congressional reservation line after the first day of January, 1827, at which time her land offices are to be closed to supply the deficit in the common school lands north and east of the line, which had been promised to the State by the act of Congress of 1806, but which had only in part been received. The two memorials of the legislature of Tennessee state, and, from satisfactory information received by the committee, that statement is confirmed, that so numerous have been the claims derived from North Carolina that all the valuable lands, whenever they were to be found in the country south and



west of the congressional reservation line, have been taken up and appropriated to the satisfaction of these claims; for it was not the policy adopted by North Carolina to lay off the lands to which her officers and soldiers and other claimants were entitled in a body, in townships, or in tracts adjoining to each other, as the United States have done in laying off bounty lands to their soldiers; but the claimants were permitted to explore the whole country, and select their lands wherever they thought proper; and Tennessee was necessarily compelled to pursue the same policy, and did pursue it, after she became authorized to perfect titles on North Carolina claims. The consequence has been that all the good lands in every part of the country where they were to be found have been selected and appropriated by the claimants, and the poorer and less valuable lands have been left unappropriated, and do not, of course, lie in a body, but in detached parcels, and are of inconsiderable value for any purpose but for the convenience of outlets, timber, range, &c. Twelve and a half cents per acre is believed to be a fair price for much the greater portion of it that is worth appropriating at any price. Much of it consists of barrens and hills that are not worth the annual taxes required to be paid by the State, and will not be taken up at all. The State of Tennessee, in the two memorials of her legislature hereinbefore referred to, prays Congress to relinquish to her the title of the United States to the lands thus remaining vacant, and pledges the State to appropriate them to the purposes of education. The committee are of opinion that the said lands so remaining vacant in the State of Tennessee are no object to the United States, but, if relinquished to the State of Tennessee, would supply in part the deficiency which the memorials state exist in the school lands of the State, and might be usefully applied in the promotion of education by the establishment of common schools for the instruction of children; and therefore they beg leave to report a bill.

19TH CONGRESS.]

No. 495.

[1ST SESSION.]

## CLAIM OF A DEPUTY SURVEYOR FOR PAYMENT FOR SERVICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 10, 1826.

Mr. WHIPPLE, from the Committee on Public Lands, to whom was referred the petition of Silas Dinsmore, jr., reported:

That the petitioner sets forth in his petition "that some years since he surveyed a portion of the lands of the United States south of the State of Tennessee; that his field notes were returned to, examined, and approved of by a legal officer; that his accounts were made out and duly certified; that he has made frequent applications to the surveyor general of the district for payment, but without success;" he therefore prays that a law may be passed for his relief. By the accounts of the petitioner, which are duly authenticated, there appears due to him the sum of two thousand and thirty-three dollars and eighteen cents. It appears by the correspondence transmitted to the committee, between the petitioner and the surveyor general, that the original notes of survey, with the maps and description of the work performed, for which compensation is asked, were, by the petitioner, deposited in the office of the principal deputy surveyor of the land district east of the Island of New Orleans. It further appears by the certificate of Silas Dinsmore, the then principal deputy surveyor of that land district, that the documents abovementioned are detained in his office "on the belief that there are private claims in them not yet surveyed."

The particular date of the time of depositing the documents in question with the then principal deputy surveyor of the land district east of the Island of New Orleans does not appear, but the deposit was probably made some time in the year 1823.

At the close of the year 1824 Silas Dinsmore resigned the office of principal deputy surveyor, and David B. Morgan was appointed as his successor.

The surveyor general declines paying the accounts of the petitioner for the following reasons:

1st. He requires the petitioner to obtain from David B. Morgan, the present principal deputy surveyor, a certificate stating that the field notes and maps of the townships surveyed by the petitioner are in his (said surveyor's) possession, and explaining the cause why they are withheld from the surveyor general's office.

2d. The surveyor general intimates that Silas Dinsmore, the uncle of the petitioner, and former deputy surveyor, has not delivered the field notes and maps in question to his successor, David B. Morgan, but detains them in his own possession.

The committee are of opinion that it is not expedient to grant the relief prayed for, and for the following reasons:

1st. Because the several surveyors general are, by law, empowered and required to appoint their own deputies.

2d. Because the several surveyors general are vested by law with the power of dismissing their deputies for misconduct, and are made responsible to the government for the conduct of their deputies.

3d. The moneys appropriated by the government for the purposes of the surveying department are committed to the care of the surveyors general, to whom the deputies and contractors are to look for their compensation; and should the government adopt the principle that, in the event of a dereliction of duty on the part of a superior officer, it would pay the deputies dependent on such superior officer, numerous instances would probably occur in which the government would be called upon to make double payment for the same object.

4th. The surveyors general are by law required to return the field notes, plats, and maps of all surveys made by them, or under their direction, to the Treasury Department. They must, therefore, be left in possession of full power to enforce returns from their deputies and those employed by them; and should the government, in any instance, consent to make payment before satisfactory returns have been made, the main design of the laws regulating the surveying department would be defeated.

The committee, therefore, recommend to the House the adoption of the following resolution:

*Resolved*, That the prayer of the petition ought not to be granted.

19TH CONGRESS.]

No. 496.

[1ST SESSION.]

## QUANTITY OF LAND SURVEYED AND NOT OFFERED FOR SALE, AND THE RECEIPTS AND EXPENDITURES AT CERTAIN LAND OFFICES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 13, 1826.

TREASURY DEPARTMENT, *February 10, 1826.*

SIR: In obedience to a resolution of the House of Representatives of the 7th instant, directing the Secretary of the Treasury to inform the "House what quantity of public land has been surveyed and not yet offered for sale; the quantity of such land in each State and Territory; also to transmit a list of land offices, if any such there be, at which no moneys have been received from the sale of public lands, with the date of their establishment and cause of their unproductiveness; also to state whether there are any land offices at which the receipts for lands sold within the last four years have been less than the expenses of the offices, and the names of such offices," I have the honor to transmit herewith a letter from the Commissioner of the General Land Office, together with the statements marked A and B, therein referred to, which contain the information required by the resolution.

I have the honor to be, with the highest respect, your most obedient servant,

RICHARD RUSH.

HON. the SPEAKER of the House of Representatives.

GENERAL LAND OFFICE, *February 9, 1826.*

SIR: In compliance with a resolution of the House of Representatives, dated the 7th instant, directing "the Secretary of the Treasury to inform this House what quantity of public lands has been surveyed and not yet offered for sale; the quantity of such land in each State or Territory; also to transmit a list of land offices, if any such there be, at which no moneys have been received from the sale of the public lands, with the date of their establishment and the cause of their unproductiveness; also to state whether there are any land offices at which the receipts for lands sold within the last four years have been less than the expenses of the offices, and the names of such offices," which resolution having been referred to this office, I have the honor to enclose the statements marked A and B, which exhibits the information called for.

The land office at St. Helena is the only one at which no money has been received from the sale of the public lands. This has arisen from the several acts of Congress extending the time for the adjustment of land claims under the direction of the registers and receivers of that office. The private land claims extending to every part of this district, it becomes necessary to suspend the sale of the public lands until they shall have been confirmed and surveyed.

It may be proper to remark, that there has been a considerable quantity of land surveyed in some of the States and Territories, the surveys of which have not yet been received at this office.

With great respect, your obedient servant,

GEORGE GRAHAM.

HON. RICHARD RUSH, *Secretary of the Treasury.*

## A.

*Statement of surveys of public land received at the General Land Office to January, 1826, which have not been proclaimed for sale, including land relinquished under the several acts of 1822, 1823, and 1824.*

States.	Amount of surveys which have not been proclaimed for sale.	Amount of relinquished lands which have not been proclaimed for sale.	Amount subject to pro- clamation.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Ohio .....	.....	98,446.02½	98,446.02½
Indiana.....	621,000.00	215,948.99½	836,948.99½
Illinois.....	9,447,439.00	226,723.97	9,674,162.97
Michigan.....	1,218,000.00	1,942.19	1,219,942.19
Missouri.....	4,163,000.00	180,126.82	4,343,126.82
Arkansas.....	3,174,000.00	.....	3,174,000.00
Alabama.....	3,229,000.00	468,476.27	3,757,476.27
Mississippi.....	1,219,000.00	26,975.50	1,245,975.50
Louisiana.....	665,000.00	664.12	665,664.12
	23,796,439.00	1,219,303.89	25,015,742.89

TREASURY DEPARTMENT, *General Land Office, February, 1826.*

## B.

*Statement of moneys received and expenditures incurred at the following land offices in 1822, 1823, 1824, and the first three quarters of 1825, with the dates of their establishment.*

Districts.	Receipts.	Expenditures.	Difference.		Dates of their establishment.
			Against the U. States.	In favor of the U. States.	
Vandalia, Illinois.....	\$5,093 85	\$4,888 40	.....	\$137 45	Receiver's first oath of office January 15, 1821.
Little Rock, Arkansas.....	3,324 51	4,004 86	\$680 35	.....	Receiver's first oath of office April 6, 1820.
Onachita, Louisiana.....	4,040 77	4,189 16	148 39	.....	Receiver's first oath of office November, 1821.
St. Helena Court house, Louisiana.....	.....	3,500 00	3,500 00	.....	First commission issued January 5, 1820.
Jackson Court-house, Mississippi.....	1,088 33	3,310 38	2,222 65	.....	First commission issued January 21, 1820.

The above statement goes as far as the accounts have been received. In the case of Little Rock, it goes only to June 30, 1825.

TREASURY DEPARTMENT, General Land Office, February 8, 1825.

19TH CONGRESS.]

No 497.

[1ST SESSION.]

## LAND CLAIM IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 15, 1826.

Mr. WHIPPLE, from the Committee on Public Lands, to whom was referred the petition of John Baptiste Pratte and others, the heirs and legal representatives of Francis Vallé, reported:

That it appears by the evidence submitted for the examination of the committee that as early as the year 1763 one of the ancestors of the present claimants, by the name of Vallé, explored the tract of land called the Mine la Motte; that in the year 1769 the Chickasaw Indians killed the son of said Vallé, and by other acts of hostility compelled said Vallé to abandon the mine.

Some short time after this period said Vallé made another attempt to work said mine, but one of his companions being seized and burned by the Indians, he was compelled to relinquish his design. In the year 1780 or 1782 Vallé again resumed working the mine in question, and that he and his associates have been in peaceable, quiet, and uninterrupted possession ever since.

It further appears that the mine and tract of land in question had, during the early period of the history of the settlement of Upper Louisiana, been the subject of sale and transfer, and that no one had ever disputed the right of those interested to make such sales and transfers.

In the year 1790 the whole of the Mine la Motte, and the tract of land adjoining or annexed to it, was bought by and vested in Jean Baptiste Pratte, Jean Baptiste, St. Germaine Beauvais, Francis Vallé, and Jean Baptiste Valle, and said tract and mine have continued in their possession and the possession of their descendants to the present time.

On October 15, 1800, the claimants preferred a petition to Don Charles Dehault Delassus, the military lieutenant and lieutenant governor of Upper Louisiana, praying for a grant of the mine, and two leagues of the land adjoining, for the purpose of supplying fuel for the smelting of the ore, and to enable them to prosecute the working of the Mine la Motte.

On February 22, 1801, Delassus replies to the petitioners that he has not the power to grant so large a tract of land as that prayed for, and refers them to the intendant; but in the meantime, on account of the distinguished services, known loyalty, the antiquity and known worth of the family, and the utility of the working of lead mines to the province and government, he gives them permission to cut fuel upon the tract of land prayed for until the pleasure of the intendant can be known.

On April 29, 1802, Don Santiago Maxwell, attorney for the applicants, presents the request of the petitioners to the intendant, Morales, for the legal grant of the tract of two leagues square prayed for by the petitioners.

The intendant, Morales, on the same day orders the petition and accompanying documents to be translated into the Spanish language, and to be presented to the fiscal.

During this season the assessor or fiscal died, and the intendant issued his order closing the tribunal for concessions and grants of land, and assigns as the reason that a learned man, competent to supply his place, was not to be found in the province.

On April 30, 1803, the United States acquired by treaty the province of Louisiana, and Don Manuel Salcedo and the Marquis of Caso Calvo were appointed commissioners for the delivery of possession to the United States.

On February 8, 1804, these commissioners addressed a note to Delassus, lieutenant governor of Upper Louisiana, approving of his measures to secure to the ancient possessors their property, and recommends that, if this note be received in time, a report should be made and sent to them; at the same time stating that some difficulty might arise on account of the approaching transfer of the province to the United States.

On July 1, 1804, Delassus transmitted to Baptiste Vallé, one of the claimants, the note of Salcedo



and Casa Calvo, stating that it was received by him on the 24th of June preceding, "long time after the transfer of the province to the United States," "to the end that it may serve to assure their property, causing to be known this approbation of the superior, who holds his power of the King."

The claimants, on February 26, 1806, procured a survey of the tract of land in question to be made by the deputy surveyor of the United States for the district of St Genevieve, which was recorded at St. Louis.

The claimants submitted their claim to the board of commissioners appointed to examine claims and titles to lands in Missouri, and it was rejected by a majority of the commissioners, but for what reason does not appear from the records of their proceedings.

Considering the foregoing facts, the committee are of opinion that the petitioners present a strong equitable title to the land in question, which would have been recognized and perfected by the Spanish authorities had Spain continued in possession of the province of Louisiana.

The descendants of the original claimants being now in possession of the tract of land in question, it is presumed by the committee that the government of the United States will not be disposed to dispossess them of their ancient possessions and homes. The committee therefore report a bill confirming to the said claimants the tract of land so long occupied and quietly possessed by them.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

The petition of Jean Baptiste Pratte, Jean Baptiste Vallé, St. Gemme Beauvais, Joseph Pratte, and Mary, his wife, in her right; Robert T. Brown and Catharine, his wife, in her right; Walter Wilkinson and Emily, his wife, in her right; Beverly Allen and Celeste, his wife, in her right; François Vallé and Charles C. Vallé, which said Mary, Catharine, Emily, Celeste, François, and Charles, are the heirs and legal representatives of François Vallé, deceased, humbly sheweth:

That shortly after the first settlement of the part of the province of Upper Louisiana (under the French government) included in the limits of the State of Missouri, and so early as the year 1720, it was discovered that a certain tract of country, situated about thirty miles southwest of the present village of St. Genevieve, in said province, abounded in lead mineral, and in honor of M. de la Motte, the governor of this country in the year 1713, being the first under the grant to Sieur Anthony Crozat, was called *Mine la Motte*, by which name it has ever since been known.

That the French government, in order to encourage the discovery and working of lead mineral in that part of the province, gave permission to some individuals to work and occupy portions of land of greater and less dimensions at the Mine la Motte; concessions of land of greater and less dimensions to others at same place; which permissions and concessions have been transferred from one to another, sometimes by formal instruments in writing drawn up by a notary, sometimes by mere words; all evidence of which transfers have, from the lapse of time, from the indifference felt by the proprietors in those early periods of this country, and from the want of offices where the same might be preserved as muniments of titles, from accident, ignorance, and other causes inevitable in a country situated as this was in those periods, been lost, and now known but imperfectly by tradition from father to son, through one, two, and sometimes more generations; which titles had, at an early period, become vested in the before named Jean Baptiste Pratte, Jean Baptiste Vallé, St. Gemme Beauvais, and François Vallé.

That these persons continued to work the said mine, to make improvements on the same, and enjoy the undisturbed and quiet possession of the whole tract known as Mine la Motte, without disturbance from the public authority, or by their fellow-citizens; that they rested secure in their possession, and believed that a title could be obtained from the government of Spain at any time when the same should be requested, all the proprietors being ancient, respectable, and faithful subjects of his Catholic Majesty, and one of them, François Vallé, being an officer in the government, and from the year 1792 till his death, which happened in the year 1804, the commandant, civil and military, of the post of St. Genevieve.

That in the year 1800 they presented their petition to the lieutenant governor of his Catholic Majesty over the province of Upper Louisiana, praying him to grant and concede to them a tract of land of two leagues square, being 28,224 arpents, (French measure,) equal to 24,010 acres, (United States measure;) that the said lieutenant governor, by his decree of January 22, 1801, (conceiving it out of his power to grant the quantity of land prayed for,) referred the said petition to the intendant general of the province of Louisiana, at the same time observing that it was absolutely necessary that a grant ought to be made of the said tract of two leagues square to the petitioners for the purpose of working the lead mines; that they had for a long time before been at great expenses, and employed all their means in the raising of ore and smelting of lead therefrom; that the petitioners were most ancient and respectable inhabitants of the country, and faithful subjects of his Majesty, and concluded by permitting them to cut timber for the use of their works from the tract prayed for, and hoping that the intendant would, from his goodness, grant them the concession prayed for, as in and by the said petition and decree, the originals of which, and faithful translations of the same, herunto annexed, and numbered one, will fully appear.

That in the spring of the year 1802 the above petition and decree were transmitted to the intendant general at New Orleans by the hands of the Rev. James Maxwell, curate of St. Genevieve, who, on the behalf of the petitioners, presented a memorial to the intendant, praying for a grant of the said tract of land, and that the intendant, by his decree underneath the said memorial, ordered the documents accompanying it to be translated into the Spanish language by the interpreter, Don Peter Derbigny, and then presented to the fiscal, as in and by the said memorial and decree, the originals of which, and faithful translations of the same, herunto annexed, numbered two, will fully appear.

That by reason of the death of the assessor of the intendency, (the concurrence of which officer was necessary in the granting of lands,) which happened shortly afterwards, no further steps could be taken for the obtaining of the same until the appointment of another assessor by the King, which vacancy was never filled, and also the removal of Morales, the intendant *ad interim* of Louisiana, to whose department belonged the power to grant lands.

That Don Manuel de Salcedo and the Marquis of Casa Calvo, the Spanish commissioners for the delivery of Louisiana, did, by their official letter of February 8, 1804, (a sworn copy of which letter, and faithful translation of the same, together with the depositions of Mr. Delassus, is herunto annexed, numbered three,) addressed to Don Carlos Delassus, lieutenant governor of Upper Louisiana, in such his

official capacity, and received June 24, 1804, say the disposition made of the memorials of those who anciently possessed lands in this country was approved, being according to justice; but as difficulties may, notwithstanding, arise, it would be proper, should this communication arrive in time, that your lordship should make a report and send it to us, that measures may be taken to secure their property to them. This is in answer to your official letter No. 24. On July 1, 1804, the said Don Carlos Delassus transmitted a copy, in the French language, of the same letter to Mr. Jean Baptiste Vallé, one of your petitioners, the successor of François Vallé in the office of commandant at this post of St. Genevieve, being the last commandant, and commissioned by Major Amos Stoddard, at the same time remarking that as he had not received the said official communication until the 24th of June, and long after the delivery of possession of the country, he then sent a translation thereof, in order that he might communicate it to those interested in the mines, and that it might serve to assure their property to them, and inform them of the approbation of the superior who holds his powers under the King; all which will appear by the original letter of Delassus to J. B. Vallé, and a faithful translation of the same, hereto annexed, numbered four.

That they, and those under whom they claim, have been in peaceable possession of the mine called La Motte, time whereof the memory of any person now living runneth not to the contrary. More than a century has rolled by since the origin of their title.

That they have been in peaceable possession and enjoyment of the said tract of two leagues square of land since the year 1800, before it was known or even suspected by the inhabitants of the province that a cession of it would be made. Confident, however, they are that, but for the premature death of the assessor, the grant which was prayed for would have been made. The official letter of Don Manuel Salcedo and the Marquis of Casa Calvo, above cited, will, they humbly hope, satisfy your honorable bodies that such their confidence was not ill founded.

That the said tract of land prayed for in said petition has been surveyed by a deputy surveyor of Antoine Souldard, who was surveyor general of the province of Upper Louisiana under the government of Spain, and also under the American government, being continued in office by Major Amos Stoddard, the first civil commandant after the change of government, the boundaries of which survey are as follows: beginning at a white oak, designated A; thence south 51° east, 560 poles, to a black oak; thence north 39° east, 1,120 poles, to a white oak; thence north 51° west, 1,532 poles, to a stake; thence south 55° west, 284 poles; thence north 35° west, 270 poles, to a cherry; thence south 39° west, 1,540 poles, to a stake; thence south 51° east, 1,306 poles, to a stake; thence north 39° east, 610 poles, to a white oak, the beginning, as will appear by the original plat of survey hereunto annexed, and numbered five.

Your petitioners refer your honorable bodies to the letter from the King of France to M. d'Abbadie, the director general and commandant of Louisiana, informing the Louisianians of the treaty of cession to Spain, and declaring the expectation of the French King that the inhabitants would be preserved and maintained in their estates which had been granted to them by the governors and directors of the colony; and that, finally, all their grants, though not confirmed by the French authorities, would be confirmed by his Catholic Majesty; the sentiments of which letter, it is believed, correspond with the stipulations of the treaty.

They refer your honorable bodies to the proclamation of Don Manuel de Salcedo and the Marquis of Casa Calvo, commissioners on the part of the government of Spain for the delivery of the province of Louisiana to the French republic, dated at New Orleans, May 18, 1803, whereby the inhabitants of the province are assured that they will be maintained and preserved in the peaceable possession of their estates, and confirmed in all the grants or properties, of whatsoever species, to them made by the governor of these provinces, although the same should not have been confirmed by his Majesty.—(See the proclamation, a governmental paper.)

They refer your honorable bodies to the treaty of cession between the United States of America and the French republic, wherein it is stipulated that the inhabitants of the ceded territory shall be maintained and protected in the free enjoyment of their property. They would recall to your recollection the declarations of Major Amos Stoddard, the first civil commandant of Upper Louisiana under the government of the United States, wherein the claimants to land in Upper Louisiana are assured that the United States feel all the ardor for their interests which a warm attachment can inspire; that it will be among some of their first objects to ascertain and confirm their land titles; that they are cognizant of the deranged state of these titles, and of the existence of a multitude of equitable claims, under legal surveys, where no grants or concessions have been procured; that, ultimately, the most ample justice will be done, and in the final adjustment no settler or landholder will have any just cause to complain. But, alas! twenty-one years have passed away and no final adjustment has been made. Ever since the change of government the difficulty of settling land claims has been a source of uneasiness. The ancient inhabitants have been superseded in their influence and in the trade of the country by strangers.

It is upon these claims they place their dependence. Under the former government these claims were little regarded; they knew that they were then secure, but now things have changed. What was formerly of no consequence is now the only resource of their declining years and the support of their children and children's children, and the number of descendants of the four original claimants are one hundred and forty-one, (see deposition marked seven.) In this case it is literally true. They have come under the government of the United States without consultation, and they trust that what they once claimed as their own will not now be wrested from them.

And your petitioners further show unto your honorable bodies that the claim herein exhibited has been before the board of commissioners appointed to adjudicate upon the claims to land derived from the French and Spanish governments in the Territory of Louisiana; that said board being prohibited in the confirmation of claims exceeding one league square, or including either a lead mine or salt spring, did not confirm this claim. The decision of the board against confirming it was made December 27, 1811, (see message from the President of the United States, transmitting a report of the Secretary of War, and of the Commissioner of the General Land Office, in relation to the salt springs and lead and copper mines, of March 28, 1824, read on the 30th same month, pages 48, 49, 103, 104, and 105, also an examined copy of the proceedings of the board in relation to said claim, made by the Hon. John Scott, the representative of the State of Missouri in the Congress of the United States, numbered six.) That the recorder of land titles was, from the limited authority conferred on him, incompetent to decide on this claim.

In support of the facts and allegations in this petition set forth, they refer your honorable bodies to the history of this country, to oral tradition received and believed here, to the governmental papers, to the documents hereunto annexed and herein referred to, and to the depositions accompanying this petition.

And, finally, your petitioners show that the act of Congress entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," approved May 26, 1824, does not embrace this claim; wherefore, your petitioners are without remedy except before your honorable bodies, no other tribunal now constituted, or heretofore constituted, being competent to decide on the same; and to the Congress of the United States, their dernier resort, they prefer their petition; and the whole being examined, they pray that a law may be passed confirming to your petitioners, according to their respective interests, the said tract of land of two leagues square. Dated at St. Genevieve, October 24, 1825.

J. PRATTE.  
J. BAPTISTE VALLÉ.  
ST. G. BEAUVAIS.  
J. B. PRATTE.  
MARIE PRATTE NET VALLÉ.  
W. WILKINSON.  
EMILIE WILKINSON.  
R. T. BROWN.  
CATHERINE BROWN.  
CHARLES C. VALLÉ.  
FRANCIS VALLÉ.  
BEVERLY ALLEN.  
CELESTE M. ALLEN.

## No. 1.

ST. GENEVIEVE, le 15 Octobre, 1800.

Les soussignés ont l'honneur de vous exposer, qu'ayant fait l'achat de la mine de plomb, nommé à la Mothe, par adjudication de ce que appartenait à feu Jean Datcherut, jointe à ce qui provenait en propres à quelqu'un des dits soussignés, que depuis ce tems, ils ont exploité la ditte mines avec de dépenses très considerables pour le retablissement de la ditte, qui avoit été par un laps de tems demeuré, sans exploitations, et que par leur industrie et des ouvrages continuel, pour parvenir de la mètre en etat de rembourser aux supliants les grandes dépenses que cela leur à occasionné; elle commencera à répondre à leur intentions la devenant pour le present lucrative; et comme le bois est le plus necessaire pour la fonte des mineraux, qui est pour le present très éloignée de la ditte mine par la consommation qui en a été fait ci-devant par les anciens exploitateur de la ditte mine dont le nombre des années est hors de la memoire des dits supliants, seulement par les informations de leurs pere et amis qui y ont travaillé sans pouvoir leur en donner une groete certaine, les dits supliants se retire vers vous, monsieur, pour vous supplier de leur accorder la quantité de deux lieues quarré de terre, tenant à la ditte mine, pour y jouir des forêts, bois, materiaux, et autres commodité, convenable à l'exploitation de la ditte mine, et faute des quels cela leur ferai un tord très considerable et detruirai tous leurs travaux present et avenir. S'obligeant les suppliant de se conformer aux loix contumes et constitution du royaume, ce faisant, ils ne cesseront d'offrir des voeux au ciel pour votre conservation.

J. BAPTISTE VALLÉ.  
ST. G. BEAUVAIS.  
F. VALLÉ.  
PRATTE.

DON CHARLES DEHAULT DELASSUS,

*Lieutenant Colonel et Lieutenant Governor de la Haute Louisiane, &c.*

ST. LOUIS DES ILLINOIS, le 22d Janvier, 1801.

N'étant pas en notre pouvoir d'accorder une concession de cette étendue demandé, nous renvoyons les supliants pardevant monseigneur l'intendant, à qui nous avons l'honneur d'informer que l'usage qu'ils le propose de faire de ces deux lieux quarré leurs est absolument indispensable pour exploiter la mine et en tirer le plomb; qu'en autre, que les quatre personnes qui la demande depuis très long tems, employent toutes leurs forces a grand frais pour en tirer le plomb minéral, si util à l'Etat et au public, sont des plus anciens habitants, notables du pais et fidels sujets de S. M. C. qui dans toutes les circonstances ont toujours été employés par le gouvernement ayant toujours montré le plus grand zèle, toute le fois qu'ils ont put se rendre utiles avec le plus grand disintéressement; et en ces considerations pour que leurs travaux ne souffrent aucun retard, nous leur permettons de couper le bois, qui leur sera nécessaire dans le domaine de S. M. au lieu qu'il demande provisoirement, espérant de la bonté de monseigneur l'intendant qu'il voudra bien leur accorder cette concession grace à la qu'elle ils sont dignée à tous egards.

CHAS. DEHAULT DELASSUS.

## No. 2.

NUEVA ORLEANS, 29 de Abril, de 1802.

Don Santiago Maxwell, cura de la parroquia de Sta. Genoveva de Ilinois, á V. con el debido respeto, expongo: Que segun consta del poder que acompaña, Dn. Francisco y Don Juan Bautista Vallé, Don Juan Bautista Pratte, y Don St. James Beauvais, ma han encargado de solicitar en su nombre la concession de dos leguas en quadro cerca del parage nombrado la Mina á la Motte, en consideracion de los trabajos y gastos que han hecho en la dicha mina, cuyos motivos van expuestos en el adjunto memorial presentado por ellos al teniente gobernador de Ilinois, quien por la carta que tambien agrego les avisó que hubieran de acudir al tribunal de V. En esta atencion, y en consideracion de las razones en que se fundan para solicitar la dicha concesion, suplico se sirva V. conceder les la gracia que piden, y espero obtener de su notoria rectitud.

DIEGO MAXWELL.

SEÑOR INTENDENTE GENERAL.

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NUEVA ORLEANS, 30 de Abril, de 1802.

Por presentados los documentos que acompanan, traduscasen al idioma Castellano, por el interprete Don Pedro Derbigny, y fecho dese vista al senor fiscal.

MORALES.

No. 3.

STATE OF MISSOURI, *County of St. Louis*, ss:

Personally appeared before me, the subscriber, judge of the probate court in and for the county of St. Louis, Charles Debault Delassus, who, being duly sworn, deposeth and saith that he was lieutenant governor of Upper Louisiana from the month of July, in the year one thousand seven hundred and ninety-nine, until the ninth day of March, one thousand eight hundred and four; and that on the twenty-fourth day of June, in the year one thousand eight hundred and four, he received from Don Juan Manuel de Salcedo and the Marquis de Casa Calvo, commissioners for the delivery of this (then province) to the United States, a letter dated the eighth of February, one thousand eight hundred and four, signed by them with their own proper signatures and names, a copy of which letter, with his name signed in the margin thereof, for the purpose of identification, is hereunto attached; the original of which letter he has not now in his possession, having received the same from those officers as an official letter directed to him in his official capacity, and written by them in their official capacity. He considered the same as a proper public document to be delivered up for the benefit of the claimants and the country.

And he further deposeth and saith that he was well acquainted with John Bte. Vallé, St. James Beauvais, François Vallé, and John Bte. Pratte; that they were and are amongst the most ancient and respectable inhabitants of the country; and he knows personally that they were in the exclusive and peaceable possession of the land and mines known by the name of the Mine la Motte, for many years, under the Spanish government; and he is informed and believes that they and their representatives have remained and continued in the peaceable and uninterrupted possession ever since.

Sworn to September 9, 1825, and subscribed at the same time.

CARLOS DEHAULT DELASSUS.

M. S. LEDUC, JR., *Judge of Probate.*

NUEVA ORLEANS, 8 de Febrero, de 1804.

La disposicion que vs. ha tomado decretando los memoriales de aquellos que de tiempo antiguo poseian tierras enesos parages es de nuestra aprobacion por ser arreglada á justicia; sin embargo podria sufrir alguna dificultad, y vendria si esta lega á tiempo que vs. formase una relacion, y la pasase á nuestras manos, para representarlo y tomar alguna providencia que les asegurase sus propiedades.

Es contestacion al oficio de vs. No. 211.

Dios que á vs. ms. as.

MANUEL DE SALCEDO.

EL MARQ. DE CASA CALVO.

CARLOS DEHAULT DELASSUS.

No. 1.

St. GENEVIEVE, *October 15, 1800.*

The undersigned have the honor to represent to you that having purchased the lead mine named La Motte, by purchasing what belonged to Jean Datcherat, which they have united to what belonged already to some of the undersigners; and that since that time they have worked said mine with considerable expenses, said mine having remained without exploration for a number of years, and that it was by their continual work and industry that they have been enabled to put it in a situation to indemnify them of their expenses, and begins to be profitable to the supplicants. And as the timber or fire-wood is of the most necessary for the smelting of ore, and as it begins to get scarce around the mine for the reason of its long being worked, the number of years being out of the recollection of the supplicants, only by hearsay from their fathers and friends who have worked at it without being able to give them a fixed epoch, said supplicants draw near you, sir, that you may be pleased to grant them the quantity of two leagues square of land joining to said mine, to enjoy of the forest, woods, materials, and other convenient commodities for the working of said mine, for want of which they will suffer considerable damages, and may lose their present and future works; the supplicants obligating themselves to conform to the laws, customs, and constitution of the kingdom, and they will not cease to pray God for the conservation of your days.

J. BTE. VALLÉ.

J. ST. G. BEAUVAIS.

FROIS. VALLÉ PRATTE.

DON CHARLES DEHAULT DELASSUS,

*Lieutenant Colonel and Lieutenant Governor of Upper Louisiana, &c.*

No. 1.

St. LOUIS OF ILLINOIS, *January 22, 1801.*

It not being in our power to grant a concession of the extent of the one asked for, we send the supplicants to his lordship, the intendant, to whom we have the honor to inform that the use which the

supplicants intend to make of those two leagues square are of absolute necessity to them to enable them to work the mine and get out the lead; and, besides, the four persons who make the demands have, since a long time, employed their means with large expenses to get out the lead—a mineral so useful to the State and to the public—and are of the most ancient and notable inhabitants of the country, and faithful subjects of his Catholic Majesty; and who have, in all circumstances, been employed by the government, having always manifested the greatest zeal every time they could render themselves useful. In this consideration, that their works suffer no delay, we permit them, in the meantime, to cut the wood of which they may be in want on the domains of his Majesty, on the place which they have demanded, hoping that his lordship the intendant will be so good as to grant them this concession—a grace to which they are by all means worthy.

CH. DEHAULT DELASSUS.

No. 2.

NEW ORLEANS, *April 29, 1802.*

Don Santiago Maxwell, curate of the parish of St. Genevieve, of Illinois, with due respect to your lordship, says: That, as it appears by the power of attorney (poder) which accompanies this, given me by Don François Vallé, Don Jn. Bte. Vallé, Don Jn. Bte. Pratte, and Don St. James Beauvais, I am charged to solicit, in their names, the concession of two leagues in square, near the place named Mine à la Motte, in consideration of the works and expenses which they have made in said mine, which is set forth in the adjoining memorial by them presented to the lieutenant governor of Illinois, whom, by the letter which is also annexed, he advises that they have to apply to the tribunal of your lordship. In this view, and in consideration of the reasons on which they have depended to solicit the said concession, your lordship is supplicated to be willing to concede them the favor which they ask, and which they hope to obtain of your known rectitude.

DIEGO MAXWELL.

THE INTENDANT GENERAL.

No. 2.

NEW ORLEANS, *April 30, 1802.*

The accompanying documents were presented. They will be translated into the Spanish language by the interpreter, Don Pedro Derbigny, and they will be presented to the fiscal.

MORALES.

No. 3.

NEW ORLEANS, *February 5, 1804.*

The disposition taken by your lordship to decree the memorials of those who anciently possessed land in those countries is of our approbation, being according to justice. Notwithstanding some difficulty may arise, it will be proper, if this get in time, to make a report and send it to us; to make a representation and take some measure to insure them in their properties. This is in answer to the fiscal letter of your lordship No. 211. God keep your lordship many years.

MANUEL DE SALCEDO.  
EL MARQ. DE CASA CALVO.

DON. CARLOS DELASSUS.

STATE OF MISSOURI, *County of St. Genevieve, ss:*

Personally appeared Joseph Bogy before me, a justice of the peace in and for said county, who, being duly sworn, upon his oath saith that he is acquainted with the French and Spanish languages, and that the several pieces of writing on this sheet, numbered 1, 2, 3, are faithful translations of the preceding documents in the French and Spanish languages, respectively numbered 1, 2, 3.

JOSEPH BOGY.

Sworn to and subscribed before me this 14th day of October, 1825.

JOSEPH D. GRAFTON, J. P.

No. 4.

En dotte du 8 Fevrier dernier, les brigadiers de S. M. C., Don Jean Manuel de Salcedo et le Marquis de Casa Calvo, commissionne pour la remise de cette province me disent ce que je vous traduit:

“Les dispositions que votre seigneur à prise en décrétant les placets de ces habitants qui possédaient anciennement des terres dans les endroits m'existent notre approbation étant de toute justice, non obstant cela il pourrait survenir quelque difficulté, et il serait convenable si celle ci arrive a tems, que votre seigneurs en fasse une relation et la passe en nos mains pour représenter et prendre quelques mesures qui leur assureraient leur propriétés; c'est en réponse à l'office de votre seigneurs No. 211.”

Et comme j'ai reçu cette office le 24 Jan dernier, long-tems après la remise, je vous envoie cette traduction pour que vous la conserviez-queux aux interesses de la mine, à fin que cela puisse servir à leur assurer leur propriété, faisant savoir cette approbation de la supériorité qui tient les pouvoirs du Roy.

Dieu vous ait en sainte garde. St. Louis des Illinois, Juillet 1, 1804.

CHARLES DEHAULT DELASSUS.

MR. BAPTISTE VALLÉ.

## No. 4.

Under date of the 8th February last, the brigadiers of his Catholic Majesty, Don Jean Manuel de Salcedo and the Marquis of Casa Calvo, commissioned for the delivery of this province, said to me what I translate to you:

"The disposition which your lordship has taken in decreeing the petition of the inhabitants who anciently possessed lands in those places deserve our approbation, being according to justice; notwithstanding some difficulty may arise, it will be proper, if this get in time, to make a report, and send it to us to make representation, and take some measure to insure them in their property. This is in answer to the official letter of your lordship No. 211."

And as I received that official letter the 24th of June last, long time after the transfer, I send you this translation that you may communicate it to those interested in the mine, to the end that it may serve to assure their property; causing to be known this approbation of the superior who holds his power of the King. God preserve you. St. Louis of the Illinois, July 1, 1804.

CHARLES DEHAULT DELASSUS.

Mr. BAPTISTE VALLÉ.

STATE OF MISSOURI, *County of St. Genevieve, ss:*

Personally appeared Joseph Bogy before me, a justice of the peace in and for said county, who, being duly sworn, on his oath saith that he is acquainted with the handwriting and signature of Charles Dehault Delassus, and believes the signature on the foregoing paper, No. 4, to be his signature; further, that he is acquainted with the French language, and that the above is a faithful translation of the paper No. 4, being a letter from said Delassus to Mr. B. Vallé.

JOSEPH D. BOGY.

Sworn to and subscribed before me this 14th day of October, 1825.

JOSEPH D. GRAFTON, *J. P.*

## No. 5.

[Here, in the original, is a plat of the survey.]

I do certify that the above plat represents 28,224 arpents, or 24,142 acres of land, situate on the river St. Francois, including Mine à la Motte, beginning at A, as laid down in the plat surveyed by me for John B. Vallé, St. James Beauvais, Francis Vallé, and Pratte. Done by virtue of a concession granted them by Don Charles Dehault Delassus, bearing date January 22, 1801. Given under my hand this 22d of February, 1806.

NATHANIEL COOK, *Deputy Surveyor, district of St. Genevieve.*

24,426 acres 75 poles.

Received for record. St. Louis, February 26, 1806.

ANTOINE SOULARD, *Surveyor General Louisiana.*

## No. 6.

*Extract from the books of the commissioners.*

"John Baptiste Pratte, St. James Beauvais, François Vallé, and John Baptiste Vallé, claiming two leagues square of land situate at Mine la Motte, district of St. Genevieve, produce a record of petition and recommendation for a concession from Charles D. Delassus, L. G., dated January 22, 1801; record of a power of attorney to James Maxwell to obtain said concessions; record of a petition of said Maxwell to the intendant, dated April 29, 1802; an order from Morales to Peter Derbigny to translate the documents and petition, dated New Orleans, April 30, 1802; record of a plat of survey of 28,224 arpents, dated February 22, 1806; certified February 26, 1806.

"It is the opinion of a majority of the board that this claim ought not to be confirmed.

"Frederick Bates, commissioner, forbears giving an opinion."

STATE OF MISSOURI, *County of St. Genevieve, ss:*

Personally appeared before me, a justice of the peace in and for said county, John Scott, who, being duly sworn, deposeth and saith the foregoing extract from the books of the commissioners is a full and true copy of the proceedings had by them in relation to the claim therein mentioned, and the same was had on Friday December 27, 1811.

JOHN SCOTT.

Sworn to and subscribed before me this 10th day of October, 1825.

JOS. D. GRAFTON, *J. P.*

MISSOURI TERRITORY, *St. Genevieve County, ss:*

On the — day of October, eighteen hundred and eighteen, before me, Thomas Oliver, one of the justices of the peace for said county, personally came Auguste Abuchon, of the town of St. Genevieve, in the said county, and John Baptiste Janis, sr., of the same, who, being duly sworn on the Holy Evangelists, depose and say that they have resided in the Illinois country ever since their births, (the said Abuchon



being now seventy-two years of age, and the said Janis sixty years of age,) and that, from the first of their recollection, they well know the tract of country called La Mine à la Motte, and that it was occupied, held, and possessed by divers citizens of the said country, who raised and smelted on their own account lead and mineral thereon; that it was well understood by all the inhabitants that the same had been originally granted by and under the authority of the French government during the time they held the same; that the lots and tracts of land were bought and sold like all other real estate in the country, and title deeds executed before the public functionaries of the country; that about the year seventeen hundred and ninety it was well known and understood the whole of the said Mine à la Motte tract came by purchase and was vested in Jean Baptiste Pratte, Jean Baptiste St. Germe, Beauvais, Francis Vallé, and John Baptiste Vallé, who have remained in possession thereof to this time. And the deponents further say that they never knew or heard of any other person or persons claiming the said tract of land, or any part thereof, but the said original grantees or their assignees; and they further say that during the time of the Spanish government (they think about eighteen years ago) it was well understood by the inhabitants of the country that a concession had been granted by that government to the said Messrs. Pratte, Beauvais, François, and John Baptiste Vallé, for a quantity of land, round the said Mine à la Motte of two leagues square.

his  
AUGUSTE + ABUCHON.  
mark  
JOHN BAPTISTE JANIS, Sr.

Sworn to and subscribed the day and year above, before me.

THOMAS OLIVER, J. P.

STATE OF MISSOURI, *County of St. Louis*, ss :

Personally appeared before me, the subscriber, judge of the probate court for the county of St. Louis, State of Missouri, Auguste Chouteau, who, being duly sworn, deposeth and saith that when he first came in this Upper Louisiana, in 1763, he found one of the Vallés in possession and exploring the mine called Mine à la Motte; that he, in company with his son, to wit, Vallé, jr., continued to explore the said mine until the year 1769, at which time the son of said Vallé was killed by the Chickasaw Indians, which circumstance compelled the said Vallé to abandon the said mine; but that some short time after he, said Vallé, went to the said mine and explored it, and was again attacked by the said Chickasaw nation, where, in the attack, a man called Labastille was burned by said Indians, which circumstance occasioned said Vallé to abandon again said mine; and that some short time after the second attack, to wit, as the affiant believes, about the year 1780 or 1782, the said Vallé went again to explore said mine; and that the said mine was explored by said Vallé, and through or under him ever since, without interruption. And this affiant further saith that he is personally acquainted with John Baptiste Vallé, John Baptiste Pratte, St. Germe, Beauvais, and Francis Vallé, and that he knows that they were under the Spanish government for a long time before the acquisition of this country by the United States, and he believes ever since in possession of the aforesaid Mine à la Motte, and that he has always understood they claimed title to the same; and their possession of the property and enjoyment of said lands and mine, and of those claiming under them, has been peaceable, quiet, undisputed, and uninterrupted to this day.

AUG. CHOUTEAU.

Sworn to and subscribed before me, at St. Louis, September 14, 1825.

M. P. LEDUC, J. Prob.

No. 7.

STATE OF MISSOURI, *County of Genevieve*, ss :

Personally appeared before me, a justice of the peace in and for the county aforesaid, Francis Janis, sen., who, being duly sworn, upon his oath saith that the descendants of Francis Vallé, deceased, one of the claimants to the Mine à la Motte, are thirty-seven; of St. Germe, Beauvais, one of the claimants, are fifty-three; of Jean Baptiste Vallé, one of the claimants, are eleven; of Jean Baptiste Pratte, the fourth claimant, are forty; making in all one hundred and forty-one descendants of the four original claimants.

FRANÇOIS JANIS.

Sworn and subscribed to before me, the justice aforesaid, October 24, 1825.

JOS. D. GRAFTON, J. P.

STATE OF MISSOURI, *County of St. Genevieve* :

Personally appeared before me, a justice of the peace in and for the county aforesaid, Joseph Bogy, who, being duly sworn, upon his oath saith that Mary Pratte, Catherine Brown, Emily Wilkinson, Celeste M. Allen, François Vallé, and Charles C. Vallé, are the heirs and legal representatives of François Vallé, deceased, one of the claimants to the mine called "Mine à la Motte," situated in that part of the county of Madison formerly within the limits of the county of St. Genevieve, State of Missouri.

JOSEPH BOGY.

Sworn to and subscribed before me, the justice aforesaid, this 24th day of October, 1825.

JOS. D. GRAFTON, J. P.

19TH CONGRESS.]

No. 498.

[1ST SESSION.

## PURCHASES OF REAL ESTATE FOR THE UNITED STATES WITHIN THE LIMITS OF THE STATES SINCE JULY 4, 1776.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 15, 1826.

*To the House of Representatives of the United States :*

I transmit to the House of Representatives a report from the late Secretary of War to the late President of the United States, with documents containing information requested by a resolution of the House of April 10, 1824, relating to purchases of real estate in behalf of the United States within the territorial limits of any State since July 4, 1776. These papers were prepared during the last session of Congress, but by some accident were not then communicated to the House.

JOHN QUINCY ADAMS.

WASHINGTON, February 15, 1826.

DEPARTMENT OF WAR, February 14, 1825.

The Secretary of War, to whom was referred the resolution of the House of Representatives requesting the President of the United States to cause to be submitted to the House a "statement of the several purchases of real estate in behalf of the United States within the territorial limits of any State since July 4, 1776, for public purposes, in pursuance of any act of Congress, or by any department or officer of the general government, denoting in each case the particular authority under which each purchase was made; its date, and the end or use for which it was effected; the nature of the estate thereby acquired, and the person or persons by whom and to whom such estate was conveyed; together with the fact whether such purpose was or was not accompanied with the express consent of the State of whose territory such real estate constituted a part; and, in the former case, whether any, and if any, what special jurisdiction accompanied the cession or conveyance," has the honor to transmit herewith a statement prepared by the chief engineer, which contains all the information in relation to the subject which this office can furnish.

All which is respectfully submitted.

J. C. CALHOUN.

The President of the United States.

ENGINEER DEPARTMENT, Washington, February 12, 1825.

SIR: I have prepared, and have the honor to present herewith, agreeably to your instructions, a statement of the several purchases of real estate in behalf of the United States since July 4, 1776, required by a resolution of the House of Representatives of April 10, 1824.

This statement is founded upon documents in the department, and upon returns received since the date of the resolution from the district attorneys of all the States and Territories of the Union, except Connecticut, the eastern district of Virginia, the two districts of Tennessee, Louisiana, and Indiana. The receipt of returns from these States would, however, scarcely vary the report, as it is believed that little, if any, real estate for military purposes has been acquired therein which is not included in the documents referred to.

I have the honor to be, very respectfully, sir, your most obedient servant,

ALEXANDER MACOMB, *Maj. Gen., Chief Engineer.*Hon. J. C. CALHOUN, *Secretary of War.*

*Statement of the several purchases of real estate in behalf of the United States since July 4, 1776; agreeably to a resolution of the House of Representatives of April 10, 1824.*

Quantity of real estate purchased.	Where situated.	Date of purchase.	Of whom purchased.	To whom conveyed.	Nature of the estate.	To what purpose applied.	Act authorizing purchase.	Jurisdiction acquired.	Consideration.	Remarks.	
MAINE.											
12 acres	Portland harbor	Feb. 23, 1808	John G. Waldron	United States	Fee simple	Fort Scammel	April 21, 1806	Concurrent jurisdiction is retained in all these conveyances.	\$1,200 00	E. Shepley, district attorney, mentions a fort called Fort McClary, in Ellery, but no conveyance of the land is on record.	
1 acre.	Mounjoy's neck.	Aug. 2, 1794	Enoch Isley	do.	do.	do.	do.		53 25		
3 acres.	do.	Dec. 22, 1794	Thomas Smith	do.	do.	do.	do.		66 60		
5 acres.	Spring Point.	Feb. 24, 1808	Rhenezer Thrasher.	President United States	do.	Fort Preble	do.		500 00		
2 acres.	Hannewell's Point.	June 21, 1808	Joshua Shaw	do.	do.	do.	do.		1,850 00		
No quantity named.	Edgemoor.	June 13, 1808	Moses Davis.	United States.	do.	do.	do.		300 00		
24 acres.	Narrows island.	Aug. 6, 1808	John A. Kennedy	John A. Farley, for U. States.	do.	do.	do.		135 00		
24 acres.	Robinson's Point.	Sept. 22, 1808	Joseph Robinson	United States.	do.	A fort.	do.		100 00		
3 acres.	Castine.	April 1, 1809	Joseph Perkins	James Madison, President United States.	do.	do.	do.		450 00		
224 square rods.	Macbias.	Nov. 16, 1809	Benjamin Berry	do.	do.	do.	do.		118 25		
844 square rods.	do.	Nov. 16, 1809	William Lanthorne.	do.	do.	do.	do.	53 16			
3 acres.	Moose island.	June 2, 1809	John & R. Clark.	United States.	do.	A fort.	do.	180 00			
No quantity.	Battery pasture	May 12, 1808	Legislature of the State.	do.	do.	do.	do.	do.	5,004 29		
NEW HAMPSHIRE.											
14 acre.	Goat island.	Feb. 14, 1791	Legislature of the State	United States.	Deed of appropriation.	A fort and light-house.	March 3, 1807	Reserved to the State courts.		In these cessions is a reservation for payment in case the United States at any time hereafter shall pay an individual State for lands granted for such purposes, and it is required that the light-houses and forts be kept up. Reported by D. Humphreys, district attorney.	
14 acre.	Adjoining the above	June 18, 1807	do.	do.	do.	do.	do.	do.			
96 ft. 6 in. by 60 ft.	Portsmouth.	Aug. 20, 1808	do.	do.	do.	Gun-house.	Jan. 8, 1808	do.			
1 acre.	White island.	June 20, 1820	do.	do.	do.	do.	do.	do.			
Stunken rocks.	Portsmouth harbor.	June 23, 1821	do.	do.	do.	do.	July 5, 1812	do.			
MASSACHUSETTS.											
14 acre.	Springfield.	June 22, 1795	Nathaniel Patten.	T. Pickering, for U. States.	Fee simple.	Armory.	April 9, 1794	do.	\$400 00		
No quantity.	Castle island.	June 25, 1798	Ceded by the State.	United States.	do.	Defences, &c.	June 9, 1794	do.			
1 acre 136 rods.	Springfield.	Sept. 19, 1798	John Ashley.	D. Ames, for United States.	do.	Armory.	April 9, 1794	Exclusive, reserving legal process.	343 32		
30 s. 34 rods & 30 r.	do.	Aug. 24, 1801	Inhabitants of Springfield.	United States.	do.	do.	do.	Exclusive, excepting that legal process be not obstructed.	569 00		
139 perches.	Governor's island.	Oct. 15, 1807	Jonathan Dwight.	do.	do.	do.	do.	do.	300 00		
6 acres.	Salem.	May 18, 1808	James Winthrop.	do.	do.	do.	Jan. 8, 1818	do.	15,000 00		
1 acre.	Salsbury.	Aug. 9, 1808	Inhabitants of town.	do.	do.	do.	do.	do.	100 00		
127 rods.	Springfield.	Sept. 2, 1808	Corporation of town.	United States.	do.	do.	April 9, 1794	Exclusive, excepting that legal process be not obstructed.	100 00		
2,300 square feet.	Marblehead.	Jan. 5, 1809	do.	do.	do.	do.	Jan. 8, 1808	do.	750 00		
24 acres.	New Bedford.	Sept. 28, 1808	Killey Eldridge.	do.	do.	do.	do.	do.			
5,603 square feet.	Salem.	Dec. 10, 1808	Inhabitants of Salem.	do.	do.	do.	do.	do.			



## Statement of the several purchases of real estate, &amp;c.—Continued.

Quantity of real estate purchased.	Where situated.	Date of purchase.	Of whom purchased.	To whom conveyed.	Nature of the estate.	To what purpose applied.	Act authorizing purchase.	Jurisdiction acquired.	Consideration.	Remarks.
2,800 square feet, 117 rods.	Gloucester. Springfield.	Oct. 15, 1898. Jan. 10, 1899.	William Pearce. John Ashley.	United States.	Fee simple. do.	Armory.	Jan. 8, 1898. April 2, 1794.	Exclusive, excepting that the operation of criminal and civil process be not obstructed.	\$285 50	Act of cession dated June 25, 1798.
7 acres 55 rods.	do.	Mar. 2, 1899.	Girardo Warner.	do.	do.	do.	do.	do.	150 00	do.
15 acres.	do.	Apr. 17, 1899.	John Ashley.	do.	do.	do.	do.	do.	535 33	do.
No quantity, a lot.	Beverly.	May 17, 1899.	Inhabitants of Beverly.	do.	do.	Not known.	do.	do.	do.	do.
5 acres.	Springfield.	June 10, 1899.	Jonathan Dwight.	do.	do.	do.	do.	Exclusive, excepting that the operation of criminal and civil process be not obstructed.	150 00	do.
60 rods.	do.	Dec. 13, 1899.	Jacob Bliss.	do.	do.	do.	do.	do.	30 50	do.
6 acres 79 rods.	do.	Jan. 28, 1811.	William Carlisle.	do.	do.	do.	do.	do.	200 00	do.
18 acres 109 rods.	do.	May 9, 1812.	Trustees of the school.	do.	do.	do.	do.	do.	1,950 00	do.
Lot, no quantity.	do.	May 13, 1812.	Joseph Corow.	do.	do.	do.	do.	do.	1,250 00	do.
72 rods.	do.	May 13, 1812.	James Byers.	do.	do.	do.	do.	do.	640 00	do.
16 rods.	do.	May 14, 1812.	Obed Wright.	do.	do.	do.	do.	do.	280 00	do.
36 rods.	do.	May 16, 1812.	Joshua Comstock.	do.	do.	do.	do.	do.	1,422 00	do.
1 acre.	Berkshire county.	May 23, 1812.	William Allen.	do.	do.	do.	do.	do.	800 00	do.
9 rods 12 ft. by 9 rods.	Springfield.	May 28, 1812.	William Wood.	do.	do.	do.	do.	Exclusive, excepting that the operation of criminal and civil process be not obstructed.	800 00	do.
A piece of land.	do.	May 15, 1812.	E. Cooley.	do.	do.	do.	do.	do.	580 00	do.
A piece of land.	do.	May 13, 1812.	Calvin Barrett.	do.	do.	do.	do.	do.	355 00	do.
7 acres 90 rods.	Fitchfield.	Oct. 28, 1814.	William Allen, ex.	do.	do.	do.	do.	do.	680 62	do.
Half acre.	Springfield.	June 4, 1812.	Lemuel Wheeler.	do.	do.	do.	do.	Exclusive, excepting that the operation of criminal and civil process be not obstructed.	2,400 00	do.
20 acres 3 rods 30 poles.	Charles river.	Sept. 23, 1816.	Thomas Learned.	do.	do.	Arsenal.	Feb. 8, 1815, & subsequent.	do.	2,045 38	No knowledge of the consent of the State.
8½ acres.	Springfield.	June 5, 1817.	George Blake.	do.	do.	Armory.	April 2, 1794, & subsequent.	Exclusive, excepting that the operation of criminal and civil process be not obstructed.	3,300 00	do.
8 acres 30 perches.	Middlesex county.	Mar. 10, 1817.	Joshua Hall's estate.	do.	do.	Arsenal.	Feb. 8, 1815, & subsequent.	do.	3,079 73	Act of cession dated June 25, 1798.
Piece of land.	Springfield.	Sept. 13, 1817.	J. Bliss, school land.	do.	do.	Armory.	April 2, 1794, & subsequent.	do.	175 00	do.
80 square rods.	do.	May 27, 1817.	Joshua Ashley.	do.	do.	do.	do.	do.	200 00	do.

Statement of the several purchases of real estate, &amp;c.—Continued.

Quantity of real estate purchased.	Where situated.	Date of purchase.	Of whom purchased.	To whom conveyed.	Nature of the estate.	To what purpose applied.	Act authorizing purchase.	Jurisdiction acquired.	Consideration.	Remarks.
13 acres	Pitts-field.	Oct. 26, 1814	William Alton	United States	Fee simple.	Army	April 2, 1794, & subsequent.	Exclusive, excepting that the operation of criminal and civil process be not obstructed.	\$1,170 00	Act of cession dated June 25, 1793.
Lot	Springfield	Jan. 9, 1820	James Byers	do.	do.	do.	do.	do.	1,000 00	do.
5 acres 95 rods.	do	Aug. 8, 1822	T. & S. Warner	do.	do.	do.	do.	do.	197 00	do.
2 acer 69 rods.	do	June 24, 1824	Thaddeus Ferce	do.	do.	do.	do.	do.	124 35	do.
3 acres 57 rods.	do	June 24, 1824	William Carfax	do.	do.	do.	do.	do.	110 09	do.
2½ acres.	Salem.	Sept. 2, 1794	Town of Salem.	James Madison, for the U.S.	An old fort.	do.	April 2, 1794	do.	40 00	do.
900 square feet.	Ipswich.	May 6, 1809	Stephen Cloate, Jr.	do.	do.	do.	June 14, 1809	A haven.	40 00	do.
1,800 square feet.	do	May 26, 1809	James F. Lefebvre	do.	do.	do.	do.	do.	40 00	do.
6½ acres.	Weymouth.	Oct. 27, 1800	George Griffin	United States.	do.	do.	June 9, 1794	do.	140 00	do.
Lot	do	Aug. 30, 1794	Russell Trevett.	do.	do.	do.	do.	do.	220 00	do.
Lot	Martinehead	Aug. 30, 1794	Town of Martinehead.	do.	do.	do.	do.	do.	5,000 00	do.
Lot	Salem.	June 21, 1808	J. Crowninshield & c.	do.	do.	do.	July 15, 1812	do.	46,327 40	do.
VERMONT.										
5 acres	Burlington	Aug. 4, 1812	E. T. English.	United States.	Fee simple	Defences	July 5, 1812	do.	\$110 00	do.
10 acres, two lots.	do	Sept. 3, 1812	Isaac Clark.	do	do	do	do	do	325 00	do.
103 acres.	do	Feb. 15, 1813	Daniel Staniford	do	do	do	do	do	1,910 00	do.
9 acres 3 rods.	Vergennes	Oct. 8, 1816	E. D. Woodbridge	do	do	Arsenal	Feb. 8, 1815, & subsequent.	do.	1,000 00	do.
RHODE ISLAND.										
2½ acres 20 rods.	Brenton's Point.	Oct. 3, 1799	S. and S. Mumford	J. Adams, President U. S.	Fee simple	A fort.	June 9, 1794	do.	\$957 50	do.
6½ acres 5 perches	do	Nov. 25, 1759	Eleu. Sherman	do	do	do	do	do	600 00	do.
10 acres	Brenton's Point.	Oct. 20, 1800	S. and S. Mumford	do	do	do	do	do	2,000 00	do.
3 acres	do	Nov. 15, 1808	Eliza Brown.	do	do	do	Jan. 8, 1808	do.	600 00	do.
10 acres.	Gent island.	April 16, 1799	E. Townsend.	do	do	do	June 9, 1794	do.	1,500 00	do.
7½ acres 17 rods.	Brenton's Point.	May 9, 1799	S. Mumford	do	do	do	do	do.	1,626 25	do.
120 acres.	Rose island.	Aug. 20, 1799	Hannah Gouard	do	do	do	do	do.	1,195 00	do.
20 acres.	do	Aug. 20, 1799	Isaac Ambrose	do	do	do	do	do.	187 50	do.
20 acres.	do	Sept. 24, 1799	Henry Gouard	do	do	do	do	do.	80 00	do.
2 lots.	Newport	Aug. 29, 1799	Wm. D. King	do	do	do	do	do.	80 00	do.
2 lots.	do	Aug. 29, 1799	Samuel King	do	do	do	do	do.	80 00	do.
									Subject to the annual payment of 3 oz. 12 dwt. silver each.	
									8,673 75	





Statement of the several purchases of real estate, &amp;c.—Continued.

Quantity of real estate purchased.	Where situated.	Date of purchase.	Of whom purchased.	To whom conveyed.	Nature of the estate.	To what purpose applied.	Act authorizing purchase.	Jurisdiction acquired.	Consideration.	Remarks.
59 perches. 3 lots.	Brownsville Town of Ione	July 11, 1815 Oct. 9, 1815	Jacob Brown Dominick Lynch	United States do.	Fee simple do.	Arsenal	Feb. 8, 1815 April 2, 1794	Exclusive jurisdiction of courts reserved.	\$975 12 850 00	Consent of State not known.
2 lots. 6 lots.	Sackett's Harbor Town of Ione	May 4, 1816 July 4, 1816	Edmund Luff Dominick Lynch	do. do.	do. do.	do.	July 5, 1813 April 2, 1794	Exclusive jurisdiction of courts reserved.	1,400 00 1,600 00	Do.
22 acres	Near Sackett's Harbor.	Oct. 6, 1816	Thomas Ogden	do.	do.	do.	July 5, 1813	do.	3,000 00	do.
10 acres	do.	Mar. 28, 1817	do.	do.	do.	do.	do.	do.	1,000 00	do.
6 lots.	Rouse's Point	Oct. 17, 1817	People of New York, Gov. Clinton.	do.	do.	do.	do.	do.	21,292 00	Lower Canada.
9 acres 3 als. 5 poles.	Channahon	Nov. 18, 1817	John Warford	do.	do.	do.	do.	do.	500 00	do.
27 lots	Island P. Champlain	May 15, 1818	People of New York	do.	do.	do.	do.	do.	9,700 60	do.
310 acres	Gibsonville	May 17, 1823	James Gibbons	Major Dalibo, for U. States.	Fee simple	Arsenal	Feb. 8, 1815	do.	10,000 00	do.
	Adjoining West Point	May 13, 1824	Oliver Gridley	do.	do.	Military Academy.	March 10, 1824	do.	137,715 29	do.
96 acres	NEW JERSEY. Billemport.	July 5, 1776	M. Paul and B. Weatherby.	G. Clymer and M. Hillegas, for United States.	Fee simple	Defence of Delaware.	do.	do.	\$1,600 00	do.
45 acres	Westfield township	Oct. 2, 1799	Edvard Vermule	United States.	do.	do.	April 2, 1794	do.	2,250 00	do.
43 acres	do.	Oct. 2, 1799	Cornelius Vermule	do.	do.	do.	do.	do.	2,300 00	do.
5 acres	Regen township.	June 23, 1812	John B. Coles	do.	do.	do.	do.	do.	2,100 00	do.
Tract.	Sandy Hook	June 17, 1817	Rd. Hartsborne	do.	do.	do.	July 5, 1813	do.	20,000 00	do.
	do.	Feb. 26, 1856	do.	do.	do.	do.	June 9, 1794	do.	3,750 00	do.
	PENNSYLVANIA. Pittsburg.	Apr. 15, 1794	J. Penn, by A. Butler, attorney.	United States.	Fee simple	Barracks, &c.	April 2, 1794	do.	\$320 00	These lots, by act of August 2, 1813, were authorized to be sold; they were accordingly sold in September, 1815, for \$25,880.
8 lots, Nos. 55, 56, 57, 58, 91, 92, 93, 94.	do.	do.	do.	do.	do.	do.	do.	do.	do.	do.
8½ acres 16 perches.	Near Philadelphia	July 6, 1799	Elizabeth Schor	do.	do.	Arsenal	do.	Still liable to taxes.	2,253 33	Consent of State not known.
27 acres 068 perches.	Carlisle	Jan. 30, 1801	J. Penn, by E. Physick	do.	do.	Barracks	do.	do.	664 20	do.
6½ acres 25 perches.	State Island.	Aug. 5, 1808	Board of Health	do.	do.	do.	do.	do.	5,000 00	do.
30 acres	Alleghany river.	Apr. 9, 1814	William B. Foster	do.	do.	Arsenal	do.	Exclusive, reserving right of legal process.	12,000 00	Act of cession, March 16, 1816.
20 acres 84 perches.	Philadelphia county	Mar. 27, 1815	Frederick Fraley	do.	do.	do.	Feb. 8, 1815	do.	7,680 75	Consent of State not known.
Lot	Waterford	Apr. 7, 1818	P. S. V. Hanot	do.	do.	do.	do.	do.	1,200 00	do.
Lot	Philadelphia	July 18, 1792	Frederick Haller	do.	do.	Mint	do.	do.	2,056 67	do.

## Statement of the several purchases of real estate, &amp;c.—Continued.

Quantity of real estate purchased.	Where situated.	Date of purchase.	Of whom purchased.	To whom conveyed.	Nature of the estate.	To what purpose applied.	Act authorizing purchase.	Jurisdiction acquired.	Consideration	Remarks.
Lot .....	Southwark .....	Feb. 20, 1801 .....	Anthony Morris .....	United States .....	Fee simple .....	Navy yard .....	.....	.....	\$14,000 00	Ceded to the United States for erecting and maintaining forts and other defenses. The right of soil reserved to the State, act of April 18, 1795.
Lot .....	do .....	Feb. 20, 1801 .....	Leake Morris .....	do .....	do .....	do .....	.....	.....	11,000 00	
Lot .....	do .....	Feb. 20, 1801 .....	William L. Allen .....	do .....	do .....	do .....	.....	.....	12,000 00	
Lot .....	Philadelphia .....	Oct. 3, 1816 .....	Joseph Lowndes .....	do .....	do .....	Cotton-house .....	.....	.....	1,500 00	
Lot .....	do .....	Oct. 3, 1816 .....	do .....	do .....	do .....	do .....	.....	.....	14,000 00	
Lot .....	do .....	Oct. 4, 1816 .....	George Hunter .....	do .....	do .....	do .....	.....	.....	18,000 00	
Lot .....	do .....	June 4, 1818 .....	William Hinckley .....	do .....	do .....	do .....	.....	.....	18,000 00	
60 acres .....	Presque Isle .....	Apr. 18, 1795 .....	Ceded by the State .....	do .....	Under certain reservations .....	For forts, &c. ....	June 9, 1794 .....	Jurisdiction reserved .....	16,000 00	
20 acres .....	do .....	Apr. 18, 1795 .....	do .....	do .....	do .....	do .....	do .....	do .....	.....	
100 acres .....	do .....	Apr. 18, 1795 .....	do .....	do .....	do .....	do .....	do .....	do .....	.....	
1 acre .....	DELAWARE.	Aug. 13, 1859 .....	Peter Baudry .....	United States .....	Fee simple .....	Arsenal .....	April 9, 1794 .....	.....	\$350 00	No knowledge of the consent of the State.
.....	Burlington .....	May 27, 1813 .....	Ceded by the State .....	do .....	do .....	Fort Delaware .....	July 5, 1812 .....	Jurisdiction ceded May 27, 1813.	118,324 95	
.....	.....	.....	.....	.....	.....	.....	.....	.....	250 00	
3 acres 127 perches .....	MARYLAND.	Apr. 15, 1808 .....	Thomas A. Digges .....	T. Jefferson, for United States .....	Fee simple .....	Fort Washington .....	Jan. 8, 1805 .....	.....	\$6,000 00	
33 acres .....	On Potomac river .....	July 16, 1808 .....	David Kerr .....	United States .....	do .....	Fort .....	do .....	.....	750 00	
7 acres .....	Near Annapolis .....	Nov. 14, 1808 .....	Henry M. Ridgely .....	do .....	do .....	Fort .....	do .....	.....	1,800 00	
13 acres .....	Windmill Point .....	Dec. 12, 1808 .....	Corporation of Annapolis .....	do .....	do .....	do .....	do .....	.....	.....	
22 acres .....	Annapolis .....	Apr. 23, 1814 .....	William Lornan .....	do .....	do .....	do .....	July 5, 1812 .....	.....	1,375 00	
9 acres 32 perches .....	Near Baltimore .....	Aug. 31, 1815 .....	W. and Thomas A. Digges .....	do .....	do .....	Fort Washington .....	do .....	.....	8,461 00	
4 acres .....	Potomac river .....	Sept. 9, 1815 .....	Thomas A. Brooke .....	do .....	do .....	Magazine .....	Feb. 8, 1815 .....	.....	1,000 00	
14 acres 147 perches .....	Potomac canal .....	Feb. 25, 1819 .....	James Smith .....	do .....	do .....	Arsenal .....	do .....	.....	885 12	Do.
7 acres 56 perches .....	Baltimore county .....	July 20, 1795 .....	Alexander Furnival .....	do .....	do .....	do .....	June 9, 1794 .....	.....	3,200 00	
2 acres .....	Whetstone Point .....	Nov. 6, 1798 .....	William Goodwin .....	do .....	do .....	do .....	do .....	.....	1,600 00	
do .....	do .....	do .....	do .....	do .....	do .....	do .....	do .....	.....	5,000 00	
112 acres 25 perches .....	do .....	Aug. 26, 1800 .....	do .....	do .....	do .....	do .....	do .....	.....	1,600 00	
5 acres .....	Love's Point .....	Jan. 14, 1804 .....	John O'Donnell .....	do .....	do .....	do .....	do .....	.....	31,681 12	
63½ acres .....	VIRGINIA.	June 15, 1796 .....	John Weger et al. ....	G. Washington, for United States .....	Fee simple .....	Armory .....	April 9, 1794 .....	.....	\$7,016 63½	
.....	Harper's Ferry tract .....	.....	.....	.....	.....	.....	.....	.....	10,000 00	
310 acres .....	Near Harper's Ferry .....	Feb. 20, 1797 .....	John Rutherford et al. ....	do .....	do .....	do .....	do .....	.....	.....	

## Statement of the several purchases of real estate, &amp;c.—Continued.

Quantity of real estate purchased.	Where situated.	Date of purchase.	Of whom purchased.	To whom conveyed.	Nature of the estate.	To what purpose applied.	Act authorizing purchase.	Jurisdiction acquired.	Consideration.	Remarks.
1,600 acres.....	On Potomac river.....	May 8, 1800	Henry Lee .....	J. McHenry, Secretary of War, for United States.	Fee simple .....	Cannon foundry.....	April 9, 1794	.....	\$34,000 00	
4 acres 50 rods.....	Berkeley county.....	June 1, 1800	Wilson, Potts & North.....	J. Adams, President, for United States.	do .....	do .....	do .....	.....	10 00	
216 acres 110 rods.....	do .....	June 20, 1800	do .....	do .....	do .....	do .....	May 4, 1798	.....	42,000 00	Sold to John Pinchin, under an act of Congress of March 3, 1813.
10 acres.....	On James river.....	April 5, 1803	S. Peter and S. Horseburg ..	United States.....	do .....	do .....	June 9, 1791	.....	1,000 00	do.
130 sq. pchs. 50 links.....	On Ferry Point.....	Sept. 21, 1805	William Thompson.....	do .....	do .....	Fort Norfolk.....	do .....	.....	1,500 00	Consent of the State.
30 feet square.....	On Flood's tract .....	Oct. 16, 1813	Henderson & Freland.....	do .....	do .....	Graveyard .....	April 9, 1791	.....	295 00	
1,395 acres.....	Shannondale.....	Aug. 28, 1813	Ferdinando Fairfax.....	J. Armstrong, Secretary of War.	do .....	Amory .....	do .....	.....	90,860 02	
27½ acres.....	On James river.....	Sept. 21, 1815	Trabue & Riddy .....	United States.....	do .....	Arseual .....	Feb. 8, 1815, & subsequent.	.....	4,310 00	
63 acres 60 perches..	Cuany island .....	May 5, 1817	George D. Wise & al .....	do .....	do .....	Arseual .....	do .....	.....	12,530 00	
	Shannondale.....	Oct. 27, 1816	Ferdinando Fairfax.....	J. Monroe, President, for United States.	do .....	Arseual .....	April 9, 1794	.....	5,000 00	
	Old Point Comfort.....	—, 1821	Ceded by the State.....	United States.....	do .....	Fort Monroe.....	.....	Jurisdiction ceded 1821.....	.....	
	Rip Rap islands .....	—, 1824	do .....	do .....	do .....	do .....	.....	.....	.....	
	NORTH CAROLINA								198,539 28½	
2 lots, 21,780 square feet each.	Beacon island .....	Sept. 9, 1799	Blount & Wallace.....	G. McKee, agent for the United States.	Fee simple .....	.....	June 9, 1794	.....	\$1,000 00	
5 acres.....	Savannah.....	Jan. 1, 1800	Benjamin Smith.....	United States.....	do .....	.....	do .....	.....	410 00	
	Old Topsail inlet.....	Dec. 17, 1807	State of North Carolina.....	United States.....	Fee simple, provided a fort is built there in 1808.	.....	April 31, 1806	.....	.....	
6 acres 118 square perches.	do .....	May 1, 1810	Small & Davis.....	do .....	do .....	.....	June 14, 1809	.....	300 00	
	S. CAROLINA.								1,610 00	
533 acres.....	Catawba river .....	Nov. 13, 1802	Thomas Sumpter .....	T. Jefferson, President, for United States.	Fee simple .....	.....	.....	.....	\$300 00	
5 acres.....	Sullivan's island .....	Dec. 19, 1805	Ceded by the State .....	United States.....	Act of appropriation .....	Fort Moultrie .....	June 9, 1794	Act of jurisdiction, December 19, 1805.	.....	
20 acres.....	Highlands .....	Dec. 19, 1805	do .....	do .....	do .....	Fort Johnson.....	do .....	.....	.....	
3 acres.....	Charleston .....	Dec. 19, 1805	do .....	do .....	do .....	Fort Pinckney .....	do .....	.....	.....	
2 acres.....	SE. pt. Charleston .....	Dec. 19, 1805	do .....	do .....	do .....	do .....	do .....	.....	.....	
Mustard island.....	Beaufort river .....	Dec. 19, 1805	do .....	do .....	do .....	do .....	do .....	.....	.....	
7 acres.....	St. Helena island.....	Dec. 19, 1805	do .....	do .....	do .....	do .....	do .....	.....	.....	In 1805 the legislature granted all these lands for forts, &c., to the United States, excepting the above 522 acres.





## Statement of the several purchases of real estate, &amp;c.—Continued.

Quantity of real estate purchased.	Where situated.	Date of purchase.	Of whom purchased.	To whom conveyed.	Nature of the estate.	To what purpose applied.	Act authorizing purchase.	Jurisdiction acquired.	Consideration.	Remarks.
100 arpents.....	INDIANA. On Walsh, Knox co.	Nov. 7, 1803	Toussant Dubois.....	United States.....	.....	Defences, &c. ....	March 2, 1803	.....	\$195 00	.....
46 acres .....	MISSISSIPPI. Catharine's creek.	Nov. 13, 1801	E. Brush, by A. Greely.....	United States.....	.....	.....	April 23, 1808	.....	\$115 00	.....
54 acres .....	do	Mar. 1, 1810	Ronald Gibson .....	United States.....	.....	.....	.....	.....	.....	.....
5 acres.....	MISSOURI. Bellevue line.....	Apr. 30, 1806	William Massey .....	James Wilkinson, and by him to the United States, by deed dated March 9, 1808	Fee simple .....	Cantonment, &c. ....	March 2, 1803	.....	\$550 00	.....
500 acres, French Lot, two houses .....	do St. Louis .....	July 29, 1806	do .....	do .....	do .....	do .....	do .....	.....	2,500 00	Used for the Indian department.
.....	.....	.....	.....	.....	.....	.....	.....	.....	2,750 00	.....
Lot and buildings .....	MICHIGAN. Detroit .....	May 2, 1808	James May .....	United States .....	Fee simple .....	.....	April 23, 1808	.....	\$1,556 00	.....
Lot, 60,000 sq. feet. ....	do	Nov. 13, 1801	E. Brush, by A. Greely.....	do .....	.....	.....	do .....	.....	500 00	.....
Lot, 5,000 square feet. ....	do	Jan. 10, 1817	Col. Woodworth.....	do .....	.....	.....	do .....	.....	100 00	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	9,465 00	.....

## RECAPITULATION OF LAND PURCHASED BY THE UNITED STATES.

Maine.....	\$5,004 29	Virginia.....	\$128,532 28½
New Hampshire.....	.....	North Carolina.....	1,610 00
Massachusetts.....	46,937 49	South Carolina.....	7,200 00
Vermont.....	2,386 00	Georgia.....	16,123 00
Rhode Island.....	6,673 75	Kentucky.....	186 00
Connecticut.....	3,573 83	Tennessee.....	33 03
New York.....	137,745 29	Louisiana.....	15,300 00
New Jersey.....	31,900 00	Indiana.....	136 00
Pennsylvania.....	118,234 95	Mississippi.....	115 00
Delaware.....	550 00	Missouri.....	2,750 00*
Maryland.....	21,481 12	Michigan.....	2,466 65
.....	.....	.....	501,958 68½

TOPOGRAPHICAL BUREAU, February 12, 1885.

I. ROSENDEAU, Jr., Col. Topographical Engineers.

ENGINEER DEPARTMENT, Washington, February 12, 1885.

ALEX. MACOMBI, Maj. Gen., Chief Engineer.

19TH CONGRESS.]

No. 499.

[1st Session.]

## APPLICATION OF RHODE ISLAND FOR LANDS FOR EDUCATION.

COMMUNICATED TO THE SENATE FEBRUARY 16, 1826.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

IN GENERAL ASSEMBLY, *January Session, A. D. 1826.*

*Voted and resolved*, That the senators of this State in the Congress of the United States be, and they are hereby, instructed, and the representatives of this State in the Congress of the United States be, and they are hereby, requested to use their exertions to procure the passage of an act of Congress appropriating to this State her proportion of the public lands of the United States for the establishment of an education fund in this State.

True copy. Witness:

HENRY BOWEN, *Secretary.*

19TH CONGRESS.]

No. 500.

[1st Session.]

## PURCHASES OF REAL ESTATE FOR THE UNITED STATES WITHIN THE LIMITS OF THE STATES SINCE JULY 4, 1776.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 17, 1826.

*To the House of Representatives of the United States:*

I transmit herewith a report from the Secretary of the Navy, with a further document prepared in compliance with a resolution of the House of April 10, 1824, and containing information relating to purchases of real estate in behalf of the United States within the territorial limits of any State since July 4, 1776.

JOHN QUINCY ADAMS.

WASHINGTON, *February 17, 1826.*NAVY DEPARTMENT, *February 16, 1826.*

Sir: I have the honor to transmit to you a copy of a resolution which passed in the House of Representatives April 10, 1824, upon the subject of real estate acquired since July 4, 1776, on behalf of the United States within the territorial limits of any State; together with the original report and statement made by this department to the President of the United States in pursuance of the said resolution.

I am, very respectfully, &amp;c.,

SAMUEL L. SOUTHARD

The President of the United States.

NAVY DEPARTMENT, *December 22, 1824.*

Sir: In compliance with a resolution of the House of Representatives, adopted April 10, 1824, which you referred to me, I have the honor to transmit herewith a statement of real estate purchased or acquired for naval purposes on behalf of the United States since the year 1776; which statement contains, as far as known to this department, all the information required by the said resolution.

I have the honor to be, with the highest respect, sir, your obedient servant,

SAMUEL L. SOUTHARD.

The President of the United States.



*Statement of real estate purchased or acquired for naval purposes, on behalf of the United States, since July 4, 1776, showing, as far as known, all the information required by the resolution of the House of Representatives passed April 10, 1824.*

In what State situated.	Quantity of land.	Authority for the purchase.	Date of purchase.	Object for which purchased.	Nature of estate acquired.	By whom ceded or conveyed.	To whom ceded or conveyed.	With or without consent of the State.	Kind of jurisdiction acquired.	Remarks.
In Maine, Dennet's island.	53 acres.....	Act of Congress approved Feb. 25, 1799.	June 12, 1800....	Dock and navy yard	Fee simple.....	Wm. and Sarah Bennett.	To the United States.	With consent of the State.	Exclusive jurisdiction, except that the civil and criminal process of the State may be executed there.	This island cost \$5,500. The State of Maine ceded jurisdiction February 9, 1822.
In Massachusetts, at Charlestown.	34 acres, 19 perches, exclusive of extensive flats.	The above act.....	1800, 1801, and 1817.	.....do.....	.....do.....	Aaron Putnam, Richard Boylston, Wm. Cullender, Katherine Henley, Catherine Henley, Rebecca T. Henley, John Larkin, John Harris, Ebenezer Bresh, and Isaac Hull.	.....do.....	With consent of the State.	Exclusive jurisdiction, except that the civil and criminal process of the State may be executed there.	The title to part of this land was vested in the United States by an act of the State of Massachusetts, passed June 17, 1800. The cost, including commission and charges, was \$42,109 50.
In Massachusetts, situated in Chelsea.	115 acres, besides extensive flats, with the exception of certain reservations specified in the deed.	Act of Congress approved Feb. 25, 1811, entitled "An act establishing navy hospitals."	Sept. 22, 1812....	Navy hospital.....	.....do.....	Aaron and Rebecca Dexter.	To the Secretaries of the Navy, War, and Treasury, and commissioners of navy hospitals.	Without consent of the State.	No special jurisdiction acquired.	Purchased for \$15,000.
In N. York, at Brooklyn, Long Island.	40 acres, including the mill pond	Act of Congress approved Feb. 25, 1799.	Feb. 22, 1801....	Dock and navy yard	.....do.....	Francis and Sarah Childs	To the United States	Consent of the State given by act of the legislature, March 20, 1807.	Exclusive jurisdiction, except that the State and corporation of New York have reserved the right of executing in it civil and criminal process.	Purchased for \$40,000. Right of soil between high and low water mark ceded by the city May 19, 1801.
In New York, at Sackett's Harbor.	1 lot, 45 feet by 100 in depth.	Sanction of the Secretary of the Navy.	Purchased in 1814.	For the accommodation and security of public property.	.....do.....	Elisha Camp.....	.....do.....	Without consent of the State.	No special jurisdiction acquired.	These three lots were purchased by Commodore Isaac Chauncey, with their improvements, for \$4,423, and used, as the exigencies of the service required, for storehouses, hospital, ropewalks, &c.
In New York, at Sackett's Harbor.	1 lot, 3 acres, 1 rood, 14 perches.	Sanction of the Secretary of the Navy.	Purchased in 1815.	For the accommodation and security of public property.	.....do.....	Samuel Luff.....	.....do.....	Without consent of the State.	No special jurisdiction acquired.	
In New York, at Sackett's Harbor.	1 lot, 50 feet by 80 in depth.	Sanction of the Secretary of the Navy.	Purchased in 1814.	For the accommodation and security of public property.	.....do.....	Thomas L. Ogden.....	.....do.....	Without consent of the State.	No special jurisdiction acquired.	
In New York, in King county.	About 33 acres.....	Act of Congress approved Feb. 26, 1811.	May 1, 1824.....	Naval hospital.....	.....do.....	Legal representatives of the late Martin Schenck.	To commissioners of navy hospitals.	Without consent of the State.	No special jurisdiction acquired.	Purchased at public auction for \$7,650.
In Pennsylvania, district of Southwark.	About 11 acres.....	Act of Congress approved Feb. 25, 1799.	Jan. 20, and Feb. 20, 1801.	Dock and navy yard	.....do.....	Wm. and John Allen, Anthony Mary, Luke, and Ann Morris.	To the United States	Without consent of the State.	No special jurisdiction acquired.	Pennsylvania passed a law, March 23, 1818, declaring that no street, lane, or alley, should be opened in the navy yard without the consent of the Secretary of the Navy.

## Statement of real estate purchased or acquired for naval purposes—Continued.

In what State situated.	Quantity of land.	Authority for the purchase.	Date of purchase.	Object for which purchased.	Nature of estate acquired.	By whom ceded or conveyed.	To whom ceded or conveyed.	With or without consent of the State.	Kind of jurisdiction acquired.	Remarks.
In Pennsylvania, at Presque Isle, on Lake Erie.	190 acres	.....	Ceded by Pennsylvania April 18, 1785.	Forts, arsenals, dock yards, &c.	Right of occupancy.	Commonwealth of Pennsylvania.	To the United States	With consent of the State.	No special jurisdiction acquired.	The United States have not taken possession.
In District of Columbia, Washington.	About 37 acres	Act of Congress approved Feb. 25, 1799.	March 17, 1800.	Dock and navy yard	Fee simple.	Commissioners of the city of Washington.	.....do.....	With consent of the United States.	No special jurisdiction acquired.	Squares 884 and 883 were purchased for \$4,000, the rest of the ground was public reservation.
In District of Columbia, Washington.	156,179½ feet.	The above act.	June 20, 1801.	Marine barracks.	.....do.....	Commissioners of the city of Washington.	.....do.....	.....	.....	Square 897 purchased for \$6,247 18.
In District of Columbia, Washington.	8,371 feet.	Act of Congress, Feb. 28, 1811.	June 4, 1821.	Naval hospital.	.....do.....	Trustees of Lewis District.	.....do.....	.....	.....	Lots 1 and 2, in square 948, taken for \$3,000.
In Virginia, at Gosport.	12 acres	Act of Congress, Feb. 25, 1799.	June 15, 1801.	Dock and navy yard	Right of occupancy.	Commonwealth of Virginia.	.....do.....	With consent of the State.	Exclusive jurisdiction, except that the civil and criminal process of the State may be executed there.	Taken at the ascertained value, viz., \$12,000.
In Georgia, Grover's island.	350 acres	Act of Congress, Feb. 25, 1799, appropriating \$200,000 for the purchase of timber, &c.	Dec. 19, 1799.	For the timber growing upon it.	Fee simple.	Josiah and Harriet Tall.	To President of the United States.	Without consent of the State.	No special jurisdiction acquired.	Purchased for \$7,500.
In Georgia, Black-beard's island.	About 1,600 acres.	The above act.	April, 1800.	For the timber growing upon it.	.....do.....	Marshal of Georgia.	To President of the United States.	Without consent of the State.	No special jurisdiction acquired.	Estate of F. M. L. Dumoussay, purchased for \$15,000.

19TH CONGRESS.]

No. 501.

[1ST SESSION.]

## GENERAL OPERATIONS AND HISTORY OF LEAD MINES IN MISSOURI AND THE UPPER MISSISSIPPI COUNTRY.

COMMUNICATED TO THE SENATE FEBRUARY 20, 1826.

WAR DEPARTMENT, *February 18, 1826.*

SIR: Since the report of this department on the resolution of the Senate of the 15th of December last, relating to leases for lead mines and salt springs, communicated by the President to the Senate on the 7th instant, the colonel of ordnance has made an additional report in relation to lead mines, which contains much valuable information, in addition to the report on the subject already rendered; and I have, therefore, the honor of communicating it herewith for the consideration of the Senate.

I have the honor to be your obedient servant,

JAMES BARBOUR

The VICE PRESIDENT and PRESIDENT *Senate United States.*

ORDNANCE DEPARTMENT, *Washington, February 7, 1826.*

SIR: Lieutenant Thomas, the officer employed in superintending the operations of the United States lead mines in the western country, has made a full report upon the subject generally. The report contains much valuable information concerning the lead mines, and demonstrates their great value. It also exhibits general and just views respecting the management of them, and I beg leave to submit it for your examination.

It is due to Lieutenant Thomas on this occasion to state that the industry and ability which he has manifested in the conduct of this business since he has had the superintendence of it entitles him to commendation, and I take great pleasure in expressing this opinion of his merits.

I have the honor to be, respectfully, your obedient servant,

GEO. BOMFORD, *Brevet Colonel, on ordnance service.*

HON. JAMES BARBOUR, *Secretary of War.*

WASHINGTON, D. C., *January, 1826.*

SIR: I have reported to you from time to time my transactions whilst superintending the United States lead mines and mineral lands in the State of Missouri and at the river Au Ferre, near the north boundary of the State of Illinois; but from the desultory manner the information has been transmitted, and its having been chiefly confined to business transactions arising under leases, I deem it requisite to make a report of a more general nature, embracing the subject in all its details.

The lead mines of Missouri, we are informed in a view of them published by Mr. Schoolcraft, were discovered about a century ago, by Renault and others, in the employ of the French "Company of the West," who wrought them extensively during the time this part of the country was under their control, a period of about twenty-four years, after which individuals continued to work at the mines until Louisiana passed into the possession of Spain, in 1796.

Some grants of mining privileges were received by individuals from the Spanish authorities, but it was customary to permit all residents of the country to dig lead ore in any part of the King's domain which was not granted to individuals. This was the situation of the mine country when taken possession of by the United States, in March, 1804.

The fame of the lead mines was well known to the government at the period we acquired the country, and we find that as early as December, 1805, they are noticed in the message of the President to Congress.

In 1807 the law directing the reservation of the mines from sale and authorizing them to be leased to individuals was enacted. It has frequently been observed that the power of leasing was of little use, as no provision was made for the appointment of an agent to attend to it. This duty was attached to the office of the recorder of land titles at St. Louis, a distance of seventy miles from the principal seat of the mines. I am not aware of the extent of the proceedings in this business by the recorder, but the following extract of a report made by him to the Commissioner of the General Land Office in 1816, extracts from a report made by the late Moses Austin, esq., to the same, from the work of Mr. Schoolcraft, and the letters of individuals, will render some idea of the state of the mine country from 1807 to 1824, a period of seventeen years.

In 1816 the recorder writes to the commissioner (Mr. Meigs) on the subject of intrusions by individuals on public mineral lands: "With unexampled lenity, however, the government has not only forbore to inflict those penalties provided by law, but has left persons thus offending in the undisturbed possession of the most valuable mines in the county of St. Genevieve. From hence it has arisen that your agents have possession of but a small portion of those lead mines and salt springs to which you have unquestionable titles. I know of none except those leased to Pertenay, of which you are already sufficiently informed, and a recent discovery near Mine à Burton, of which I have put his son in possession. A settler in the neighborhood, who has no survey and who expects five hundred arpents of land from your bounty on account of his improvement, has instituted a suit for that trespass. Such is the situation of your agents here. I should not be surprised if in a little while we were fined and imprisoned by those for whose punishment the intrusion acts were intended. Speculative mischiefs should be suppressed in their origin; they acquire accession and strength every day they are tolerated; the confederacy extends itself,



the interest becomes diffused and ramified, and he who at first thought of no more than a momentary advantage begins to plead principles in support of his own violations of law."

1816. In answer to the commissioner, Mr. Austin writes: "Intrusions, permanent or transitory, I do not think come within my province to point out; that there are intruders on public lead mines is true; that the public have suffered some thousands of dollars annually is an unquestionable fact, but these facts may be drawn from the officer charged with the care of the domain."

1818. Schoolcraft, in his view of the mines, states: "When a discovery of lead has been made, the miners from the neighboring country have flocked to it, and commenced digging *as usual*, no one troubling himself about a lease, and thus the provisions of the law have been, in a great measure, disregarded."

1822. In a letter addressed to the Ordnance office by Mr. John Perry, of Potosi, Missouri, he states: "When a person makes a discovery of ore, either on public or private land, all the miners in the neighborhood gather in, and each man marks off a hole four or five feet square, from which he claims twelve feet (superficial) in every direction, taking care not to interfere with each other; and for each 1,000 pounds of mineral, if raised on private land, the proprietor pays 400 pounds of lead; if raised on *public* land, the miner sells it at the rate of 460 pounds of lead for each 1,000 pounds of mineral." Mr. Perry was informed he could not, at that period, obtain a lease, and he replies: "In the meantime I should be glad to be put in possession of the land by permit or otherwise. Should it be delayed until a formal lease is forwarded, the mineral will be dug out so that the land will be scarcely worth leasing. I should feel myself as much bound for the rent by a permit to take possession as if I should receive a lease."

Such was the state of the public mines in Missouri upon my arrival there, in the latter end of November, 1824. Notwithstanding I avoided interfering in any manner with such of the mines to which there was a shadow of a private claim, a large population having had undisturbed possession of all the public mines for a number of years, appropriating the whole produce to their private benefit, it was not an easy matter to dispossess them, nor is it yet entirely effected. It is, however, but doing justice to a great majority of the mine population to state that those who yet adhere to the practice of trespassing upon the public mines are the most worthless and abandoned part of the community, and are equally disposed to plunder the private as public mines. Under such embarrassments my whole operations had to be carried on; and I am much indebted to the firm conduct and uninterrupted support, in *all* my movements, received from the lessees of the first mine I leased, (Messrs. *Wm. M. & John Perry*, of the town of Potosi.) Their example had much influence upon the people of the district. They are among the oldest and most respectable inhabitants of the mine country.

#### *Situation and extent of the mine country.*

The district of country in Missouri in which lead mines are at present wrought is situated may be stated at about fifty miles square, taking the town of Potosi as a centre. Potosi is situated in the county of Washington, in latitude 38° north, about 30 miles west of the Mississippi river, and 40 miles south of the river Missouri, distant from St. Louis about 70 miles. There is but one mine at present wrought out of the bounds of this district, that of La Motte, situated about 35 miles southeast of Potosi. That lead ore exists over a larger space than the above bounds I have every reason to believe, but at present I shall confine my observations to this district.

The bounds above stated comprise 2,500 square miles. This land has been surveyed, and the greater part of it has been offered for sale; a part has been purchased by individuals, another portion is held under Spanish and French grants, donations from the United States, &c., &c. The land thus owned is principally confined to that best adapted to agricultural purposes, the cause for which is obvious; the Spanish authorities permitted the inhabitants to dig lead ore on any part of the King's domain; the United States government has heretofore omitted to prevent digging on public mineral land, and, at the same time, forbidden the sale of it.

The plat of survey annexed to this report will show the position of the mines, or rather diggings, where lead ore is obtained under the leases from the United States. It will be observed they are scattered over the country; the intermediate land will produce much ore when properly searched.

The reservations from sale on account of indications of lead ore are chiefly in the vicinity of Potosi. The first of them were made upon the reports of the surveyors, and of others who knew the facts and stated them to the registers of the land offices.

On this subject, in the report made by the Commissioner of the General Land Office (George Graham, esq.; in 1824, it is stated: "The only measures which the government has yet taken to discover the extent to which minerals may exist on the public lands are the instructions given to the surveyor general to note, on the official returns of surveys, all the appearances indicative of their existence. Agreeably to the general provisions of the laws regulating the sale of public lands, reservations have been made, by registers of the proper land offices, of those lands on which mineral appearances are indicated by the returns of the surveyor general; but, inasmuch as the observations of the surveyor must necessarily be restricted to the immediate vicinity of the lines of survey, consequently, evidences of the existence of minerals must be partial and indefinite; and in excluding from sale the lands supposed to afford mineral the register of the land office, in the absence of definite information, must act according to the best of his judgment, from the means afforded him. Under such circumstances it may reasonably be expected that many tracts of productive mineral land may have been omitted to be reserved, and that many tracts of inferior mineral land may have been reserved."

After observing that a list of the reserved lands was not in possession, the report goes on to state: "I have caused the lands which have been sold in those townships, up to the date of the latest returns, to be designated by the yellow color, in order to give an idea of the extent of the reservations, as it is presumable that a very great portion of what remains uncolored (unsold) has been excluded from sale on account of its minerals."

This conclusion was very natural from the evidence in possession, yet far from being correct. On examining the plats of surveys in the offices of the registers, I discovered that the township lines (noted in the report of the commissioner as being the place of principal reservations then positively known) constituted nearly all the reservation on account of lead ore in the mine district. A personal examination of the country disclosed the fact that the persons who surveyed the township lines had noted mineral appearances, and those who surveyed the section lines had omitted to do so. It was thus to be seen that in the vicinity of the exterior lines of entire townships the land had been reserved, and not a single acre in the interior. I obtained authority from the Commissioner of the General Land Office to report to

the registers such land as contained signs of lead ore, and had it reserved from sale. The extent of all these reservations is shown on the plat accompanying this report. The reservations are large, but believing it for the interest of the public that all the mineral land should at present be excluded from sale, I have not hesitated to make reservations where my observations or information demonstrated mineral appearances. Upon this point Mr. Austin, in the report before quoted, after enumerating about thirty mines or diggings, observes: "The intervening land between the diggings herein named will undoubtedly produce mineral in great abundance, and I have no doubt, with proper inducements, lead ore within this circumference will be found, equal in goodness and extent to any of the mines or diggings now opened or worked."

1816. Every year's experience has proven the correctness of Mr. Austin's statement. The mines at this time (1825) have more than doubled in number since 1816. Almost every month adds to the number; and from the advantages to be derived by individuals under the leases of public mines, the searches for discoveries will hereafter be principally upon public land.

#### *Face of the country.*

Upon crossing the Mississippi river at Herculeaneum (thirty miles below St. Louis) we find the bank composed of perpendicular rocks from eighty to two hundred feet high. This rock is a secondary limestone, containing marine and other remains; under the limestone is a red compact sandstone; this latter is on a level with the river. Upon ascending the bluff and advancing into the country we find it broken and hilly. At the distance of four miles the sandstone, which at the bank of the river was overlaid by limestone upwards of a hundred feet, is at the surface. It is a remarkable place, being an almost perpendicular wall of rock, forty feet high, and several miles in circumference. After passing this place the rock changes from a secondary to a primitive limestone, destitute of remains of any kind. Here commences the lead mine country, and over its whole extent one common feature is observed; a broken hilly surface, the soil a poor clay, intermixed with shivers of flint, covered with a scanty growth of timber; on the hills principally oak; on the bottoms it is various. There is an abundance of fine springs. Upon examining the map which accompanies this report, it will be seen that in the mine country the following streams have their heads: the Black, St. Francis, Gasconade, and Merrimack rivers. They flow to the east, northwest, and south. This denotes the elevation of the mine district. I am of opinion the town of Potosi is three hundred feet above the level of the Mississippi river. The rapidity of the streams which rise in so hilly a country affords many places well adapted to erect machinery, and they are fed by the most abundant and never-failing springs. I have observed the soil was generally a poor clay; there are exceptions, and in small detached bodies very good land may be found. South of Potosi is a ridge of mountains, where the rock formation is different from the rest of the country, being granite and sandstone. In the valleys of this vicinity are bodies of excellent land. Limestone is found composing the base of the whole country; it is invariably found at greater or less depths, and in numerous places is found at the surface. In high rocky bluffs the veins of lead ore may be sometimes traced in those bluffs where the water has worn channels.

With respect to timber it may be observed it is tolerably plenty; and where the fires are kept out it is increasing in quantity. Places entirely destitute of it twenty years ago are now covered with thriving young timber. South and west of Potosi is a range of pine timber of excellent quality and very large growth.

#### *Method of obtaining the ore of lead.*

This is merely to dig pits in the earth; the ore is found in detached masses, from an ounce to several hundred pounds weight. It is the common galena, and is frequently intermixed with iron pyrites and sulphate of barytes; sometimes it is found free from any foreign substance, being very pure, yielding seventy per cent. (in the large way) when smelting.

When the rock is reached the digger generally abandons the place; if, however, the prospect of obtaining ore is tolerable, the rock is penetrated, especially if it is of the softer kind. The digger works upon his own account, and, consequently, seeks the ore where least labor is required. When the ore is found in the rock it is in regular veins, sometimes adhering to the rock, at others loose in the fissures, in a dark colored substance, apparently an oxide of lead and earth intermixed. The diggings in the immediate vicinity of Potosi are generally in the clay; the rock has put a stop to most of the digging. At Mine à Joe (noticed on the plat) the ore is found in regular veins, and at several other mines in the same vicinity. The pits are seldom more than forty feet deep, some few exceptions. Sometimes the digger, if the soil is loose, *cribs* the pit with small timber; but generally no precautions are taken.

It is thus seen that the local term "diggings" is more appropriate than "mines," when applied to the places where lead ore is obtained in Missouri at the present time. The only implements are a few spades, picks, and shovels, with a common windlass and tub to remove the earth, stones, and water from the pits.

As before stated, the miners work upon their own account. They sell the ore to the smelters, who pay them the value of 800 pounds of lead for each ton of ore they deliver.

#### *Of the smelting.*

I have but to state that it is done in a negligent and wasteful manner, in furnaces built of limestone, of a construction peculiar to the country. There is much fuel consumed, and the loss in this branch of the business is considerable; and as it benefits no one it should be obviated as early as practicable. The average yield may, at the present time, be about sixty-two per cent.

#### *Quantity of lead produced.*

On this point I have no certain information, except as respects the public mines *under lease*; the amount at those in Missouri during 1825 will be about 1,200,000 pounds; all others, from the best information I could obtain, about three millions; at Fever river, about one million; in all, five millions two hundred thousand pounds, which is not one-half the amount required to meet the demand of the country, (estimated at twelve millions.)

Schoolcraft has estimated the amount made in Missouri from 1803 to 1818 at fifty-five millions of

pounds; from 1818 to 1824 at least four millions per annum has been made, which would make seventy-nine millions of pounds since the United States acquired Louisiana. If we take one-half of this amount as the produce of the public mines, (certainly a very low estimate,) one-tenth of it as a rent would amount to about four millions of pounds; this, at the present time, at  $5\frac{1}{2}$  cents, would amount to about \$220,000, or eleven thousand dollars per annum, which has been lost to the government. In 1824 the mines of Missouri paid no rent to the United States; in 1825 about \$7,000 worth of lead will have been received; and if the present system is pursued with vigor, in 1826 the amount will be more than double that of 1825.

#### *Manufacture of shot.*

On the top of the rocky cliffs on the bank of the Mississippi, small wooden towers are erected, and the shot are formed by dropping to the foot of the cliff; a small building is here erected to polish, assort, &c.; the whole expense less than \$1,500. These manufactories can supply the whole country, and large quantities for exportation. I am informed that neither of the factories could obtain sufficient lead during the past season, the demand for the eastern market was so great.

#### *Profits to smelters and miners.*

On this point I find it difficult to obtain an accurate estimate; the smelters are unwilling to disclose the amount of their profits; the data I have, however, will afford a tolerably correct idea of the business.

1816. In a statement furnished by the late Judge Jones, of Potosi, to Mr. Bates, then agent for the United States, we find the following calculation of the cost of smelting two hundred and seventy tons of lead ore, viz:

Wages of two log furnace men, seven months, at \$22 per month.....	\$308
Wages of one chopper, three months, at \$15 per month.....	45
Provisions for the above, at \$6 per month.....	102
Paid for building log furnace.....	60
Paid for building ash furnace.....	100
Wood for the latter—16 cords for every five tons of ore—86 cords, at \$1 50 per cord.....	129
Wages of six hands, three weeks, at ash furnace.....	112
Hire of oxen, cart, and driver, four months, at \$1 50 per day.....	168
Tools, liquor, &c., &c.....	36
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	1,060
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Or about \$4 per ton.

This estimate is predicated on the smelting of only 270 tons at one furnace per annum, and only to be charged three times a week. At present it is calculated that five men can smelt at least 500 tons in a year at one furnace; but admitting Judge Jones' estimate of \$4 expense on smelting each ton, the profit will be as follows:

500 tons of ore will produce at least 300 tons of lead, worth at Potosi \$110 per ton.....	\$33,000
The digger is paid at the rate of 800 pounds of lead for each ton of ore delivered to the smelter; this at \$110 will amount to.....	\$22,000
The United States rent, one-tenth lead made—30 tons.....	3,300
Expenses of smelting, at \$4 per ton.....	2,000
	<hr/>
	27,300
Profit to smelter.....	<hr/>
	5,700
	<hr/>

The smelting is chiefly performed by slaves. It is sufficiently obvious that the smelter's profits are considerable, from the eagerness they seek to obtain the ore. The above statement makes the profit of the smelter a little upwards of \$11 per ton. The only capital invested is for a few tools, cart, &c. If the smelter pays the miner money for his ore, and ships the lead to the Atlantic cities, he generally makes a clear profit of \$20 per ton on the lead by the shipment, after paying freight and all other charges.

#### *Miner's profits.*

As before stated, the miner or digger is paid at the rate of eight hundred weight of lead for each ton of ore he digs; very large amounts are frequently earned by the miners in a little time. I have, myself, seen common laborers earn fifteen dollars in a day, and instances are frequent where much larger sums are earned. It is my belief, from what I have seen, that a miner will earn at least a dollar a day throughout the year; and this is also the opinion of others who have resided a long time in the country. Schoolcraft states, in his view, &c., from the authority of those long conversant in the business, that a miner will average one hundred weight of ore a day throughout the year; this would be \$2 25. But let us take my estimate of one dollar, and what part of the United States affords such wages to laborers? Mr. Austin states "it was not uncommon for a miner (at the 'new diggings') to raise from \$20 to \$60 worth of ore in a day."

The habits of the miners are so erratic that it is impossible to estimate their number; from the best information, I am induced to believe about two thousand persons are engaged in all the branches, mining, smelting, and transporting; a part of their time is devoted to farming.

#### *Transportation.*

The lead is transported in carts and wagons to the river Mississippi; there are at present three places of depot: St. Genevieve, distant from Potosi 45 miles; Herculanum, distant from Potosi 36 miles; Cliffs of Selma, distant from Potosi 33 miles.



The roads are pretty much in a state of nature; they are along the ridges and high grounds, and the soil is generally well adapted for good roads. I have before observed that the town of Potosi is central as respects the mines. I would earnestly recommend the appropriation of a portion of the present year's rent of the public mines to making a good road from Potosi to the Mississippi. It will facilitate the transportation of lead, and will not require a large sum to be expended. The country is poor, and individuals cannot be expected to do much towards such objects; and it would have a beneficial effect in many respects.

*Value of the mineral lands to the government.*

Upon this part of my report I feel somewhat at a loss. I am desirous of not overrating, and yet of giving a due estimate; a few facts will assist in elucidating the subject.

The land at present reserved from sale, on account of appearances of lead ore, may be estimated at 150,000 acres. The amount now under lease is about 9,000 acres, leaving unoccupied 141,000 acres. It is not to be supposed that all this extent of surface will afford lead ore in large quantities; but from past experience, from similar geological and mineralogical features, we know that it will afford ore more or less. The most productive mine in Missouri (Shibboleth) does not extend over more than thirty acres, and none of the shafts or pits are deeper than sixty feet.

The mine "Ishmael," leased to the late Colonel William M. Perry, has produced about a million of ore in a year. This does not cover more than ten acres.

The "Pigeon Roost" mine, leased to Mr. S. Perry, will produce about half as much in the same time. This does not extend over more than four acres.

These two mines will pay a rent to the United States of \$5,000 worth of lead the first year.

I have quoted freely from the late Mr. Austin's report to Mr. Meigs on the subject of the lead mines because I found his statements generally correct, and some of his predictions fulfilled to the very letter, and because he states what he has said upon mines and mining "is the result of an experience of twenty-five years"—(eighteen years in Missouri.)

With respect to the revenue which may be expected to be derived from the mines, Mr. Austin, after noticing two or three in particular, observes, "all the other mines spoken of (thirty-three) have produced some in greater, others in a less degree, all of which would, under proper leases, have yielded a valuable revenue to the government. Taking into view the mines now opened, and such as undoubtedly will be opened, under a regular system, the revenue may, in my opinion, be raised to forty or fifty thousand dollars per annum; as the population increases so will the miners, and, consequently, the mines. But you are to understand that everything depends upon a new order of things. Lessees must be supported in the quiet possession of their leases; intruders must be removed. The produce of leases heretofore falls so far short of what I have stated the revenue may be raised to, that an explanation may be expected. In the first place, you are to understand that lessees under the government have not been properly supported in their leases. It has *invariably* been the case that they have been involved in law-suits and personal vexation, and in some cases the leases have been abandoned altogether. Secondly, the leases have been very injudiciously granted; but here let me say that it is not my intention to call in question the good intentions of the public agent, (Mr. Bates;) there is no man acting under the authority of the government for whom I have a greater respect, and to whom I think the government is more indebted for faithful services; yet I am compelled to say that, in the business of the mines, he has greatly misjudged, in leasing all the public mines contained in this report to a man whose ability does not extend to the working of more than one with energy. It therefore results that every miner in Washington county must become tributary to this "farmer general," or abandon mining. The consequence of this arrangement is, that the revenue from all the mines is not greater than would be received from each of them divided into thirty or forty leases. So long as such a state of things exists no valuable revenue can be expected. These observations will apply to all the mines. Had the government entered into a regular system of leasing and working the mines in 1804 the revenue might have been benefited at this time not less than four or five hundred thousand dollars. At that time there were no intruders, and any system the government had deemed expedient would have been acceptable, provided it held out reasonable advantages, but will now be attended with some difficulty, inasmuch as the practice of trespasses has been so long continued with impunity that the most reasonable restrictions will, I am apprehensive, give the government some trouble; but once established, all opposition will vanish. Whatever system the United States may think proper to adopt must be carried into execution by an agent at the mines."

Again, Mr. Austin states: "Were the government to say they would take \$500 per acre for mineral land, few men would be willing to give that sum, or the half of it; and yet I have seen fifty feet of ground produce that amount of mineral in a month with the labor of two or three miners; and, again, the same number of hands may labor with the same assiduity and not make over common wages. From this state of facts it is impossible to estimate their value; that it is immense no one will deny; nor can they be exhausted for ages if properly managed. Nothing is wanting to make them productive to the United States but a judicious system."

The discoveries now making (1825) are principally upon public land. The terms offered by the government are very advantageous to the lessees; this is sufficiently obvious from the number of leases taken in so short a time, (thirty-four in one year;) the great number of applicants, consisting of the most respectable inhabitants, and the unremitting activity of search for discoveries of ore.

Individuals are now certain of receiving the reward of their exertions, in being able to obtain quiet possession of their discoveries under a lease, and if unsuccessful they lose but their time and labor, as no capital is required under the present system of working the mines. In this manner the whole mine country will be searched; a full development of the extent to which lead ore exists in it be obtained; a large amount of lead accrues to the government, (the only expense a few contingencies,) and the miners and smelters make large profits.

It has been frequently urged that, were the mines the property of individuals, they would be better wrought and produce more lead. I beg leave to dissent from that opinion; and in support of this dissent would remark that there are many causes operating to prevent scientific mining in Missouri at this period.

*First.* The absence of capital, science, and practical skill in the art of mining.

*Second.* The scarcity and high price of labor.

*Third.* The extreme facility of obtaining large quantities of ore near the surface of the earth.

*Fourth.* There are a number of mines private property, and have been such for many years, and yet they are not better wrought, nor do they produce more than the public mines.

Those persons who lament the absence of regular mining in Missouri will, no doubt, be pleased to hear that for the quantum of labor bestowed, the mines of Missouri produce more, and yield greater profits, than any mines in the world, if we are to believe the writers on the subject of mining.

The produce of the mines of Missouri is about \$300,000 per annum; this is distributed in a small district; it is the interest of five millions of dollars, and not one dollar is invested in permanent works. A few years will double this amount, and probably triple it.

Fortunately for the inhabitants of the mine country, the lead ore is found in large quantities near the surface; it requires no deep excavations nor expensive works so long as these beds or floats of ore are to be found near the top of the earth. The miner of Missouri will make large wages; and from the quantity of land which remains to be searched, there appears to be no cause to fear that deep mining must be resorted to for some years at any rate. The miner, working on his own risk, seeks the ore where easiest obtained; he understands his own interest, and will not go deep into the bowels of the earth without an absolute necessity for so doing.

In estimating the value of mineral lands, we should never lose sight of the fact that it is the *surface* only which is producing such quantities of ore. A few years will fully develop the immense value of the mine country, and if it is then deemed advisable to sell it, it will certainly bring more money than at present; and in the meantime the government will accumulate a large quantity of lead, sufficient for its wants for many years.

*Lead mines on the Upper Mississippi, at the River au Ferre, and its vicinity.*

On ascending the Mississippi river from St. Louis, the first primitive limestone (in which the lead ore is found) I observed was on the right bank, about twenty miles above Rock island; the cliffs on the bank having hitherto been entirely of secondary limestone, containing marine remains similar to that at St. Louis, and below that town.

The mineral hills are observed approaching the river obliquely, and cross it extending to Illinois. From the best information I could obtain, I am induced to believe this chain of mineral hills extends over the country watered by the Gasconade, northwest of Potosi, crosses the *Missouri river* into Calloway county, (see map,) and keeps a northerly course, crossing the rivers Des Moines and Iowa, and finally the Mississippi, above Rock island, as I have stated. There may be spurs diverging from this course, but the main chain will be found as I have stated.

About one hundred miles above Rock island (five hundred above St. Louis) we find Apple, Small-pox, Fever, and Sasinawa rivers; they are small streams of pure water, fed by living springs. In this vicinity are the lead mines, commonly termed the "Fever River mines."

These mines are different from most of those in the vicinity of Potosi. The ore is obtained in regular veins in the rock, and generally in large quantities for the amount of labor bestowed. It is of various qualities, mostly a very pure galena, free from any foreign matter except a small portion of iron; there is no sulphate of barytes whatever, which is so common in Missouri. The large veins of ore are found running almost a due east and west course; there are smaller ones running north and south; so that in making searches for the large veins, the small ones generally yield sufficient to pay good wages to the miners. When the large veins are found the profit is immense. The smelters have paid from \$500 to \$3,000 for these discoveries of large veins. The last time I ascended the river a common laborer of St. Louis was in the boat; he had been at work at the mines less than two months when he made a discovery of ore, which, it has been reported to me, he sold for \$1,300.

The face of the country is broken and elevated, generally prairie; there is some excellent land. The diggings, or mines, are situated from one to ten miles from the River au Ferre, where the furnaces are established. Fuel is easily obtained by means of the river. The smelting establishments are immediately on the bank of Fever river, about six miles from its mouth. The steamboats which ascend the Mississippi in the spring of the year come close to the lead furnaces, and keel boats at all seasons, when not impeded by ice. Transportation costs less from the Fever River mines to St. Louis than from the mines near Potosi to the depots on the Mississippi.

There were about thirty miners at Fever river when I first visited them in March last; the business was laboring under some embarrassments, after the removal of which the number of miners began to increase, and has continued to do so. There were on the 30th of September last upwards of one hundred. I am fully of the opinion that the quantity of lead made in 1825 (about a million of pounds) will be but about half the amount which may be expected in 1826.

The mines are near the north boundary of the State of Illinois; it is doubtful whether they are within the bounds of that State or the Territory of Michigan. As the population is increasing, civil law is requisite; it is, therefore, very desirable that some provision be made for running this part of the boundary line of Illinois and Michigan.

The whole vicinity is mineral land, and it is said to continue to the Wisconsin river, about one hundred miles from Fever river.

Dubuke's celebrated mines are on the west bank of the Mississippi river, about fifteen miles from Fever river; the geological appearances of which are precisely the same. Dubuke's mines are wrought for a short period of the year by the Sac and Fox Indians, who derive much benefit from them in trading the ore to the white smelters. The squaws are the principal miners, and they frequently smelt the ore in small temporary furnaces erected at the side of a bank of earth. They invariably obtain more metallic lead than the whites from the first process, (the log furnace;) the cause is sufficiently obvious; the whites apply too great a fire when first lighting up the furnace.

I was not enabled to visit the mineral lands in the district of Shawneetown, Illinois, but propose to do so in the spring. The reservations there were made by the surveyors, and are considerable.

With respect to the specimens of minerals, I would suggest the propriety of sending them to the Military Academy at West Point. The collection is small, but I propose to continue it.

*Concluding observations.*

In reflecting on the measures of the government with respect to the public mines, we should view the subject in all its bearings, and we will then find that, so far from the system of leasing being based upon narrow pecuniary views, it is the reverse.

*First.* As a part of the general system of protecting domestic resources, the duty on lead imported from abroad was doubled in the tariff of 1824. This enabled the miners and smelters of Missouri to enter into competition with the foreign lead, and they will eventually drive it from the market. That such is the case the following facts will prove: Previous to the new tariff, lead was selling at four cents at the depots in Missouri; on the passage of the tariff bill it rose to five cents per pound, and has since gradually risen to six and a quarter cents, its present price; and such is the constant demand in the Atlantic cities that the manufactories of shot have not been able to procure enough lead (at Herculanum, &c.) This is occasioned by the profit on shipping lead to the Atlantic cities, affording a profit, at the present prices, of twenty dollars per ton. It would be supposed the foreign lead could now be introduced, as the rise in price is more than the increase of duty; this undoubtedly would be the case, but lead has risen in Europe also. The Chancellor of the Exchequer, when proposing in Parliament during the past year to *reduce* the duty on lead imported into Great Britain, gave as a reason that the rise in price was equal to the proposed reduction—one cent per pound.

*Second.* The miners and smelters of lead having a protecting duty of twenty-five per cent. (the duty is two cents, and lead is now eight cents per pound,) and are only charged a rent of ten per cent. on the public mines. It is not proposed to increase this rent, but surely complaints of the terms come with an ill grace, when it is seen that the rent is but two-fifths of the amount of the protecting duty. The whole mine country is thrown open and every inhabitant can obtain a lease.

*Third.* Were the government to prohibit working the public mines under leases, and offer the mines for sale, the present inhabitants of the district, who are destitute of capital, could not of course be the purchasers. It would be the large capitalists of other sections who would become the owners, and the present inhabitants would have to labor on such terms as the proprietors chose to afford. It is not to be supposed that terms as liberal as those of the government would be given by individuals. Of this fact, if I am not in error, the present population of the mine district are becoming aware; they are certain of obtaining leases on liberal terms from the United States, but they are by no means certain that *they* would obtain the mines if offered for sale.

Viewing the present system of leasing the public lead mines as a part of the great plan of developing the resources of our country, and keeping the foreigner from competing with our own citizens, is a correct and fair view of the case. It is certain that if the duty on lead had not been increased in 1824 the Missouri lead could not keep the foreign lead out of the market; and it is equally certain that the amount which would have accrued to the treasury on the foreign lead is more than the rent received from the public mines, and, consequently, the difference is paid to the miners and smelters of Missouri.

MARTIN THOMAS, *Lieut. U. S. Artillery, on ordnance duty.*

Col. GEORGE BOMFORD, *United States Ordnance.*

19TH CONGRESS.]

No. 502.

[1ST SESSION.]

# APPLICATION OF LOUISIANA FOR A GRANT OF LAND TO THE PARISH OF PLAQUEMINES, IN THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 22, 1826.

## RESOLUTION.

*Resolved by the senate and house of representatives of the State of Louisiana in general assembly convened,* That the senators of this State in Congress be required, and our representatives invited, to solicit the general government to grant to the inhabitants of the parish of Plaquemines a lot of ground measuring three hundred feet square, together with the brick building thereon, for the reception of a parish court, and for the keeping of a public school in said parish; which lot of ground formed a part of the quarantine ground established in the said parish in the year 1818.

A. B. ROMAN, *Speaker of the House of Representatives.*  
H. S. THIBODAUX, *President of the Senate.*

Approved January 12, 1826

H. JOHNSON, *Governor of the State of Louisiana.*

19TH CONGRESS.]

No. 503.

[1ST SESSION.]

# LAND CLAIMS IN EAST FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 23, 1826

TREASURY DEPARTMENT, *February 21, 1826.*

Sir: In obedience to a resolution of the House of Representatives of the 7th instant, directing the Secretary of the Treasury to communicate to the House copies of the registers or abstracts of the claims



to lands in East Florida, lately deposited in this department by the commissioners of that district, under the quantity of three thousand five hundred acres, with the general report of said commissioners, containing their reasons for the admission or rejection of the said claims, and full copies, with the evidence and decision of all claims over that quantity which have been made and lately deposited in the Treasury Department, I have the honor to transmit herewith copies of the following documents, to wit:

1. The abstracts of the decisions of the commissioners, numbered from 1 to 10, inclusive.
2. The evidence transmitted in cases exceeding 3,500 acres, referring to abstract No. 3, and numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22, 23, 25, 26.
3. The evidence (numbered 11) in the case of Francis P. Fatio *et al.*, lately deposited in the department, but referring to abstract No. 5, printed among the documents of Congress, with the report from this department dated February 21, 1825.\*
4. The reports of the commissioners dated January 1, 1826, and 31st of the same month.

I have the honor to be, with great respect, your most obedient servant,

RICHARD RUSH.

Hon. the SPEAKER of the House of Representatives.

ST. AUGUSTINE, January 1, 1826.

SIR: Since my last report the claims to lands in East Florida, accompanying this communication, have been investigated and decided on by the commissioners. With the greatest diligence and industry, our secretary, and the two additional clerks appointed by authority of the law of the 3d of March last, have not been able to translate and copy the whole of the claims filed before us. There now remain to be acted on five hundred and twenty-eight.

From an inspection of the documents now forwarded, you will readily perceive that no want of industry has been manifested by the officers of the board. We last year urged the propriety of our being allowed by Congress the privilege of employing clerks and translators at discretion, at a rate for every hundred words written or translated. This, however, was denied, and hence the business before the commission is not yet completed.

For the principles on which the board have acted, they beg leave to refer to the former reports made by this board, as they have not in any material degree varied from them in the cases now reported.

Register No. 9 embraces a class of cases differently situated in some respects from any yet reported; for at the time of the cession they were not found amongst the records of the government, the only proper place for them. Those circumstances have in some cases been explained, or an effort at explanation has been attempted, that the evidence introduced, although perfectly competent by the legal rules of evidence, we feel bound to say that it has not always been of that clear, disinterested character which is calculated to carry conviction to the mind. Most if not all the witnesses have been interested in the principle to be decided, although not interested in the particular case before the board. We have forwarded the testimony as nearly in the phraseology of the witnesses as practicable. To that testimony, and that which relates to Tomas de Aguilar, one of the officers of the government, we beg leave particularly to refer. The cases which have been reported as finally acted upon, the commissioners have been as particular as the reason of the cases would justify, and have generally demanded strict proof of the right of the party, so far as the United States are interested; but in the deraignment of title we have not been particular, as our decisions can in no case prejudice the rights of individual claimants; and where a clear, equitable right against the United States has been proved by one claimant, we have considered ourselves at liberty to relax on the rules in behalf of a second claimant for the same land; otherwise (if our decisions be correct) we might have done justice, but would not have given public satisfaction.

We have the honor to remain your most obedient servants,

DAVIS FLOYD.  
W. H. ALLEN.

Hon. RICHARD RUSH, *Secretary of the Treasury, Washington.*

#### STATEMENT.

Claims remaining in the office not yet translated.....	295
Claims translated, but not prepared, because the claimants have not adduced their testimony....	176
Donation claims undecided.....	37
British claims undecided.....	20
Total claims in the office.....	528

#### Recapitulation of claims acted on this session.

Confirmed, under 1,000 acres.....	173
Reported for confirmation, over 1,000 acres.....	10
Reported under the donation act.....	13
Confirmed under the donation act.....	10
Rejected.....	21
Undefined in quantity, and reported.....	227
	6
	233

\* This evidence will be found in No. 454, succeeding said abstract No. 5.

WASHINGTON, January 31, 1826.

The undersigned commissioners for ascertaining claims and titles to lands in East Florida report that, in the discharge of the duties assigned them, they have examined and disposed of the claims herein set forth, in the manner and upon the principles exhibited in the following nine classes, numerically arranged.

Number one is a class of claims, as per register transmitted herewith, to lands not exceeding 3,500 acres in quantity, and which have been confirmed by the board. This class of claims is founded on royal titles and on concessions, some of which are unconditional and others conditional. A royal title is the highest order of title known by any law, usage, or principle in the province of East Florida. Titles of this description were designed to convey the fee simple to the grantee; they were usually made by the acting governors of the province in the name of the King; they recited the grant to be in "perpetuity," and also the specific metes and bounds of the land, although it is believed there were a few exceptions. This title may be said to correspond in character with that of a patent issued by our government. Concessions without condition are understood to differ from a royal title only in this, that most of the latter recite the metes and bounds, whereas the unconditional concession, although definite in quantity and location of the land, is still subject to a survey which, when made, was followed up by maturing the concession by a royal title. In concessions with conditions it was always expected by the Spanish authorities that the grantee was to comply with them, and not until then could he obtain a royal title; yet, on proof of conditions performed, it is believed that they were never very rigorous. Orders for survey were generally predicated upon concessions previously granted, yet a few have come before the board that were not, but were made by the deputy governor (as stated in his testimony) by virtue of a verbal order of the governor. In no case, however, has the quantity exceeded 640 acres, which has been confirmed; and then not until the document proved that the grantee had been in the actual possession and cultivation of the land at and before February 22, 1819. In deciding on the cases comprehended in this class the board have, in all cases of royal titles and concessions without condition, where the documents were found amongst the archives of the country, and no allegations on the part of the United States appearing against them, considered themselves bound to grant certificates of confirmation to the claimants; and in all cases exceeding 1,000 acres, and not exceeding 3,500, where the parties, in addition to the preceding qualifications, proved that they were in the actual possession and cultivation of the land at the time of the cession, the board have also considered themselves bound to grant certificates of confirmation, as well as in the cases of concession with condition, where the claimants, in addition to the qualifications mentioned, proved also the conditions to have been substantially performed.

Number two comprises claims not exceeding 3,500 acres, which, although found to be valid Spanish grants, yet have not been confirmed from the want of proof of actual possession and cultivation at the time of the cession. They consist of royal titles and concessions, as in class No. 1.

Number three comprehends claims exceeding 3,500 acres, the titles to which were found amongst the public archives of the country, and are ascertained by the commissioners to be valid Spanish grants, and reported accordingly to Congress for confirmation. On this class the commissioners think it necessary to remark that, although the subject has continued to engage their attention, they have perceived no principle calculated materially to alter their rules of adjudication as set forth in their first report. From the most correct information they have received, they are of opinion that the rules for granting lands were, in East Florida, different from those in the other Spanish provinces. In East Florida the governors seem to have exercised a discretion in granting lands for various purposes to all such as made application for them; but the commissioners have been much perplexed in endeavoring to ascertain the limit of their authority; hitherto their researches have been in vain. That this discretionary power was uniformly exercised by the governors is clearly to be inferred from their own acts; for the first governor after the cession of the province in 1783 made no grants of lands, or but few, and those only in small quantities. The one who succeeded him (Governor Quesada) established and published rules and regulations for the distribution of the public lands, one of which was the appointment of a commissioner, who, with the assistance of a surveyor, was specially intrusted with the distribution of the public lands. This they did in the following proportions: to the heads of family 100 acres, and to each other member, of whatever age, sex, or color, 50 acres. Nevertheless, it is found that Governor Quesada made grants in violation of these rules. His successor (Governor White) established rules differing from those of Quesada, and reduced the quantity to be given to the heads and other members of a family, and added the condition of ten years' possession before the party should be entitled to a royal title; and White also is found to deviate, in some cases, from the rules established by himself, as well as those of Quesada. There is also a peculiarity in the phraseology of a royal title; in all the grants of this nature the legal right to grant the lands is asserted, from which it is clearly to be inferred that the governors considered themselves entitled to and did exercise a discretionary power to grant the public lands to those who might make application for them in such quantities as they conceived might tend most to encourage the population and improvement of the country. By examining the correspondence between the King and the intendants, it will be found that they were particularly charged, and especially in East Florida, to promote the population and improvement of the province by all the prudential means in their power. To this end the commissioners find all the governors giving grants of land for the declared purposes of agriculture, pasturage, grist and saw mills, as well as indemnity for losses, and for military services, each of which seem to be embraced in the discretionary exercise of gubernatorial power. The commissioners trace this exercise, with a few exceptions, up to the year 1814, about which period, whether from a change of policy as applicable exclusively to the province or connected with an expected transfer to the United States, a practice of distribution was introduced differing from the former in the magnitude of the grants. Some of these grants favor the belief that the gratification of individual cupidity may have had some influence in their formation, but how far they comport with the laws of Spain and are entitled to confirmation the commissioners submit to the superior knowledge of Congress. There is one rule which the commissioners suppose it would not be unreasonable to apply in the adjustment of these claims. In cases where an application shall have been made for a grant of land as a remuneration for services, or other object embraced in the policy of the government, and the grant shall have been made accordingly, if the same individual shall have made a second application for remuneration for the same services, it would be no more than just to suppose that the first concession was full and ample, unless otherwise recited in the grant itself, and that the subsequent grant was an assumption of power not warranted by the laws and usages nor the policy of the government.

Number four comprehends claims under the donation act of May, 1824, and not exceeding 640 acres, and which have been confirmed by the board upon satisfactory proof that the claimant was twenty-one years of age, the head of a family, and that he had never received any written evidence of title from either the British or Spanish governments of East Florida; and furthermore, that he was actually settled on and cultivating the land at and previous to February 22, 1819, according to the requirements of the said act.

Number five comprises a class of claims reported to Congress on the ground that the settlements were made between February 27, 1819, and July 17, 1821, the time of the change of government, and originating under the aforesaid donation act.

Number six comprehends claims derived from the Spanish government by written evidence, and which have been ascertained to be valid Spanish grants, and have been reported to Congress on the ground that they were undefined in quantity.

Number seven comprises claims not exceeding 3,500 acres, founded on British grants, which have been recognized by the Spanish authorities, and confirmed by the board upon proof of such recognition; and in cases over 1,000 acres, on proof of actual occupation and cultivation.

Number eight is a register of town lots and out-lots, founded on actual occupation and cultivation previous to February 22, 1819, and which have been confirmed upon proof that they were actually in possession at and previous to the aforesaid day, by and with the consent of the government.

Number nine is a class of claims differing from all the others in an apparent want of formality. The other claims were authenticated by documentary evidence filed in the office, and were entitled to all the legal presumption in their favor which applies to records in our government; but the claims of this class were found in the possession of the claimants, and without any trace of evidence in the archives; and this circumstance, coupled with the equivocal character of the officer who verifies them, casts a shade of suspicion over the whole. In the investigation of these claims the commissioners have required the parties to show reasons why they were not on file in the archives, as well as to prove the execution; but from the interested character of the witnesses produced, the evidence on these points has been hitherto inconclusive. Thinking it probable, however, that some if not many of these claims are good and valid, and being informed by the parties of their ability to remove the suspicion, the commissioners have thought it due to justice that their opinion be suspended, and that a reasonable time should be afforded for the production of testimony.

With the outline afforded by the preceding classification, the commissioners transmit the documentary evidence, and their opinions thereon in each case, in detail. This arrangement of their opinion was suggested by the act by which the board was created, which dictated a minute transcript and investigation of the records, and a periodical accountability to the Secretary of the Treasury; and it was further enforced by the necessity of adjudicating on principles between which no summary can afford an absolute or definitive line of demarcation; and if the documents transmitted should be considered voluminous, it will at the same time be perceived that the features of the claims are various, and that the commissioners, in their operations, have been guided by the injunctions of the law. These operations have been retarded by the labor which was unavoidable in translating and transcribing the original grants and mesne conveyances, and the inadequate assistance afforded by the employment of three clerks, for which number only the law provides.

The operations of the board, independently of those contained in the first report, have resulted in the confirmation of 326 claims, in the rejection of 61, and in a reference to Congress of 88. Besides these claims, there are 528 undetermined, of which 233 are held under advisement for further proof, and 295, although filed, have not been matured to translation; and the commissioners, being sensible that the public interest demands an acceleration of the adjustment of these claims, have to suggest, as a mean of promoting this object, that the work of transcribing and translating be performed for a *pro rata* compensation. All which is respectfully submitted.

DAVIS FLOYD.  
W. H. ALLEN.

HON. RICHARD RUSH, *Secretary of the Treasury.*

My friend and colleague, Mr. Floyd, having addressed the above letter to you previous to my arrival at Washington, and approving highly of its remarks in general on the different abstracts, I have signed the letter, without requiring any alteration; but, of course, I should not be considered as participating in such remarks on abstract No. 3 as are only applicable to the cases acted on by him and Mr. Blair previous to my being a member of the board.

Yours, respectfully,

W. H. ALLEN.

HON. RICHARD RUSH, *Secretary of the Treasury.*



## REPORT No. 1.

*Register of claims to lands, not exceeding three thousand five hundred acres of land, which have been confirmed by the commissioners for the district of East Florida.*

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.
1	José Sanchez.....	Rafael Andrew.....	July 2, 1817	.....	210	Copinger.....	1815	.....	Jan. 22, 1818	Robert McNulty.....	Misquito. Tomoka.
2	Robert McNulty.....	Robert McNulty.....	July 3, 1815	.....	1,000	Esqueda.....	1790	.....	Feb. 15, 1792	Samuel Eastlake.....	River Nassau.
3	John Christopher.....	Spicer Christopher.....	April 8, 1809	.....	500	White.....	1790	.....	May 18, 1806	Jonathan Purcell.....	River Halifax.
4	Faughar Bethune.....	Faughar Bethune.....	Mar. 4, 1814	.....	1,100	Kindelan.....	1790	.....	June 24, 1818	Geo. J. F. Clarke.....	River St. John's.
5	Heirs of Francis Bagley.....	Francis Bagley.....	Dec. 24, 1817	.....	300	Copinger.....	1790	.....	Jan. 6, 1792	Samuel Eastlake.....	Do.
6	Prudence Plummer.....	Samuel Eastlake.....	.....	.....	350 1/2	Quesada.....	1790	.....	May 18, 1816	Geo. J. F. Clarke.....	River Nassau.
7	Charles Stoen.....	Charles Stoen.....	Sept. 12, 1816	.....	600	Copinger.....	1815	.....	May 15, 1793	Josiah Dupont.....	North river.
8	Heirs of John Floyd.....	Augustin Bayre.....	Feb. 1, 1793	.....	200	Quesada.....	1790	.....	May 28, 1793	Josiah Dupont.....	Jacksonville, St. John's.
9	Heirs of Robert Pritchard.....	Robert Pritchard.....	Jan. 3, 1791	.....	430	do.....	1790	.....	May 28, 1793	Josiah Dupont.....	North river.
10	Heirs of Theres Marshall.....	Theresa Gill.....	Oct. 10, 1791	.....	533 1/2	do.....	1790	.....	.....	.....	Talbot island.
11	John Houston.....	Spicer Christopher.....	April 12, 1809	.....	1790	White.....	1790	.....	.....	.....	St. Diego swamp.
12	Heirs of Pedro de Calh.....	Thomas Ellerbe.....	Aug. 4, 1803	.....	200	Quesada.....	1790	.....	.....	.....	Little St. Mary's river.
13	Robert Hutchinson.....	Robert Hutchinson.....	Sept. 11, 1811	.....	150	Estrada.....	1790	.....	Feb. 5, 1816	Geo. J. F. Clarke.....	Bell's river.
14	Heirs of E. Waernann.....	E. Waernann.....	Feb. 22, 1816	.....	260	Copinger.....	1790	.....	May 10, 1816	Robert McNulty.....	Tomoka.
15	John Addison.....	John Addison.....	June 8, 1817	.....	1,414	do.....	1790	.....	June 1, 1821	.....	St. John's river.
16	Domingo Acosta.....	Domingo Acosta.....	Mar. 30, 1817	.....	655	do.....	1815	.....	May 30, 1820	Geo. J. F. Clarke.....	St. John's river.
17	Widow and heirs of A. Andrew.....	Lorenzo Capella.....	April 10, 1804	.....	120	White.....	1790	.....	April 10, 1821	Josiah Dupont.....	North river.
18	Heirs of M. O'Neil.....	Margaret O'Neil.....	Mar. 12, 1807	.....	307	do.....	1790	.....	May 22, 1793	Samuel Eastlake.....	Langford creek.
19	Heirs of Samuel Meers.....	Heirs of Samuel Meers.....	Oct. 17, 1811	.....	300	Estrada.....	1790	.....	April 16, 1792	.....	Tiger island.
20	Andrew Atkinson.....	Andrew Atkinson.....	April 5, 1816	.....	450	Copinger.....	1815	.....	.....	.....	St. Vincent Ferrer.
21	John Houston.....	Spicer Christopher.....	April 12, 1809	.....	100	White.....	1790	.....	.....	.....	Talbot island.
22	Susanah Cashion.....	James Challen.....	July 11, 1814	.....	700	Kindelan.....	1790	.....	.....	John Purcell.....	Aurelia island.
23	Heirs of Margaret O'Neil.....	Margaret O'Neil.....	June 15, 1810	.....	300	White.....	1790	.....	.....	.....	Langford creek.
24	Andrew Atkinson.....	Andrew Atkinson.....	Nov. 17, 1817	.....	300	Copinger.....	1790	.....	.....	.....	St. John's river.
25	Moses Bowden.....	Moses Bowden.....	April 5, 1815	.....	250	Kindelan.....	1790	.....	.....	.....	Do.
26	Robert Andrew's heirs.....	Robert Andrew.....	April 6, 1809	.....	500	White.....	1790	.....	May 12, 1793	Josiah Dupont.....	St. Diego.
27	Moses Bowden.....	Uriah Bowden.....	April 17, 1815	.....	200	Kindelan.....	1790	.....	April 3, 1793	Josiah Dupont.....	South of river St. John's.
28	Heirs of F. Bagley.....	Heirs of F. Bagley.....	.....	.....	1,000	Quesada.....	1790	.....	April 7, 1793	do.....	Goodman's lake.
29	.....	.....	.....	.....	248	do.....	1790	.....	Feb. 8, 1817	Geo. J. F. Clarke.....	Cedar creek, Nassau.
30	Francisco Barbe.....	Francisco Barbe.....	April 10, 1817	.....	500	Copinger.....	1815	.....	.....	.....	Tulkey island, Nassau.
31	William Berrie.....	Thomas Mann.....	July 3, 1799	.....	100	White.....	1790	.....	.....	.....	Aurelia island.
32	Susanah Cashion.....	Solomon Miller.....	June 26, 1822	.....	100	do.....	1790	.....	.....	.....	.....
33	John Delany.....	Robert Hutchinson.....	July 31, 1816	.....	300	Copinger.....	1790	.....	Mar. 20, 1792	Samuel Eastlake.....	Little St. Mary's river.

## REPORT No. 1.—Register of claims to lands, not exceeding three thousand five hundred acres, &amp;c.—Continued

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.
34	Charles Brevard.	Charles Brevard.	April 24, 1817	Mar. 18, 1817	Acres. 230	Coppinger	1790		June 10, 1818	Geo. J. F. Clarke	Cedar creek, St. John's.
35	Ernigular Bethune	Ernigular Bethune			230	do.	1815			Joshua Dupont	Chadagne swamp, St. Mary's.
36	Sarah Bowden	Sarah Bowden			425	Quesada	1790		Feb. 23, 1793	Joshua Dupont	Judington creek, St. John's.
37	Samuel Harrison	Samuel Harrison	Oct. 1, 1791		142.50	do.	1790		Feb. 14, 1792	Samuel Eastlake	Seymour's point, Nassau river.
38	do.	do.	Nov. 12, 1807		600	White	1790		April 15, 1807	John Purcell	Harrison's Old F <sup>o</sup> 1st, 2 <sup>d</sup> & 3 <sup>d</sup> .
39	do.	do.			500	do.	1790			do.	West point of Amelia.
40	Heirs of F. Hudnell.	José Garcia.	Dec. 5, 1817		300	Coppinger	1815		June 8, 1821	George J. F. Clarke	West of river St. John's.
41	William Parrie.	William Parrie			100	White	1790		Mar. 15, 1807	John Purcell	Northwest of river St. John's.
42	Heirs of William Hooker	William Hooker	Sept. 24, 1816		325	Coppinger	1815			do.	Banks of river St. Mary's.
43	do.	do.	Sept. 24, 1816		350	do.	1790			do.	Bell's creek.
44	Zephaniah Kingsley	Zephaniah Kingsley	Dec. 25, 1815		1,000	Extrad.	1790			George J. F. Clarke	South side of St. Mary's river.
45	do.	do.	Jan. 18, 1816		300	Coppinger	1790			do.	Slaw-mill creek.
46	Anna M. Kingsley	Anna M. Kingsley			350	do.	1790		April 10, 1818	A. Bugevin	East side of St. John's and Dunn's lake.
47	Zephaniah Kingsley	William Hanley	Dec. 12, 1817		150	do.	1790		Nov. 30, 1791	John Purcell	Orange Grove, Dunn's creek.
48	John Bachelot.	John Bachelot	June 10, 1816		500	do.	1790		Dec. 24, 1807	John Purcell	North point, Amelia island.
49	Heirs of S. Espinosa	Sebastian Espinosa			500	White	1790			do.	Ultridge, Diego plains.
50	George J. F. Clarke	George J. F. Clarke	Feb. 13, 1816		100	Extrad.	1790			do.	Amelia island.
51	Sarah Brevard	Francis Brevard's heirs			300	Coppinger	1790			do.	Nassau river.
52	John Cayado	John Cayado	Jan. 4, 1816		350	Extrad.	1815			do.	Buck creek.
53	John Bachelot.	John Bachelot	Aug. 10, 1816		300	Coppinger	1790		April 14, 1792	Samuel Eastlake	White Point, Amelia island.
54	Charles Seon	William Carney	Aug. 25, 1818		700	do.	1790		Nov. 30, 1791	do.	River St. Mary's.
55	Zephaniah Kingsley	Heirs of William Kane.	Aug. 19, 1809		300	White	1790		April 8, 1792	do.	Doctor's creek, St. John's.
56	Heirs of C. Griffith.	C. Griffith			450	Quesada	1790			do.	River Nassau.
57	Widow & heirs of N. Sanchez	Nicholas Sanchez	April 24, 1816		285	Coppinger	1815			do.	St. Diego.
58	Joseph Gault.	Joseph Gault	Oct. 12, 1816		325	do.	1790			do.	Turball's swamp.
59	Widow & heirs of N. Sanchez.	Nicholas Sanchez	Feb. 3, 1809		300	White	1790		June 23, 1809	John Purcell	Ganna creek, Diego plains.
60	John Lowe	John Lowe	Jan. 30, 1813		750	Extrad.	1790			Joshua Dupont	Bell's Old Field, Bell's river.
61	Widow and heirs of J. Andrew	Juan Andrew	July 10, 1804		1611	White	1790		May 24, 1793	Joshua Dupont	North of river, White Oyster bank.
62	Christina Hill.	Joseph Sanchez	Nov. 17, 1815		405	Extrad.	1815		Feb. 20, 1818	George J. F. Clarke	Diego plains, Casina location.
63	Thomas Napier	Juan B. Luragui	Nov. 15, 1817		800	Coppinger	1815		April 6, 1817	do.	Turball's swamp.
64	John Middleton	William Garcon.	Mar. 29, 1817		200	do.	1815			do.	Cedar branch, St. John's.
65	William Hatley	William Hatley	Dec. 13, 1817		250	do.	1790			do.	Goadly's lake, Wells' swamp.
66	Frederick Hartley	Frederick Hartley			200	White	1790			do.	St. Nicholas at Six mile river.
67	Hannah Solter	Robert Cowin	April 21, 1817		208	Kudelin	1790		Dec. 20, 1791	Samuel Eastlake	South side of St. John's river.
68	James R. Hanham	José Pico de Burgo			1703	Quesada	1790		May 25, 1793	Joshua Dupont	North river and Ganna creek.
69	Abraham Hannean	Abraham Hannean	Sept. 18, 1816		50	Coppinger	1790			do.	East side of St. John's river.
70	The guardian of F. Miles.	Barbara Hansman			300	Quesada	1790		June 2, 1793	Joshua Dupont	North river.

## REPORT No. 1.—Register of claims to lands, not exceeding three thousand five hundred acres, &amp;c.—Continued.

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71.	The guardian of F. Miles.	Francis N. Sanchez.	Feb. 4, 1811	Mar. 18, 1817	300	White.	1790		Dec. 13, 1791	Samuel Eastlake.	St. John's river.
72.	Hirs of E. Huball.	Daniel Hoagus.		Mar. 18, 1817	255	Copinger	1790		May 9, 1817	George J. F. Clarke.	North side of St. John's river.
73.	do.	do.		Jan. 29, 1802	500	White.	1790				Mouth of Nassau river.
74.	William Eubanks.	E. Hadral.		Mar. 18, 1817	150	Copinger	1790		April 29, 1841	George J. F. Clarke.	Burns's island, Nassau river.
75.	Robert Harrison.	do.		May 10, 1816	763	do.	1790		Mar. 18, 1792	Samuel Eastlake.	Roundabout, Nassau river.
76.	John Sheock.	John Sheock.		Dec. 23, 1801	300	White.	1790		Nov. 17, 1819	George J. F. Clarke.	Nassau river.
77.	Lewis Guilbert.	Edward M. Wanton.		Mar. 18, 1817	400	White.	1790		June 7, 1821	George J. F. Clarke.	Cedar head, St. John's river.
78.	Stephen Eubanks, jr.	do.		April 14, 1817	325	Copinger	1790				Troat creek, St. John's river.
79.	Hirs of E. Hadral.	Soby Taylor.		July 27, 1803	900	White.	1790				South head, Pablo creek.
80.	John Utegrove.	do.			250	do.	1790				Peach orchard, Nassau. (See Report No. 9.)
81.	José Alvarez.	José Alvarez.	Sept. 9, 1816		255	Copinger	1815		Feb. 2, 1817	George J. F. Clarke.	Thomas's swamp, Nassau.
82.	Zephaniah C. Gibbs.	Francis N. Sanchez.	Feb. 12, 1811		121	White.	1790		Sept. 12, 1818	Robert McHenry.	Diego palms, Guana creek.
83.	Zephaniah Kugley.	Francis Estacio.	Mar. 15, 1817		50	Copinger	1790		April 15, 1817	George J. F. Clarke.	St. Vincent Ferrer, St. John's.
84.	John G. Rushing.	John G. Rushing.		Nov. 27, 1815	205	Extra.	1790		Feb. 1, 1818	do.	Dunn's creek, St. John's.
85.	John Christopher.	John Tucker.		May 24, 1804	50	White.	1790	Complied with.	April 15, 1817	George J. F. Clarke.	River Nassau.
86.	Zephaniah Kugley.	Manuel Romero.	Mar. 17, 1817		100	Copinger	1790		April 15, 1817	George J. F. Clarke.	St. Vincent Ferrer, St. John's.
87.	Hannah Nobles.	Hannah Nobles.	April 23, 1816		100	do.	1790		May 13, 1817	do.	Wills's swamp, St. John's.
88.	Widow and heirs of L. Capo.	Lorenzo Capo.	Feb. 24, 1808		175	White.	1790	Complied with.			Twelve-mile swamp.
89.	John Frazer's executors.	John Frazer.	May 9, 1810		500	do.	1790				St. Mary's river.
90.	John Delany.	John Meire.	Dec. 3, 1816		50	Copinger	1790		Feb. 21, 1817	Geo. J. F. Clarke.	Cowford, north of St. John's river.
91.	Heirs of M. Pons.	Mathias Pons.	Sept. 17, 1814		400	Kindelan.	1790				River Manzana, Casapulla.
92.	Susanah Cashen.	James Cashen.		Oct. 7, 1805	250	White.	1790	Complied with.	Nov. 23, 1816	Juan Purcell.	Anchita island.
93.	Pedro Pons.	Pedro Pons.	June 4, 1817		875	Copinger	1815			Juan Purcell.	Mills's swamp, Nassau.
94.	Heirs of A. Suarez.	Thomas Suarez.	July 27, 1809		500	White.	1790			Geo. J. F. Clarke.	Black Point, Amelia.
95.	Domingo Fernandez.	James Adams.	April 11, 1817		300	Copinger	1790		Mar. 1, 1817		Anchita island.
96.	Cornelius Griffiths.	Cornelius Griffiths.		Dec. 9, 1802	300	White.	1790	Complied with.			Banks of St. Mary's river.
97.	Geo. J. F. Clarke.	Geo. J. F. Clarke.		May 9, 1815	1,000	Kindelan.	1790				500 acres in Durbin's swamp; 500 acres on Dunn's lake. Surveyed in two tracts of 500 acres each.
98.	Domingo Fernandez.	Domingo Fernandez.	Aug. 19, 1807		150	White.	1790				Anchita island.
99.	Susanah Cashen.	Joseph Reid.		July 12, 1804	320	do.	1790	Complied with.			Old Township, St. Mary's.
100.	Francis Richard.	Francis Richard.	Mar. 20, 1815		466	Kindelan.	1790				Branchester, St. John's.
101.	do.	do.			230	do.	1790				Perque, St. John's river.
102.	Domingo Fernandez.	Domingo Fernandez.	Sept. 1, 1813		100	White.	1790				Anchita island.
103.	John Murray.	Geo. Murray.		July 28, 1803	600	White.	1790	Complied with.			McDougall's swamp.
104.	John Christopher.	Spicer Christopher.	April 8, 1809		500	do.	1790				Mouth of Nassau river.
105.	Domingo Fernandez.	Heirs of Maria Mattut.	April 25, 1807		200	do.	1790				Orange grove, Anchita island.



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106	John Houston	Spieler Christopher	April 10, 1817	Dec. 2, 1795	Arroz, 600	Quesada	1790		Aug. 10, 1816	Geo. J. F. Clarke	North of Talbot island.
107	Doningo Fernandez	Doningo Fernandez			600	Copinger	1815		June 8, 1817	do.	West side of Anclita river.
108	Henry Young	Henry Young	Dec. 23, 1815	Mar. 15, 1817	190	do.	1790		April 1, 1816	do.	Lodon's swamp.
109	do.	do.			480	Extrad.	1815		April 3, 1816	do.	St. Mary's river.
110	do.	do.			500	do.	1815		April 3, 1816	do.	These two tracts are in one
111	Francis Roland	Francis Roland	Jan. 9, 1801		110	White	1790		Mar. 1, 1812	do.	St. Mary's river.
112	Heirs of F. X. Sanchez	Heirs of F. X. Sanchez	Mar. 4, 1793		1,000	do.	1790		April 25, 1819	Robert McHardy	St. Isid. St. John's river.
113	do.	do.			100	do.	1790		Mar. 30, 1819	A. Burgess	Diego phans.
114	Daniel Hardt	John Tatem	Dec. 15, 1793	April 1, 1791	200	Quesada	1790				Do.
115	Heirs of Jesse Fish	Jesse Fish	May 4, 1804		500	White	1790		Feb. 8, 1793	Samuel Fashlake	Four miles from St. Augustine.
116	Heirs of A. Dawes	Andrew Dawes	May 26, 1815		250	do.	1790		Feb. 29, 1799	do.	Graban's swamp.
117	Seymour Deber	Reuben Hagan	Dec. 10, 1791		220	Kindean	1790			do.	Pinto creek, St. John's.
118	Heirs of Con. McFee	Angus Clark			446	Quesada	1790	Completed with.		do.	St. John's.
119	A. Clarke and E. Atwater	James W. Lee	Nov. 11, 1794		200	do.	1790			do.	Do.
120	Eliza Woodruff and others	John Moore	Nov. 9, 1805		350	White	1790			do.	Do.
121	Philip and Mary Dawes	Francis X. Sanchez	Feb. 6, 1811		100	do.	1790		Sept. 21, 1819	Geo. J. F. Clarke	Guana river.
122	Thomas Moy	Thomas Moy			350	Copinger	1790		Oct. 4, 1818	do.	Bell's river.
123	John Wingate	John Wingate			200	do.	1790		May 14, 1818	do.	Nissau river.
124	Thomas Prevatt	Thomas Prevatt			530	do.	1790		July 8, 1819	do.	St. Mary's river.
125	Fredrick Hartley	Fredrick Hartley			600	do.	1790			do.	Julington creek.
126	Peter Sevelly	Peter Sevelly			150	do.	1790			do.	Seven miles from St. Augustine.
127	George Hanning	George Hanning	Oct. 2, 1805		200	White	1790		July 4, 1819	George J. F. Clarke	Bell's river.
128	George Hartley	George Hartley			400	Copinger	1790		May 26, 1818	do.	Julington creek.
129	Maria Dell	Maria Dell			450	do.	1790		Sept. 6, 1818	do.	St. Mary's river.
130	William McCully	William McCully			300	do.	1790		May 14, 1818	do.	Do.
131	Edward Dixon	Edward Dixon			100	do.	1790		July 6, 1819	do.	Do.
132	Wm. and John Lofton	Wm. and John Lofton			200	do.	1790		Oct. 10, 1818	do.	Julington creek.
133	Joseph Trevant	Joseph Trevant			400	do.	1790		July 18, 1819	do.	St. Mary's river.
134	James Hunter	James Hunter			300	do.	1790		July 6, 1816	do.	Julington creek.
135	Susannah Fishon	James Cudde	Feb. 22, 1816		1,020	do.	1815		Sept. 15, 1818	Robert McHardy	Matanzas.
136	Francis Palmer	Francis Palmer	Mar. 30, 1813		1,100	Kinchan	1790		Dec. 10, 1817	George J. F. Clarke	Mosquito.
137	Heirs of Pedro R. de Cala	Pedro R. de Cala	Jan. 24, 1818		500	Copinger	1815		Nov. 28, 1823	G. Darling	St. Mary's river.
138	Claudio Love	Charles Love			300	do.	1790				North of St. Augustine.
139	Pedro Estopa	Pedro Estopa	Sept. 3, 1793		15.3	Quesada	1790				Twelve-mile swamp.
140	Stephen M. Ingersoll	Lewis Seefeld	June 16, 1796		100	White	1790		Feb. 10, 1793	Joshua Dupont	Trout creek, St. John's.
141	do.	do.			100	do.	1790				
142	William Lane	William Lane			210	Quesada	1790				

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143	Nathaniel Wilds.....	Nathaniel Wilds.....	.....	.....	300	Coppinger.....	1790	.....	Dec. 4, 1817	George J. F. Clarke.....	Lofon's creek, St. John's.
144	Isaac Henricks.....	John Sisson.....	.....	.....	200	Quinsada.....	1790	.....	Oct. 22, 1792	Samuel Eastlake.....	Portsburg creek, St. John's.
145	.....do.....	William Hendricks.....	.....	Dec. 6, 1790	200	White.....	1790	.....	.....	.....	St. John's, near the Cowford.
146	.....do.....	John Jones.....	.....	Feb. 11, 1801	300	.....do.....	1790	.....	.....	.....	Jacksonville, St. John's.
147	Heirs of C. Griffith.....	Edward Crosson.....	.....	Sept. 23, 1803	100	.....do.....	1790	.....	.....	.....	Trout creek, St. John's.
148	Heirs of V. Fitzpatrick.....	Valentine Fitzpatrick.....	.....	July 27, 1803	400	.....do.....	1790	.....	.....	.....	Graham's swamp.
149	.....do.....	.....do.....	.....	Dec. 10, 1804	25	.....do.....	1790	.....	.....	.....	Matanzas.
150	William Gardner.....	William Gardner.....	.....	April 5, 1805	150	Kinkelan.....	1790	.....	.....	.....	St. John's river.
151	John Dixon.....	John Dixon.....	.....	May 31, 1805	130	White.....	1790	.....	.....	.....	St. Mary's river.
152	Francis Ferreira.....	John B. Ferreira.....	.....	July 27, 1807	11	.....do.....	1790	.....	.....	.....	One mile and three quarters from St. Augustine.
153	John Honston.....	Spicer Christopher.....	.....	April 12, 1809	93	.....do.....	1790	.....	.....	.....	Talbot island.
154	Heirs of J. Faulk.....	John Faulk.....	.....	Mar. 16, 1805	350	.....do.....	1790	.....	.....	.....	St. John's river.
155	Isaac Carter.....	Isaac Carter.....	.....	June 4, 1806	350	.....do.....	1790	.....	.....	.....	Nassau river.
156	Frederick McDonnell.....	William McHenry.....	.....	Oct. 8, 1790	800	Quinsada.....	1790	.....	.....	.....	Matanzas bar.
157	William Fitzpatrick.....	William Fitzpatrick.....	.....	Nov. 12, 1795	449	.....do.....	1790	.....	.....	.....	St. John's river.
158	Eljah Hagabottom.....	Eljah Hagabottom.....	.....	.....	330	Coppinger.....	1815	.....	Dec. 19, 1818	George J. F. Clarke.....	St. Mary's river.
159	Joseph Hagabottom.....	Joseph Hagabottom.....	.....	.....	330	.....do.....	1815	.....	Nov. 16, 1817	.....do.....	Do.
160	Pablo Solate.....	Pablo Solate.....	.....	May 21, 1813	200	White.....	1790	.....	.....	.....	Diego swamp.
161	Heirs of Elizabeth Cain.....	Isabel Cain.....	.....	Dec. 21, 1822	950	.....do.....	1790	.....	.....	.....	St. John's river.
162	Lazaro Ortega.....	Lazaro Ortega.....	.....	Dec. 23, 1819	88	Coppinger.....	1790	.....	Jan. 30, 1819	A. Bugevin.....	Guano creek.
163	Heirs of John Tharp.....	Henry Guilbel.....	.....	Dec. 7, 1822	250	White.....	1790	.....	.....	.....	Nassau river.
164	Joseph Hagens.....	Joseph Hagens.....	.....	.....	200	Coppinger.....	1790	.....	July 13, 1819	George J. F. Clarke.....	Julington creek.
165	David Scurry.....	David Scurry.....	.....	.....	300	.....do.....	1790	.....	July 26, 1820	.....do.....	Goodby's lake.
166	Andrew Brennan.....	Andrew Brennan.....	.....	.....	400	.....do.....	1790	.....	Oct. 4, 1819	.....do.....	Black creek.
167	John Dixon.....	John Dixon.....	.....	.....	200	.....do.....	1790	.....	May 12, 1818	.....do.....	St. Mary's river.
168	John Macells.....	John Macells.....	.....	.....	200	.....do.....	1790	.....	Nov. 10, 1818	.....do.....	Rugby swamp.
169	Wm. Sparkman.....	John Harding.....	.....	.....	250	Coppinger.....	1790	.....	.....	.....	St. Mary's.
170	Wm. Nelson.....	William Nelson.....	.....	.....	200	.....do.....	1790	.....	Nov. 11, 1818	George J. F. Clarke.....	Do.
171	Harwell Leath.....	Harwell Leath.....	.....	.....	200	.....do.....	1790	.....	Nov. 26, 1818	.....do.....	Do.
172	Thos. King.....	Thos. King.....	.....	.....	237	.....do.....	1790	.....	.....	.....	.....
173	James Bradley.....	James Bradley.....	.....	.....	270	.....do.....	1790	.....	Aug. 16, 1820	.....	Cedar swamp.

All of which respectfully submitted.

DAVIS FLOYD,  
W. H. ALLEN.

St. AUGUSTINE, December 31, 1825.

## REPORT No. 2.

*Register of claims to land, not exceeding three thousand five hundred acres, which have not been confirmed by the commissioners for East Florida, but which are recommended by them for confirmation by Congress.*

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.
1	Charles Sison .....	Charles Sison .....	March 1, 1815	.....	<i>Acres.</i> 1,400	Kindelan .....	1790	None.....	May 16, 1816	George I. F. Clarke.....	Nassau river.
2	Heirs of J. Hutchinson .....	James Hutchinson .....	.....	{ Aug. 23, 1803 } { April 14, 1807 }	2,000	White .....	1790	Complied with.....	.....	.....	St. Lucia.
3	Catalina Higueros .....	Catalina Higueros .....	Dec. 7, 1817	.....	2,000	Coppinger .....	1815	None.....	Sept. 9, 1819	A. Bugevin .....	Oklawaha river.
4	Zephaniah Kingsley .....	William Pengree.....	.....	.....	2,611	Quesada .....	1790	.....	Feb. 17, 1793	Dupont & Eastlake .....	St. John's river.
5	.....do.....	Zephaniah Kingsley .....	Jan. 18, 1816	.....	2,000	Coppinger .....	1790	.....	.....	.....	Twelve-mile swamp.
6	.....do.....	George Sibbald .....	Jan. 7, 1815	.....	2,000	Kindelan .....	1790	.....	.....	.....	St. John's river.
7	Domingo Fernandez .....	Domingo Fernandez .....	April 10, 1817	.....	1,150	Coppinger .....	1815	.....	.....	.....	St. John's river.
8	Juan B. Entralgo.....	Juan B. Entralgo.....	.....	Dec. 17, 1816	1,000	.....do.....	1815	.....	April 17, 1821	A. Bugevin .....	St. John's river.
9	John Bolton .....	John Bolton .....	Dec. 7, 1817	.....	2,000	.....do.....	1815	.....	May 2, 1818	R. McHardy .....	Mosquito.
10	Nicholas Estefanopoly .....	Nicholas Estefanopoly .....	.....	May 23, 1815	2,500	Kindelan .....	1815	.....	.....	.....	Savannee.

GENERAL REMARKS.—No. 4. This land was surveyed in four separate tracts.  
No. 6. The board ascertain this claim to be covered by a British grant.

Which are respectfully submitted.

DAVIS FLOYD.  
GEORGE MURRAY.  
W. H. ALLEN.

St. AUGUSTINE, December 31, 1825.



## REPORT No. 3.

Register of claims to land, exceeding three thousand five hundred acres, in East Florida, which are founded on patents or royal titles derived from the Spanish government, and which, in the opinion of the commissioners, are valid.

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.	Occupation and cultivation.	
												From—	To—
1	Juan B. de Enrálgo	F. M. Arredondo	July 30, 1816	Mar. 20, 1817	<i>Arroz.</i> 4,000	Copinger	1815	None	July 25, 1820	Andrew Bugevin	5 miles east of Spring Garden.		
2	Antonio Huertas	Antonio Huertas	Dec. 17, 1817	Sept. 15, 1817	10,400	do.	1815	1815	April 5, 1821	do.	On a creek near St. John's		
3	William Travers	Philip R. Yonge	Mar. 20, 1817	Feb. 22, 1817	8,000	do.	1815	1815	do.	do.	40 miles south of Lake George.		
4	Juan B. Enrálgo	Pelco Miranda	Sept. 15, 1817	do.	12,000	do.	1815	1815	April 5, 1821	Andrew Bugevin	do.		
5	Antonio Huertas	Antonio Huertas	July 30, 1816	do.	10,600	do.	1790	1790	do.	do.	Big Spring.		
6	Juan B. Enrálgo	George J. F. Clarke	Dec. 17, 1817	do.	20,000	do.	1815	1815	Aug. 2, 1819	Andrew Bugevin	Six mile creek.		
7	Francis J. Advice	John Huertas	Dec. 24, 1817	do.	6,000	do.	1790	1790	May 31, 1820	do.	45 miles west of St. John's.		
8	Joseph M. Arredondo	Joseph M. Arredondo	Mar. 20, 1817	do.	20,000	do.	1815	1815	do.	do.	St. John's.		
9	Heirs of Chas. W. Bulow	John Russell	July 30, 1816	do.	4,675	Kindelan	Special.	Special.	June 25, 1821	G. J. F. Clarke	Big Hammock, Anclona.		
10	F. M. Arredondo	F. M. Arredondo	Mar. 24, 1817	do.	15,000	Copinger	1815	1815	do.	do.	Timoca.		
11	F. M. Arredondo	F. M. Arredondo	Mar. 24, 1817	do.	4,000	do.	1815	1815	July 25, 1820	Andrew Bugevin	West of Lake George.		
12	Juan B. Enrálgo	F. M. Arredondo & Son.	Dec. 22, 1817	do.	4 leagues of land to each wind.	Intendant of Cuba and Florida	1817	1817	do.	do.	Black creek.		
13	Peter Michel	do.	Dec. 22, 1817	do.	1 of above.	do.	1817	1817	do.	do.	Anclona.	Nov., 1820	Dec. 28, 1824
14	Alex. M. Muir	do.	do.	do.	20,720	do.	1817	1817	do.	do.	do.	do.	do.
15	N. Brush	do.	do.	do.	10,000	do.	1817	1817	do.	do.	do.	do.	do.
16	Elisha Huntington	do.	do.	do.	10,000	do.	1817	1817	do.	do.	do.	do.	do.
17	do.	do.	do.	do.	2,000	do.	1817	1817	do.	do.	do.	do.	do.
18	do.	do.	do.	do.	7,000	Kindelan	1790	1790	do.	do.	do.	do.	do.
19	John Forbes	John Forbes	July 25, 1814	do.	7,000	do.	1790	1790	Oct. 23, 1816	G. J. F. Clarke	Little St. Mary's.	do.	do.
20	do.	do.	do.	do.	3,000	do.	1790	1790	Oct. 20, 1816	do.	Cubage swamp.	do.	do.

The above claims were acted on by the honorables Davis Floyd and W. W. Blair, and reported to Congress on the last session of this board.

## CASES REPORTED THIS SESSION.

No.	Names of present claimants.	Names of original claimants.	Date of the patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.	Occupation and cultivation.	
												From—	To—
21	Heirs of Jesse Fish	Jesse Fish	June 19, 1795	do.	10,000	Morales.	1790	1790	do.	do.	Anacosta Island.		
22	Teresa Rodriguez	Miguel May	Oct. 18, 1815	do.	5,500	Esraha.	1815	1815	do.	do.	Long Lake.		
23	John W. Stringington	John P. Sales	Aug. 26, 1815	do.	7,000	do.	1815	1815	do.	do.	Key West.		
24	George M. Mink	do.	Aug. 26, 1815	do.	7,000	do.	1815	1815	do.	do.	do.		
25	Arenfield Clarke	John X. Armbride	Dec. 4, 1813	do.	80,000	Provincial deputacion at Havana	1790	1790	do.	do.	New Cape Florida.		
26	Joseph Delaplane	do.	Dec. 4, 1813	do.	23,160	do.	1790	1790	do.	do.	do.		

All of which is respectfully submitted.  
 St. Augustine, December 31, 1830.

DAVIS FLOYD.  
 W. W. BLAIR.

## REPORT No. 4.

*Register of claims to land, not exceeding six hundred and forty acres, founded on actual inhabitation and cultivation previous to February 22, 1819, for which certificates of confirmation have been granted by the undersigned commissioners.*

No.	Names of claimants.	Age.	Quantity.	Situation.	Occupation and cultivation.	
					From—	To—
			<i>Acres.</i>			
1	Francis Woods .....		640	North side Mills' swamp.....		
2	Miguel Papy .....		640	Deep creek, St. John's river .....	1819	1825
3	George Gianople .....		640	Headwaters of Boggy swamp .....	1819	1825
4	John D. Braddock .....		640	Road leading from Rox's Bluff .....	1810	1824
5	Tolly Lewis .....		640	South of river Miami .....	1805	1825
6	Pedro Mestre .....		640	Head of the North river .....	1818	1825
7	James Hagen .....		640	North Miami river, Cape Florida.....	1810	1825
8	Mrs. Hagen .....		640	South Miami river, Cape Florida.....	1810	1825
9	Jonathan Lewis .....		640	Near Cape Florida .....	1813	1825
10	Trankee Lewis .....		640	New river, Cape Florida.....	1796	1825

All of which is respectfully submitted.

DAVIS FLOYD.  
GEORGE MURRAY.  
W. H. ALLEN.

ST. AUGUSTINE, December 31, 1825.

## REPORT No. 5.

*Register of claims to land, not exceeding six hundred and forty acres, founded on actual inhabitation and cultivation previous to July 17, 1821, which the commissioners report to Congress for confirmation.*

No.	Names of claimants.	Age.	Quantity.	Situation.	Occupation and cultivation.	
					From—	To—
			<i>Acres.</i>			
1	Dorcas Black.....		640	On road leading to Jacksonville.....	1821	1825
2	John R. Hogans.....		640	North side of river St. John's.....	1820	1825
3	Levi Sparkman.....		640	Little Trout creek .....	1820	1825
4	John L. Blodworth .....		640	Deadman's swamp .....	1820	1825
5	Heirs of John Carter.....		640	South side of Trout creek.....	1820	1825
6	Isaac Carter.....		640	Road from Jacksonville to Camp Pinckney .....	1820	1825
7	David Scurry* .....		640	North side St. John's river.....	1819	1825
8	John Brindley .....		640	North side Black creek .....	1819	1825
9	John Oliver .....		640	East side of Dunn's lake .....	1818	1825
10	José Papy.....		640	East of Picolata fort, St. John's.....	1819	1825
11	Andres Papy .....		640	Twelve miles south of St. Augustine.....	1819	1825
12	Henry Hearnly.....		640	St. John's county.....	1819	1825
13	William Branning .....		640	South side Black creek .....	1817	1825

\* This claim has been rejected, but inserted by mistake.

All of which is respectfully submitted.

DAVIS FLOYD.  
GEORGE MURRAY.  
W. H. ALLEN.

ST. AUGUSTINE, December 31, 1825.

## REPORT No. 6.

Register of claims derived from the Spanish government by written evidence, undefined in quantity, and are ascertained to be valid, and which are recommended to Congress for confirmation.

No.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.	Occupation or cultivation.
					<i>Acres.</i>							From— To—
1	John Bachelot	John Bachelot	Oct. 29, 1791	Oct. 29, 1791	Undeferred	White	1790	None	April 5, 1819	A. Burgwin	Doctor's lake.	
2	Heirs of Thomas Travers	Mig'l. Yarnay	Oct. 19, 1791	Oct. 19, 1791	do.	Quezada	1791	None			St. Diego	
3	Bartholome Mestre	Bartholome Mestre	June 28, 1796	June 28, 1796	do.	White	1790	None			Matanzas river.	
4	John Underwood	John Underwood	May 20, 1805	May 20, 1805	do.	do.	1790	Complied with			Black creek, St. Mary's.	
5	Francis P. Suchez	Rouge Leonardy	Jan. 3, 1799	Jan. 3, 1799	do.	do.	1770		April 28, 1819	A. Burgwin	North river	
6	Gabriel W. Perrell	Thomas Travers			do.	Judicial sale					St. Sebastian river.	
7	Robert Gilbert	Robert Gilbert	March 1, 1798	March 1, 1798	do.	do.	1798				Matanzas	

No. 7.—This case was omitted, and found in one of the bundles, and added by D. Floyd.

All of which is respectfully submitted.

ST. AUGUSTINE, December 31, 1825.

DAVIS FLOYD,  
GEORGE MURRAY,  
W. H. ALLEN.

## REPORT No. 7.

Register of claims, not exceeding three thousand five hundred acres, founded on patents granted by the British government, and which have been recognized as valid by the Spanish government, and are confirmed by the board of land commissioners for East Florida.

No.	Names of present claimants.	Names of original claimants.	Date of patent or royal order.	Quantity of land.	By whom conceded.	Date of survey.	By whom surveyed.	Where situated.	General remarks.
				<i>Acres.</i>					
1	Thomas Travers' heirs.	Henry Skinner	Feb. 12, 1783	420	Tony	Aug. 5, 1779	Benjamin Lord	Peavett's swamp.	
2	Joseph Peavett's heirs.	Joseph Peavett	Feb. 12, 1783	500	Grant	March 13, 1783	do.	Durbin's swamp	
3	do.	Robert Payne	April 29, 1771	500	Grant	April 2, 1771	F. G. Mulcaiser	Branches Paulo creek	
4	do.	Joseph Peavett	April 14, 1783	250	Tony	Sept. 7, 1783	Benjamin Lord	Pablo creek	
5	do.	do.	March 11, 1783	500	do.	June 22, 1784	do.	do.	
6	Charles W. and George J. F. Clarke.	Thomas Clarke	April 2, 1770	300	Grant	Jan. 24, 1770	B. Debrahm	Matanzas creek	
7	James and George Clarke	Honorata Clarke	Sept. 29, 1780	500	Tony	March 10, 1780	Benjamin Lord	16 miles south St. Augustine.	
8	Davis Floyd	John E. Tate		1,000	do.		do.	North river	The original documents in this claim were lost, but evidences adduced of 30 years' occupancy was proved.

DAVIS FLOYD,  
GEORGE MURRAY,  
W. H. ALLEN.

All of which is respectfully submitted.

ST. AUGUSTINE, December 31, 1825.



## REPORT No. 8.

*Register of claims to town lots and out-lots, founded on actual cultivation and improvement previous to February 22, 1819, for which certificates of confirmation have been granted by the undersigned commissioners.*

Number.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of concession or order of survey.	Quantity of land.	By whom conceded.	Conditions.	Date of survey.	By whom surveyed.	Where situated.	Occupation or cultivation.	
											From—	To—
1	Farquhar Bechune.....	George Atkinson.....	Aug. 16, 1814.....	May 2, 1811.....	Lot No. 7 of square 9, 578 sq. yds.....	Kindelan.....	None.....	Aug. 11, 1814.....	George J. F. Clarke.....	Fernandina.....	1814	1824
2	do.....	do.....	do.....	May 2, 1811.....	Lot No. 5 of square 9, 578 sq. yds.....	Esrada.....	do.....	do.....	do.....	do.....	1814	1824
3	Zephaniah Kingsley.....	Zephaniah Kingsley.....	July 7, 1815.....	Aug. 25, 1815.....	Lot No. 6 of square 18, 578 sq. yds.....	do.....	do.....	June 23, 1815.....	George J. F. Clarke.....	do.....	1814	1824
4	do.....	do.....	Mar. 27, 1817.....	Jan. 31, 1811.....	1,498 square yards.....	Copinger.....	do.....	Feb. 25, 1817.....	do.....	do.....	1814	1824
5	Farquhar Bechune.....	F. Entralgo.....	do.....	May 2, 1811.....	Lot No. 9 of square 9, 578 sq. yds.....	Wilde.....	do.....	do.....	do.....	do.....	1814	1824
6	George Fleming's heirs.....	George Fleming.....	Jan. 13, 1816.....	May 2, 1811.....	Lot No. 7 of square 7, 578 sq. yds.....	Esrada.....	do.....	April 12, 1815.....	George J. F. Clarke.....	do.....	1814	1824
7	William Hobbs.....	William Hobbs.....	May 7, 1817.....	do.....	Lots No. 3 and 4 of square 18, 578 sq. yds.....	Copinger.....	do.....	do.....	do.....	do.....	1814	1824
8	George Atkinson.....	George Atkinson.....	Mar. 20, 1814.....	do.....	Lot No. 7 of square 8, 578 sq. yds.....	do.....	do.....	April 23, 1817.....	do.....	do.....	1814	1824
9	John Middleton and John Sibley.....	James Cashen.....	Aug. 16, 1814.....	do.....	Lot No. 6 of square 1, 578 sq. yds.....	Kindelan.....	do.....	Jan. 2, 1814.....	do.....	do.....	1814	1824
10	George Atkinson.....	George Atkinson.....	May 7, 1817.....	do.....	Lot No. 11 of square 4, 578 sq. yds.....	do.....	do.....	Jan. 8, 1814.....	do.....	do.....	1814	1824
11	Lindsay Todd's executors.....	Lindsay Todd.....	June 7, 1814.....	do.....	Lot No. 8 of square 8, 578 sq. yds.....	Copinger.....	do.....	April 25, 1817.....	do.....	do.....	1814	1824
12	Henry Yonge.....	Henry Yonge.....	Jan. 31, 1814.....	do.....	Lots No. 3 and 4 of square 8, 578 sq. yds.....	Kindelan.....	do.....	Oct. 16, 1813.....	do.....	do.....	1814	1824
13	Hilkinson & Yonge.....	Hilkinson & Yonge.....	Feb. 1, 1816.....	Dec. 4, 1811.....	Lot No. 9 of square 1, 289 sq. yds.....	Kindelan.....	do.....	Jan. 3, 1814.....	do.....	do.....	1814	1824
14	do.....	do.....	do.....	do.....	A water lot.....	do.....	do.....	do.....	do.....	do.....	1814	1824
15	do.....	do.....	Feb. 1, 1816.....	do.....	4.....	Esrada.....	do.....	Oct. 11, 1815.....	George J. F. Clarke.....	do.....	1814	1824
16	do.....	do.....	Feb. 1, 1816.....	do.....	A marsh lot.....	Copinger.....	do.....	Oct. 11, 1815.....	do.....	do.....	1814	1824
17	do.....	do.....	Feb. 1, 1816.....	do.....	do.....	do.....	do.....	Oct. 10, 1815.....	do.....	do.....	1814	1824
18	Domingo Fernandez.....	Domingo Fernandez.....	April 10, 1817.....	do.....	Lot No. 4 of square 23, 578 sq. yds.....	do.....	do.....	do.....	do.....	do.....	1814	1824
19	do.....	do.....	April 10, 1817.....	do.....	Lots No. 5, 6, 7, & 8 of square 23, 578 sq. yds.....	do.....	do.....	do.....	do.....	do.....	1814	1824
20	do.....	do.....	Mar. 7, 1819.....	do.....	Lot No. 2 of square 18, 289 sq. yds.....	do.....	do.....	June 1, 1817.....	George J. F. Clarke.....	do.....	1814	1824
21	J. Allen Smith.....	Widow of José Xenulez.....	Mar. 8, 1819.....	do.....	95,030 yards.....	do.....	do.....	Jan. 3, 1797.....	José Lorente.....	St. Augustine.....	1814	1824
22	do.....	Marín Floriano.....	do.....	do.....	7 acres.....	Judicial sale.....	do.....	do.....	do.....	do.....	1814	1824
23	Wardens of R. C. Church.....	Maria Evans.....	do.....	do.....	3½ acres.....	Judicial sale.....	do.....	do.....	José Lorente.....	St. Augustine, Point Estera.....	1814	1824
24	do.....	Juana Hambert.....	do.....	do.....	4,176 square yards.....	Judicial sale.....	do.....	do.....	do.....	do.....	1814	1824
25	Antoni Gay.....	Barolome Canada.....	Nov. 17, 1792.....	Nov. 17, 1792.....	644 square yards.....	Quesada.....	do.....	do.....	José Lorente.....	St. Augustine.....	1814	1824
26	S. Clark.....	Terresa Marshall.....	May 24, 1819.....	do.....	5,180 square yards.....	Copinger.....	do.....	May 6, 1817.....	George J. F. Clarke.....	Fernandina.....	1814	1824
27	John Middleton.....	Benjamin Ayres.....	do.....	do.....	Lot No. 8 of square 21, 289 sq. yds.....	do.....	do.....	June 23, 1817.....	do.....	do.....	1814	1824
28	do.....	William Buson.....	Mar. 4, 1814.....	Mar. 4, 1814.....	Lot No. 6 of square 14.....	Kindelan.....	do.....	do.....	do.....	do.....	1814	1824
29	do.....	Anna Viegas.....	May 21, 1814.....	May 21, 1814.....	Lots No. 3 and 4 of square 14.....	do.....	do.....	do.....	do.....	do.....	1814	1824

GENERAL REMARKS.—No. 30. Although the royal title in these grants appears after the date, it is evident by claimants' memorial to the governor that they were in possession of said lots according to the surveys. No. 23. The occupation for many years proven. No. 26. Although the royal title is after the date, the occupation of the lot was proved by the survey. No. 28. The original grant lost, but occupation proved. All of which is respectfully submitted.

DANIEL D'AYD,  
GEORGE MURRAY,  
W. H. ALLEN.

St. Augustine, December 31, 1825.

REPORT No. 9.

Register of claims of which the originals are not found in the office of the keeper of the public archives, and of which there is no proof before the board but the certificates of Thomas de Aguilar, late secretary of the Spanish government.

No.	Names of present claimants.	Names of original claimants.	Date of patent or royal title.	Date of the concession or order of survey.	Quantity of land.	By whom conceded.	Authority or royal order under which the concession was granted.	Conditions.	Date of survey.	By whom surveyed.	Where situated.
1	Robert McHardy, trustee	Robert McHardy	.....	Nov. 8, 1814	Acres. 16,000	Kindeln	1790	None	May 10, 1819	A. Borgevin	Old store, St. John's river.
2	Christopher Minchen	Christopher Minchen	.....	Nov. 10, 1817	400	Coppinger	1815	.....	.....	.....	Durbin swamp.
3	José Lacey	José Lacey	.....	Aug. 21, 1815	300	Estrada	1815	.....	.....	.....	Trout creek and Six-mile creek.
4	John Lecomte	John Lecomte	.....	Aug. 11, 1815	300	Estrada	1815	.....	April 28, 1821	George J. F. Clarke	Dunn's lake.
5	John Upegrove	John Upegrove	.....	July 27, 1803	250	White	1790	.....	.....	.....	North side Roe's bluff.

All of which is respectfully submitted.

ST. AUGUSTINE, December 31, 1825.

DAVIS FLOYD.  
GEO. MURRAY.  
W. H. ALLEN.

REPORT No. 10.

Register of claims ascertained to be valid Spanish grants; but are not confirmed, being covered by British grants.

No.	Claimants.	Original grantees.	By whom granted.	Dates of royal titles.	Dates of concession.	Conditions.	Quantity.	By whom surveyed.	Date of survey.
1	George F. and O. Palmes	Robert McHardy	.....	July 3, 1815	July 21, 1803	None	Acres. 992.75	See No. 15, report No. 9, of 1824.	.....
2	John Bunch	John Bunch	Governor White	.....	Aug. 11, 1804	None	2,160.00	See No. 119, report No. 1, of 1894	.....
3	Zeph. Kingsley	George Sibbald	Governor Kindelan	Jan. 7, 1815	Oct. 6, 1804	None	2,000.00	.....	.....

All of which is respectfully submitted.

DAVIS FLOYD.  
W. H. ALLEN.

*Minutes of the board of land commissioners.*DISTRICT OF EAST FLORIDA, ST. AUGUSTINE, *Monday, March 28, 1825.*

Pursuant to an act of Congress entitled "An act to extend the time for the settlement of private land claims in the Territory of Florida," passed March 3, 1825, the board met this day—present, the Hons. Davis Floyd, Geo. Murray, and Will. H. Allen—and proceeded to open their session for the performance of the duties assigned to their office. Whereupon, it was resolved that Thomas Murphy and Lewis Huguenot be appointed assistant clerks to this board, pursuant to the said act.

*Ordered*, That the secretary of this board cause to be inserted in the East Florida Herald an advertisement, stating that the board will meet daily at 10 o'clock a. m. for the transaction of business.

The board having directed the clerks to proceed to the discharge of their duties, adjourned until Tuesday next, the 5th of April, at 10 o'clock a. m.

TUESDAY *April 5, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

The claimants not being sufficiently advised of the reorganization of the board, the same was adjourned until Monday next, the 11th instant, at 10 o'clock a. m.

MONDAY, *April 11, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

The following claims were this day taken up and confirmed by the board, viz:

José Sanchez, two hundred and ten acres of land situated on the west bank of Hillsboro' river, to the south of the old town of Smyrna. R. McHardy's trustee, one thousand acres situated at Tomoka. Jno. Christopher, five hundred acres, situated on the river Nassau. Farquhar Bethune, one thousand one hundred acres situated on the Halifax river, Mosquito.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *April 12, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

The following claims were this day taken up by the board and confirmed, viz:

Prudence Plummer, three hundred and fifty and a third acres situated on the east side of St. John's river. Charles Seton, six hundred acres situated in Sample's swamp, river Nassau. John Floyd's heirs, two hundred acres situated on the North river. Theresa Marshall's heirs, five hundred and thirty-three and a third acres situated at Santa Teresa, North river. Robert Pritchard's heirs, four hundred and fifty acres situated at Jacksonville, St. John's river. John Houston, one hundred acres situated on Talbot island.

David S. H. Miller vs. The United States, for three hundred acres of land situated on the south side of the river S. John's, near the Cowford. This case being called, permission was granted to amend the memorial, and the board confirmed the same to the widow and heirs of Francis Bagley.

Charles Seton vs. The United States, for fourteen hundred acres of land situated on Nassau river. The board took up this case, and recommended the same for confirmation.

Manuel Solana presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated on McCullough's creek, St. John's river; which is ordered to be filed.

James Plummer presented his memorial to this board, praying confirmation of title to two hundred and sixty-five acres of land situated on Will's creek, with a plat and certificate of survey made for memorialist by Ede Van Evour, dated July 23, 1824, and marked P. Ordered to be filed.

The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, *April 13, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the district of East Florida, attended the board this day under their order.

*Ordered*, That John Drysdale, esq., have leave to withdraw his claim for a lot in St. Augustine, filed some time since.

On motion of Mr. Drysdale, it is ordered that a commission may be issued by the secretary of this board, in blank as to the witnesses, to take testimony, and the testimony so taken may be used in any case in which he is concerned so far as it shall be relevant thereto: provided that interrogatories have been filed in this office five days before the issuing said commission. It is further ordered that two commissioners be named on the part of the claimant in the cause in which the commission may issue, and two commissioners on the part of the United States; and that said commission may be executed by any two of the said commissioners, provided there be one named by each of the said parties.

The board took up the following claims, and confirmed the same, viz:

Pedro R. de Cala's heirs, for two hundred acres of land in St. Diego's swamp, and Robert Hutchinson, for one hundred and fifty acres of land on the banks of Little St. Mary's river.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *April 14, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

James Riz vs. The United States, for five hundred acres of land, part of a grant made to James F. Rattenbury by the Spanish government subsequent to January 24, 1818. This case being called, was rejected by the board.



E. Waterman's heirs vs. The United States, for two hundred and sixty acres of land situated on Bell's river. This case being prepared for trial, was confirmed by the board.

The following cases were ordered to be reported to Congress, being undefined in quantity, viz:

Francis P. Sanchez, for six hundred acres of land situated to the north of St. Augustine, near the road of St. Vincent Ferrer, and G. W. Perpall, for six hundred and forty acres of land on the river St. Sebastian, one mile south of St. Augustine.

John B. Strong, esq., obtained leave, and amended the memorial of Absalom Beardon and wife, by inserting six hundred and forty in lieu of one hundred and fifty acres of land.

The board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, April 15, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following cases were this day taken up and confirmed by the board, viz:

John Addison, fourteen hundred and fourteen acres of land situated on the river Tomoca, at a place called Carrickfergus; Domingo Acosta, six hundred and ninety-five acres in three tracts—one for two hundred and fifty acres on Caca swamp, the other for one hundred and ninety-five acres on Mount Wanter and Mill creek of Rollstown, and two hundred and fifty acres at Mount Tucker, on the east side of St. John's river; the widow and heirs of Antonio Andrew, deceased, one hundred and twenty acres situated on the North river, at a place called Sta. Catalina; Thomas Andrew, for the heirs of Margaret O'Neal, three hundred and seven acres situated on Langford creek; Susannah Cashen, on behalf of the orphans of Samuel Meers, deceased, two hundred acres situated on Tiger island, in East Florida; Andrew Atkinson, four hundred and fifty acres situated at a place known by the name of St. Vincent Ferrer, St. John's river; John Houston, one hundred acres situated on the south end of Talbot island; Susannah Cashen, seven hundred acres situated on Amelia island; Thomas Andrew, for the heirs of Margaret O'Neal, two hundred acres situated on Langford creek.

John Jones, by his attorney, obtained permission from the board, and withdrew his claim for one hundred acres of land.

The Hon. George Murray having retired, the board took up the following claims and confirmed the same, viz:

William Travers, four hundred and twenty acres situated five miles west from St. Augustine; J. Pevett's heirs, five hundred acres situated in Durbin's swamp; J. Pevett's heirs, five hundred acres on Pablo creek.

The board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, April 16, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

*Ordered*, That an adjourned meeting of the board of land commissioners be held at Jacksonville, in the county of Duval, on the third Monday of May next, and that the secretary be directed to have fifty handbills printed notifying the same.

The following claims were this day taken up and confirmed by the board, viz: Andrew Atkinson, two hundred acres of land situated between Dunn and Trout creeks; Moses Bowden, two hundred and fifty acres situated on the south side of St. John's river; Thomas Andrew and other heirs of Robert Andrew, deceased, five hundred acres situated at a place called St. Diego.

On motion of claimant's attorney, permission was obtained, and the memorial in the following case, viz: Uriah Bowden, for two hundred acres of land on the south side of St. John's river, was amended by inserting the name "Moses" in lieu of "Uriah;" after which the claim was confirmed by the board.

The honorable George Murray having retired, the board took up the following claims and confirmed the same, viz: J. Pevett's heirs, five hundred acres on the Three Runs of Pablo creek, and J. Pevett's heirs, for two hundred and fifty acres of land situated on the Three Runs.

The board adjourned until Monday next at 10 o'clock a. m.

MONDAY, April 18, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business being prepared, the board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, April 19, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Samuel Wilson presented his memorial to this board, praying confirmation of title to one hundred and fifty acres of land situated on Trout creek, St. John's river, with a certified copy of plat and certificate of survey made by Pedro Marrot, dated March 2, 1793, herewith filed, and marked exhibit W. Ordered to be filed.

Juan Segui presented his memorial to this board, praying confirmation of title to fifteen acres of land situated at a place called *Macariz*, on the North river, with a certified copy of concession made to Juan Segui by Governor White, dated December 1, 1806. Ordered to be filed.

Juan Gonzalez presented his memorial to this board, praying confirmation of title to one thousand acres of land situated at a place called St. Diego plains, with a plat and certificate of survey made by Andres Burgevin, dated June 28, 1819, marked G; also a certified copy of royal title made to memorialist by Governor Coppinger, and dated June 19, 1818, marked J. Ordered to be filed.

On motion of claimant's attorney, permission was given to amend the memorial in the following case

viz: Timothy Hollingsworth, for the heirs of F. Bagley, by inserting "one thousand" in lieu of "nine hundred and ninety" acres, situated at a place called Browns' fort, St. John's river; after which the same was confirmed.

The following cases were also taken up and confirmed by the board, viz: Timothy Hollingsworth for the heirs of F. Bagley, two hundred and forty-eight acres of land situated on Goodman's lake, St. John's river; Francisco Barbé, five hundred acres of land situated in Thomas' swamp, river Nassau; Susannah Cashen, one hundred acres of land situated on Amelia island.

The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, *April 20, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Pedro Miranda vs. The United States, for three hundred and sixty-eight thousand six hundred and forty acres of land situated at Tampa Bay. Permission having been obtained by claimant's attorney, this came on this day to be heard, when G. W. Perpall and John Cavado were sworn and examined on the part of United States; after which the case was continued.

The board then adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *April 21, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

William Hobkirk's heirs, for three hundred and twenty-five acres of land situated on the river St. Mary's; Samuel Harrison, five hundred acres of land situated on Amelia island, at a place called Harrison's old fields; and Samuel Harrison, for six hundred acres of land situated on the river Nassau, at a place called Seymour's Point.

On motion of claimants' attorneys, the memorials in the above cases were amended, and they were confirmed.

The following claims were also confirmed this day by the board, viz: John Bellamy, for three hundred acres situated on Little St. Mary's river; Charles Breward, two hundred and fifty acres situated on Cedar creek, St. John's river; Farquhar Bethune, four hundred and twenty-five acres situated on the river St. Mary's, at a place called Cabbage swamp; Sarah Bowden, one hundred and forty-two and a half acres situated on Julington creek, St. John's river; Samuel Harrison, two hundred acres situated on the west point of Amelia island; E. Hudnall's heirs, one hundred acres situated on the east side of St. John's river, at a place called Faulk; William Berrie, one hundred acres situated on St. John's river, at a place called Snelling's old fields; Farquhar Bethune, one lot of land situated in the town of Fernandina, known as lot No. 5, square 9.

On motion, permission was given by the board to the executors of the estate of Sarah Fish, deceased, to amend the memorials in the claims of said Sarah Fish.

The board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, *April 22, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day, under their order, for the purpose of examining witnesses on the part of the United States in the claim of J. W. Simonton for Key West.

No other business being prepared, the board adjourned until Monday next at 10 o'clock a. m.

MONDAY, *April 25, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

John W. Simonton vs. The United States, for an island called Key West. This day this case came on to be heard, and G. W. Perpall was examined therein on the part of the United States, and the case was submitted.

Henry Sweeny, by his attorney, S. Streeter, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated on the river St. John's, in the county of Duval. Ordered to be filed.

William Hobkirk's heirs, for three hundred and fifty acres of land situated on Bell's creek.

On motion, permission was given to amend the memorial in the said case, and it was confirmed.

The following claims were also confirmed by the board, viz: Zephaniah Kingsley, one thousand acres situated on the south side of St. Mary's river; Zephaniah Kingsley, three hundred acres situated at the head of Saw-mill creek; Anna M. Kingsley, three hundred and fifty acres situated on the east side of Dunn's lake, and east side of St. John's river; Farquhar Bethune, a lot in the town of Fernandina, Amelia island, designated as No. 7 of square 9.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *April 26, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following claims were this day confirmed by the board in favor of claimants, viz: Zephaniah Kingsley, a lot of land situated in the town of Fernandina, designated as No. 6 of the 18th square; Zephaniah Kingsley, one hundred and fifty acres of land situated on the west side of the river St. John's,

opposite the mouth of Dunn's lake; John Bachelot, three hundred acres situated on the north point of Amelia island.

The board adjourned until Friday next at 10 o'clock a. m.

FRIDAY, April 29, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

John Cavedo vs. The United States, for three hundred acres situated on Black creek, St. John's river.

The board having ascertained this to be a valid grant, made previous to January 24, 1818, to claimant, under the royal order of 1815, confirmed the same, the Hon. George Murray dissenting.

George J. F. Clarke's claim for one hundred acres of land situated on Amelia island.

Permission was given to claimant's attorney to amend the memorial by inserting "Estrada" in lieu of Coppinger; after which it was confirmed.

Archibald Clark and others vs. The United States, for two hundred and fifty acres of land situated on St. John's river, at a place called Jolly's old fields.

It appearing to the board that the original memorialist having petitioned the Spanish government for only two hundred acres, and the same being granted by Governor Quesada in his decree bearing date November 11, 1794, and although the same is a valid Spanish grant, the board does not feel itself authorized to confirm the same, but recommends the said two hundred acres of land for confirmation.

NOTE.—This case was reconsidered by the board on September 30, 1825, and confirmed.

Sebastian Espinosa's heirs, claim for five hundred acres of land situated at a place called Uelleridge, on the plains of St. Diego.

It appearing to the board that this was a valid Spanish grant, after examining G. W. Perpall therein, the same was confirmed.

The following claims were also confirmed by the board, viz:

Sarah Breward, for three hundred acres of land situated on Nassau river, at a place called Doctor's island.

John Bachelot, for three hundred acres on Amelia island, at a place called White Point.

Zephaniah Kingsley, for a marsh lot in Fernandina, Amelia island.

Farquhar Bethune, for a lot in Fernandina, known as lot No. 9, square 9.

George Fleming's heirs, for a lot in the town of Fernandina, known as lot No. 7, square 7.

The board adjourned until Monday next, May 2, at 10 o'clock a. m.

WEDNESDAY, May 4, 1825.

The board met this day. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Joseph Gaunt vs. The United States, for three hundred and twenty-five acres of land in Turnbull's swamp.

This case being called, and the original concession being exhibited, with the signature of Governor Coppinger attached thereto, Francis J. Fatio was examined as to the validity of said signature; whereupon the said claim was confirmed.

The following claims were also confirmed by the board this day, viz:

Zephaniah Kingsley, for three hundred acres situated on Doctor's creek, St. John's river.

C. Griffith's heirs, for four hundred and fifty acres on the headwaters of Nassau river.

The widow and heirs of N. Sanchez, for three hundred and eighty-five acres at St. Diego.

The widow and heirs of N. Sanchez, for three hundred eighty-five acres on the plains of St. Diego, at a place called Quequi.

John Low, seven hundred and fifty acres at Bell's old fields, Bell's river.

Charles Seton, for seven hundred acres on St. Mary's river.

The following letter was received from William Reynolds, esq., keeper of the public archives:

ST. AUGUSTINE, May 2, 1825.

GENTLEMEN: As keeper of the public archives, by appointment of the President of the United States, under an act of Congress passed the 3d of March last, I beg leave to inform you that I am ready to receive that part of the archives now in possession of the secretary of the honorable the board of land commissioners.

With great respect, I remain, gentlemen, your most obedient servant,

WILL. REYNOLDS.

Hon. Messrs. FLOYD, MURRAY, and ALLEN, *Land Commissioners*.

Whereupon, it is ordered that the secretary of this board inform the said William Reynolds that the documents demanded by him were delivered to Messrs. Gibson and Simmons, commissioners appointed by the President of the United States to take possession of the public archives, and that the secretary deliver to the said William Reynolds a copy of the receipt given by said commissioners to this board for said documents.

The board adjourned until Friday next at 10 o'clock a. m.

FRIDAY, May 6, 1824.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William H. Allen. Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

William Hartley, by his attorney, John Drysdale, presented his memorial to this board, praying confirmation of title to two hundred and fifty acres of land situated at the headwaters of Goodby's lake, near Will's swamp, with a certified copy of concession made to memorialist by Governor Coppinger, and dated December 13, 1817. Ordered to be filed.



Lewis Guibert presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated in the county of St. John's. Ordered to be filed.

Maria Mabritty, widow, and other heirs of Juan Andrew, *vs.* The United States, for one hundred and sixty-one and a third acres of land situated on the North river and Guana creek, at a place called White Oyster Bank.

This case being called, and the claimants having produced a royal titte made by Governor White, and dated July 10, 1804, to Juan Andrew, the same was confirmed.

The board adjourned until Thursday next at 10 o'clock a. m.

THURSDAY, *May 12, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of claimant's attorney, permission was given to withdraw the following claim, viz: Thomas Napier *vs.* The United States, for three thousand acres of land.

The board took into consideration the following claim, and confirmed the same to John Middleton and John Sibley, viz: a lot in the town of Fernandina, Amelia island, designated as lot No. 6, 1st square.

The following claims were also confirmed, viz:

John Middleton, two hundred acres of land situated on the west side of St. John's river, at a place called Cedar branch.

Thomas Napier, eight hundred acres situated in the territory of Mosquito, at a place called Turnbull's west swamp.

Christina Hill, four hundred and five acres situated on Diego plains and at a place called *Casina loca*.

The board adjourned until Saturday at 3 o'clock p. m.

SATURDAY, *May 14, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Testimony being necessary in several cases presented to the board this day for adjudication, and no further business appearing, the same was adjourned to meet on Monday morning next, at the town of Jacksonville, in Duval county.

JACKSONVILLE, MONDAY, *May 16, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Dorcas Black *vs.* The United States, for six hundred and forty acres of land situated at the head of Goodby's lake.

This day this case came on to be heard, and John Black, David Scurry, and James Hall were examined; and it appearing to the board that the same was a valid claim, ordered that the same be reported to Congress.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *May 17, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

William Nelson presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated near Mills' ferry, St. Mary's river; when, on motion of claimant's attorney, the board took up the consideration of the said claim, and, after examining D. C. Hart and J. D. Hart, confirmed the same.

The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, *May 18, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Francis Woods presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated on the north side of Mills' swamp, and on the east side of the road formerly called the King's road; when, on motion, the board took up the consideration of the said claim, and, after examining John Uptegrove therein, confirmed the same.

John D. Bludworth presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated at the head of Dead Man's swamp, near the public road. Ordered to be filed.

Seymour Pickett presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated on the north side of St. John's river, on the south prong of Six-mile creek. Ordered to be filed.

Isaac Carter presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated on Nine-mile creek. Ordered to be filed.

The heirs of John Carter, deceased, presented their memorial to this board, praying confirmation of

title to six hundred and forty acres of land situated on the south side of Trout creek, and at a place called Cold Hill; which is ordered to be filed.

Cotton Rawls, sen., presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated near the head of the south prong of Trout creek; which is ordered to be filed.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *May 19, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Levi Sparkman presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated on Little Trout creek, and on the public road leading from Jacksonville to Camp Pinkney. Ordered to be filed.

There being no further business before the board, the same was adjourned to meet at St. Augustine.

ST. AUGUSTINE, MONDAY, *May 30, 1825.*

The board met this day. Present: all the members.

José Papy presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land about four miles south of Picolata fort, with an affidavit of Bartolome Solana, dated May 25, 1825. Ordered to be filed.

Miguel Papy presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated on Deep creek. Ordered to be filed.

Andrew Papy presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated about ten or twelve miles to the south of St. Augustine, with an affidavit of Bartolome Solana, dated May 26, 1825. Ordered to be filed.

Thomas Napier, by his attorney, having obtained permission at a former meeting of this board to withdraw his memorial for three thousand acres of land comprised in separate tracts, this day, by his said attorney, presented three several memorials for one thousand acres each, comprising said three thousand acres, situated as follows:

One thousand acres, situated on the west side of Hillsborough river; one thousand acres, situated on the west side of the river Ys, or Indian river; one thousand acres, situated in the hammock known by the name of Chachala Hammock, on the west side of Payne's savanna; which are ordered to be filed.

William Hartley vs. The United States, for two hundred and fifty acres of land situated at the headwaters of Goodby's lake, near Wills' swamp.

It appearing to the board that the above was a valid Spanish concession made by Governor Coppinger to memorialist December 13, 1817, it was found that one hundred and fifty acres thereof had been confirmed to Zephaniah Kingsley; it is therefore ordered that one hundred acres alone be confirmed to claimant.

Frederick Hartley vs. The United States, for four hundred and fifty acres of land situated on the opposite side of St. Nicholas, at a place called Six-mile river.

It appearing to the board that the concession made to memorialist by Governor White, dated May 7, 1803, only conceded two hundred acres of land, the board therefore confirm the same two hundred acres to claimant.

The following claims were also confirmed by the board:

Hannah Nobles, for two hundred and eight acres of land situated on St. John's river, at a place called Beauclerk's Point; William Hobkirk, for a town lot in Fernandina, designated as square 18, and lots 3 and 4; James R. Hanham, one hundred and seventy and two-thirds acres situated on the North river and Guana creek; Abraham Hannean, for fifty acres, at Little Grove, St. John's river, and north of Buena Vista the guardian of Francis Miles, for two hundred acres on the North river; the guardian of Francis Miles, for three hundred acres on St. John's river; Ezekiel Hudnall's heirs, for two hundred and fifty-five acres on the north bank of the river St. John's, and on the east side of Hogan's creek; E. Hudnall's heirs, for five hundred acres on the river Nassau, at a place called Pumpkin Bluff.

The board adjourned until Monday next at 10 o'clock a. m.

MONDAY, *June 6, 1825.*

The board met this day. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of claimant's attorney, the board ordered the following case to be opened, viz:

William Hartley vs. The United States, for two hundred and fifty acres of land; which was laid over for further consideration.

The heirs of Francis Cain presented their memorial to this board, praying confirmation of title to two hundred acres of land situated on the south fork of Nassau river, with a British grant made to John Burnett by Governor Moultrie, dated October 5, 1772; also a plat and warrant of survey by Frederick George Mulcaster, dated October 2, 1781. Ordered to be filed.

William Eubanks vs. The United States, for two hundred acres, Burton's island, Nassau river. This case being called, and it appearing to the board that the claimant was only entitled to one hundred and fifty acres of land, by concession made by Governor Coppinger, it is therefore ordered that the said one hundred and fifty acres be confirmed to William Eubanks.

Robert Harrison vs. The United States, for seven hundred and sixty-five acres of land on the river Nassau, near the Roundabout.

It appearing to the board by the concession made by Governor Coppinger to memorialist May 10, 1816, was as above described, and not on the south of Dunn's creek, as set forth in the memorial of

claimant to the board—it, therefore, appearing to the board that the same was a valid Spanish grant, permission was given to claimant's attorney to amend the said memorial, after which it was confirmed.

Stephen Eubanks, jr., vs. The United States, for three hundred and twenty-five acres of land on the north of Trout creek, St. John's river.

It appearing to the board that this was a valid Spanish grant, made to memorialist by Governor Coppinger March 18, 1817, and the location of said tract being changed contrary to that set forth in the said concession, permission was given to amend the memorial of claimant to this board, and the board confirmed the said tract to claimant under the location as above set forth.

The following claims were also confirmed this day by the board, viz:

John Silcock, three hundred acres of land situated three miles from the head of Nassau river; Lewis Guibert, four hundred acres on the east side of St. John's river, near Picolata; the heirs of E. Hudnall, deceased, two hundred acres at the south head of St. Pablo creek; and George Atkinson, a lot of land in the town of Fernandina, designated as lot No. 7 of the eighth square.

The board adjourned until Wednesday morning next at 10 o'clock a. m.

WEDNESDAY, June 8, 1825.

Present: all the members.

There being no business prepared, the board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, June 9, 1825.

The board met this day pursuant to adjournment. Present: all the members.

There being no business prepared, the board adjourned until Monday next, the 13th instant, at 10 o'clock a. m.

MONDAY, June 13, 1825.

The board met pursuant to adjournment. Present: the Hons. Davis Floyd and Geo. Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The wardens of the Roman Catholic church of St. Augustine presented their memorial to this board, praying confirmation of title to thirty-one and a half acres of land situated at a point called Esperanza, within the limits of the city of St. Augustine. Ordered to be filed.

Andrew Paceti presented his memorial to this board, praying confirmation of title to a lot of land without the gates of this city, with a certificate of concession by Governor White, dated May 10, 1807. Ordered to be filed.

Lorenzo Capella presented his memorial to this board, praying confirmation of title to a lot of land without the gates of this city, with a certificate of concession made to him by Governor Coppinger June 6, 1817. Ordered to be filed.

Jane Murray, by her attorney, B. A. Putnam, presented her memorial to this board, praying confirmation of title to six hundred acres of land situated at a place called McDougal's Plantation, with a certificate of concession made to George Murray by Governor White July 28, 1803. Ordered to be filed.

The attorney of Samuel Fairbanks, assignee of Reuben Charles, obtained permission and withdrew the claim for six hundred and forty acres; and, in place thereof, presented the memorial of Reuben Charles, for six hundred and forty acres of land situated about twelve miles from St. Augustine, and near the Twelve-mile swamp. Ordered to be filed.

On motion of claimant's attorney permission was given to withdraw the papers in the following claim, viz: James Riz, for five hundred acres of land; which was rejected by the board April 14, 1825.

The attorney in the case of Michael Lynch, for three hundred and thirty-five acres, obtained permission and amended the memorial thereof, and introduced, as evidence in the same, Farquhar Bethune.

M. Bethune obtained permission to withdraw the claim of Philip R. Yonge, for five hundred acres of land situated at Chichester, St. John's river.

The attorney in the claim of David Turner, for three hundred and ninety acres of land, obtained permission to amend the memorial thereof by inserting "ninety" in lieu of three hundred and ninety acres of land.

Jno. G. Rushing vs. The United States, for two hundred and five acres of land situated on the north side of St. John's river. This case being called, on motion, the claimant's attorney obtained permission and amended the memorial thereof; and it appearing to the board that the same was a valid concession made by Governor Estrada November 27, 1815, in favor of memorialist, the same was confirmed.

The following claims were also, after due consideration, confirmed by the board, viz:

José Alvarez, for three hundred and fifty-five acres of land situated in Thomas' swamp, Nassau river; Zephaniah Kingsley, for fifty acres situated at St. Vincent Ferrer, (bluff,) St. John's river; Zephaniah C. Gibbs, for one hundred and twenty-one acres situated on the head of the Guana river, to the west, on St. Diego plains; John Uptegrove, for two hundred and fifty acres situated on the river Nassau, at a place called the Peach Orchard.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, June 14, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Ann Stallings, by her attorney, John B. Strong, presented her memorial to this board, praying confirmation of title to six hundred and forty acres of land situated on Goodby's lake, with no exhibits; which is ordered to be filed.

Sarah Faulk, widow, and the other heirs of John Faulk, deceased, by their agent, E. R. Gibson, presented their memorial to this board, praying confirmation of title to two hundred and fifty acres of land situated on the east side of the river St. Mary's, with no exhibits. Ordered to be filed.



Sarah Faulk, widow, and the other heirs of John Faulk, deceased, by their agent, E. R. Gibson, presented their memorial to this board, praying confirmation of title to one hundred acres of land situated on the east side of St. John's river; which is ordered to be filed.

John Christopher vs. The United States, for fifty acres of land situated on the river Nassau. This case being called, and it appearing to the board that the same was a valid Spanish concession made by Governor White, the board confirmed the same.

Bartolome Mestre, jr., for his mother, Mariana Mestre, vs. The United States, for three hundred acres of land on Thompson's branch, Matanzas river. This case being called, and it appearing to the board that the same was undefined in quantity, after examining John B. Strong therein, it is ordered that the same be reported to Congress with the testimony therein.

Farquhar Bethune and James Hall were this day examined, on the part of the United States, in the claim of Pedro Miranda, for three hundred and sixty-eight thousand six hundred and forty acres of land.

The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, June 15, 1825.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion, Pedro Miranda was allowed to withdraw his claim for a lot of land within the city of St. Augustine.

The heirs of Robert Andrews, deceased, by their attorney, John Drysdale, presented their memorial to this board, praying confirmation of title to one hundred acres situated at the head of Guana creek, with a certificate of concession made by Governor White, dated November 18, 1799. Ordered to be filed.

George J. F. Clarke and G. W. Perpall were examined in the following claims, viz:

Farquhar Bethune, for one hundred and seventy acres, and William Ladd, for one thousand five hundred and twenty-five acres of land.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, June 16, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The heirs of Gerard Forrester, by their attorney, Farquhar Bethune, presented their memorial to this board, praying confirmation of title to five hundred acres of land situated on the river St. John's, with a certified copy of plat and certificate of survey by Pedro Marrot, December 17, 1791. Ordered to be filed.

José Bonely's heirs, by their attorney, John B. Strong, presented their memorial to this board, praying confirmation of title to six hundred and ten acres situated on the river Mosquito, with a certified copy of concession, dated September 24, 1796. Ordered to be filed.

Abner Williams' heirs, by their attorney, J. B. Strong, presented their memorial to this board, praying confirmation of title to one hundred and fifty acres of land situated on the south side of the river St. John's, at a place called Row's Plantation, with a certified copy of concession by Governor White, dated June 2, 1801. Ordered to be filed.

Zephaniah Kingsley vs. The United States, for one hundred acres of land at St. Vincent Ferrer, south side of St. John's river. This case being called, permission was given to amend the memorial; after which, it appearing to the board that the same was a Spanish grant made previous to January 24, 1818, it was confirmed.

The following claims were also confirmed by the board, viz: Hannah Nobles, one hundred acres, situated on Wills' swamp, south side of St. John's river; Lorenzo Capo's heirs, one hundred and seventy-five acres, situated in Twelve-mile swamp, confirmed in favor of the widow and heirs of Lorenzo Capo.

The board then adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, June 17, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following claims, viz: The widow and heirs of Antonio Pons, one hundred and seventy-five acres; José Bonely's heirs, six hundred and ten acres, being called, and not being prepared for trial, were continued.

No further business appearing before the board, the same was adjourned until Monday next at 10 o'clock a. m.

MONDAY, June 20, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Fernando de la Maza Arredondo, sen., and divers other claimants, vs. The United States. This day the attorney for the above claimants, as well as the attorney for the United States, presented the interrogatories to be propounded to the witnesses to be examined on behalf of the above claimants; and thereupon it was ordered that the commission issued from this board, directed to Messrs. Colin Mitchel and William B. Wallace, of the city of Havana, on the part of the claimants, and Messrs. Charles Drake and John Mountain, of the said city, on the part of the United States, to examine the witnesses aforesaid, agreeable to an order of the board made April 13, 1825.

The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, *June 22, 1825.*

The board met this day. Present: the Hons. George Murray and W. H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

José Noda presented his memorial to this board, praying confirmation of title to a lot of land situated on the east of the road leading from the city of St. Augustine, with a certified copy of concession made to him by Governor White, dated February 9, 1808. Ordered to be filed.

Pedro Estopa presented his memorial to this board, praying confirmation of title to a lot of land situated on the east side of the road leading from the city of St. Augustine, made by Governor White, dated July 20, 1807. Ordered to be filed.

Francis Triay presented his memorial to this board, praying confirmation of title to a lot of land situated without the gates, and to the north of the city of St. Augustine, on the west side of the road, with a certified copy of concession made to him by Governor Estrada, dated October 3, 1815. Ordered to be filed.

John Frazer's Executors vs. The United States, for five hundred acres of land situated on St. Mary's river. This case being called, and it appearing to the board that the same was a valid Spanish concession made to John Frazer May 2, 1810, the same was confirmed.

Susannah Cashen, five hundred acres; same, three hundred acres. These cases being called, permission was given to amend the memorials thereof, and the cases were laid over.

Valentine Fitzpatrick, for twenty-five acres of land. This case being called, and not being prepared for trial, was continued.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *June 23, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

No business being prepared, the board adjourned until Saturday next at 10 o'clock a. m.

SATURDAY, *June 25, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

No business being prepared, the board adjourned until Monday next at 10 o'clock a. m.

MONDAY, *June 27, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

No business being prepared, the board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *June 28, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

The secretary having informed the board that no business was prepared, on account of his not having access to the public archives, until the same would be arranged for the purpose of examining the translations with the original documents on file in that office, it is therefore ordered that the board adjourn until Tuesday, the 5th of July next.

FRIDAY, *July 8, 1825.*

The board met this day. Present: the Hons. Davis Floyd and W. H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following claims being called, and being prepared for trial, were confirmed by the board, viz: George Atkinson, for one lot of land situated in the town of Fernandina, designated as lot No. 11 of the 4th square; George Atkinson, for one lot of land situated in the town of Fernandina, designated as No. 8 of the 8th square; Lindsay Todd's executors for two half lots of land situated in the town of Fernandina, designated as Nos. 3 and 4 of the 8th square.

Permission was given to amend the memorial in the following claims, and the same were laid over, viz: Hibberson and Yonge, one lot in Fernandina; same, one lot in Fernandina; same, four and a quarter acres in Fernandina; same, one lot in Fernandina; same, one lot in Fernandina.

Testimony being required in the following cases, they were continued, viz: Governor Atkinson, one lot in Fernandina; same, one lot in Fernandina; same, one lot in Fernandina; same, one lot in Fernandina. James Arnau, one hundred and twenty-five acres of land on the North river.

Clara Prates Arnau, one hundred and seventy-five acres of land on the North river.

The board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, *July 9, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. H. Allen.

Edgar Macon, esq., United States attorney for the district of Florida, attended the board this day under their order.

The widow and heirs of Antonio Martinez, by their agent, John Cavedo, presented their memorial to this board, praying confirmation of title to seventy acres of land situated at Moultrie, with a concession to Antonio Martinez, dated August 26, 1807. Ordered to be filed.

Joseph Bergallo, by his agent, John Cavedo, presented his memorial to this board, praying confirmation of title to two hundred and thirty acres of land situated on the river Nassau, at a place called Thomas' swamp, with a royal title dated March 18, 1817. Ordered to be filed.

The heirs of Robert Andrew, for one hundred acres of land situated on the plains of Urliche, with a copy of concession made to Robert Andrew, dated October 18, 1793. Ordered to be filed.

Bartolo Solana, by his attorney, John B. Strong, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated near the Big Cypress swamp. Ordered to be filed.

The attorney of claimant obtained permission, and filed a plat and certificate in the following claim, viz: Pedro R. de Cala vs. The United States, for five hundred acres of land.

The board adjourned until Monday next at 10 o'clock a. m.

MONDAY, *July 11, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following claims being called, and being prepared for trial, were confirmed by the board, viz: Henry Yonge, for a lot of land situated in the town of Fernandina, Amelia island, and designated as number nine of first square; Hibberson and Yonge, for four and a quarter acres of land situated in the town of Fernandina; Hibberson and Yonge, a lot in Fernandina; Hibberson and Yonge, for a marsh lot in Fernandina; Hibberson and Yonge, for a marsh lot in Fernandina.

On motion of claimant's attorney, the board resumed the consideration of the following claim, and confirmed the decree passed thereon the 30th of May last, viz: William Hartley, for two hundred and fifty acres of land.

G. W. Perpall was examined in the claim of Thomas Napier, for three thousand acres of land in three separate tracts of one thousand acres each.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *July 12, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

John Bellamy vs. The United States, for fifty acres of land situated at Jacksonville, St. John's river. This case being called, and it appearing to the board that the same was a valid Spanish concession made by Governor Coppinger to John Mestre previous to January 24, 1818, and regularly conveyed to claimant, the same is therefore confirmed.

The following claims being called, and not being prepared for trial, were, on motion of their respective attorneys, continued, viz: Zephaniah Kingsley, five hundred acres of land; Charles Edmonston, five hundred acres; Isaac Sasportas, four hundred and twenty-five acres; Ezekiel Haddock, one hundred and fifty acres; Joseph Haddock, two hundred and fifty acres.

The honorable George Murray having retired, Antonio Alvarez was examined on the part of the claimant in the following claim: Pedro Miranda, for three hundred and sixty-eight thousand six hundred and forty acres at Tampa Bay; as also in the claim of Thomas Napier, for three thousand acres of land in three tracts of one thousand each.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *July 14, 1825.*

The board met this day. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following claims were, after due consideration, submitted, viz: Thomas Napier, for one thousand acres at Chachala hammock; Thomas Napier, for one thousand acres at Indian river; same, for one thousand acres at Mosquito South lagoon.

The honorable George Murray having retired, Bernardo Segui was examined on the part of the claimant in the following claim, viz: Pedro Miranda, for three hundred and sixty-eight thousand six hundred and forty acres at Tampa Bay.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *August 9, 1825.*

The board met this day. Present: the Hons. Davis Floyd and William H. Allen.

This day Samuel King presented his memorial for three hundred acres of land, with a copy of concession dated April 10, 1804, on Nassau river, by his attorney, Belton A. Copp; which was ordered to be filed.

The following claims being called, and being prepared for trial, were confirmed, viz: Mathias Pons' heirs, four hundred acres at Casapulla, on the river Matanzas; Susannah Cashen, two hundred and fifty acres on Amelia island; Pedro Pons, eight hundred and seventy-five acres in Mills' swamp, Nassau river; Domingo Fernandez, one lot in Fernandina, number four, square twenty-three; Domingo Fernandez, four half lots in Fernandina, Nos. 5, 6, 7, and 8, of square 23; heirs of Antonio Suarez, five hundred acres on Amelia island, at a place called Black Point.

The board adjourned.

TUESDAY, *August 16, 1825.*

The board met this day. Present: the Hons. George Murray and William H. Allen.

John Carr presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated on Lofton's swamp, one of the waters of Nassau river. Ordered to be filed.

Domingo Fernandez vs. The United States, for three hundred acres of land situated on Amelia island. This case being called, and it appearing to the board that the same was a valid Spanish grant made by Governor Coppinger to James Adamson previous to January 24, 1818, and by him conveyed to memorialist, the same was confirmed.

On motion of claimant's attorney, the following claims were, after due consideration, confirmed by



the board, viz: C. Griffith's heirs, for three hundred acres of land situated on the banks of the river St. Mary's.

Miguel Papy, for six hundred and forty acres of land situated on Deep creek, near St. John's river.  
The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, *August 17, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

George J. F. Clarke vs. The United States, for one thousand acres of land in two tracts, viz: five hundred acres situated or Durbin's swamp, to the north of the bridge crossing the creek of said swamp; and five hundred acres on the east bank of Dunn's lake. The board having ascertained this to be a valid Spanish concession, confirmed the same to claimant in the situations pointed out as above.

The following claims were also confirmed by the board, viz: Domingo Fernandez, one hundred and fifty acres on Amelia island; Susannah Cashen, two hundred and thirty acres on the banks of the river St. Mary's, at a place called Old Township; Francis Richard, four hundred and sixty-six acres on St. John's river, at a place called Branchester; Francis Richard, two hundred and thirty acres on St. John's river, at a place called Parque; Domingo Fernandez, one hundred acres on Amelia island.

The following cases being called, and not being prepared for trial, were continued, viz: William Drummond, five hundred acres; Samuel and George Brennan, three hundred acres; José Youngblood, six hundred acres; George J. F. Clarke, one thousand acres; John H. McIntosh, eight hundred acres; Duncan L. Clinch, one thousand acres; Elizabeth Wiggins, three hundred acres.

The board adjourned.

TUESDAY, *August 23, 1825.*

The board met this day. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following claims being called, and being prepared for trial, were severally confirmed by the board, viz:

Jane Murray, six hundred acres of land situated at a place called McDougal's Plantation.

John Christopher, five hundred acres situated on and near the mouth of Nassau river.

Domingo Fernandez, two hundred acres situated on the main, opposite Amelia island.

The board having ascertained that the following claims were made subsequent to January 24, 1818, were, after due consideration, rejected, viz:

McDowell & Black, one thousand acres of land on Dunn's lake.

Belton A. Copp, one thousand acres on the east side of the river St. John's, near Lake George.

The following claims being called, and not being prepared for trial, were continued, viz:

Nathaniel Wilds, for one hundred and eighty-four acres.

William Frink, three hundred and twenty-one acres.

George Morrison, one hundred and fifty acres.

Louisa H. Christopher, one hundred and eighty acres.

The board adjourned until Thursday morning next at 10 o'clock.

THURSDAY, *August 25, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

John Houston vs. The United States, for six hundred acres on Talbot island. This case being called, and it appearing to the board that the same was a valid Spanish grant made to Spicer Christopher, deceased, by Governor Quesada, and it also appearing of record that the said John Houston is one of the heirs of said Christopher, the same is therefore confirmed to claimant.

The following claims being called, and not being prepared for trial, were continued, viz: Zachariah Hogsans, for fifty acres; John Houston, Little Talbot island.

On motion of John Drysdale, esq., the order of rejection was set aside on the following claims, and they were accordingly reopened: Belton A. Copp, one thousand acres; McDowell & Black, one thousand acres.

The board adjourned until Saturday next at 10 o'clock a. m.

SATURDAY, *August 27, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Charles F. Sibbald, by his attorney, John Rodman, presented his memorial to this board, praying confirmation of title to ten thousand acres of land situated on Trout creek. Ordered to be filed.

Charles F. Sibbald, by his attorney, John Rodman, presented his memorial to this board, praying confirmation of title for four thousand acres of land situated in Turnbull's swamp. Ordered to be filed.

Charles F. Sibbald, by his attorney, John Rodman, presented his memorial to this board, praying confirmation of title to two thousand acres of land situated at Rowley's hammock. Ordered to be filed.

The following claims being prepared for trial were confirmed, viz:

Domingo Fernandez, two hundred and twenty-eight acres situated on the west side of Amelia river.

Henry Yonge, one hundred and ninety acres situated in Lofton's swamp.

William P. Yonge, four hundred and eighty acres situated on St. Mary's river.

William P. Yonge, five hundred acres situated on St. Mary's and Little St. Mary's rivers.

On application of claimant's attorney, permission was given to amend the memorial as to the location of the land in the following claim, viz:

Antonio Alvarez vs. The United States, for fifteen hundred acres of land, which was recommended for confirmation September 8, 1824.

The board adjourned until Monday next at 10 o'clock a. m.

MONDAY, August 29, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Andrew Branning vs. The United States, for six hundred and forty acres of land, under the donation act, situated on Black creek. This case being called, and it appearing to the board from the evidence produced therein that the claimant was entitled to said land, confirmed the same.

The board also reported to Congress the following claims under the said act, viz:

John D. Bludworth, six hundred and forty acres situated near the public road, at the head of Dead-man's swamp.

William Branning, six hundred and forty acres on the south side of Black creek.

John Brindly, six hundred and forty acres on the north side of Black creek.

Isaac Carter, six hundred and forty acres on Nine-mile creek, on the road leading to Camp Pinkney.

The heirs of John Carter, deceased, six hundred and forty acres on the south side of Trout creek.

The testimony in the following claims not being sufficient, and it being the opinion of the board that the claimants were not entitled to the land set forth in said claims, rejected the same, viz:

Jesse Carlisle, six hundred and forty acres on the east side of Little Black creek, at a place called Ferguson's Neck, at the head of Doctor's lake.

Hardy Ellanier, six hundred and forty acres on the waters of Little Black creek, in the county of Duval.

William Evins, six hundred and forty acres on Durbin's creek and the road leading from St. Augustine to the Cowford.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, August 30, 1825

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. H. Allen. Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Philip Solana, by his agent, Antonio Alvarez, presented his memorial to this board, praying confirmation of title to a lot of land without the gates of St. Augustine, containing three hundred and sixty and a quarter yards. Ordered to be filed.

The following claims being called, and it appearing to the board, from the evidence therein, that the claimants were entitled to the land set forth in said claims, confirmed the same, viz:

James Sparkman, six hundred and forty acres on the headwaters of Boggy swamp and east of public road.

William Sparkman, six hundred and forty acres on the headwaters of Boggy swamp and west of public road.

The board also reported to Congress the following claims, viz:

John R. Hogans, six hundred and forty acres on the north side of St. John's river.

Levi Sparkman, six hundred and forty acres on Little Trout creek, on the road leading to Camp Pinkney.

The board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, August 31, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of A. Bellamy, esq., it is ordered that a commission issue to any two of the United States officers at Tampa Bay to take the evidence of any witnesses on any cases which may arise under the donation act of Congress.

On motion of John Drysdale, esq., it is ordered that the claim of Robert Mitchel, trustee to a section and a half of Alachua, be submitted.

Horatio S. Dexter was this day examined, on the part of the United States, in the following claims, viz:

William Williamson, six hundred and forty acres of land at Hogtown, Alachua.

John Oliver, six hundred and forty acres of land on the east side of Dunn's lake.

The board adjourned until Friday next at 10 o'clock a. m.

FRIDAY, September 2, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Paul Dupon, by his attorney, John Rodman, presented his memorial to this board, praying confirmation of title to three thousand acres of land situated at Spring Garden. Ordered to be filed.

The following cases being called, and being prepared for trial, were confirmed by the board, viz:

Francis Richard, one hundred and ten acres of land situated on the southern side of St. John's river, at Point St. Isabel.

Domingo Fernandez, a lot of land in Fernandina, Amelia island, designated as No. 2, of square 18.

McDowell & Black vs. The United States, one thousand acres of land.

This case being called, the United States attorney objected to any further proceeding being had in

the same, and that it be dismissed from the docket, inasmuch as it appeared that the written evidence of the claimants' title bore date subsequent to January 24, 1818, and claimants praying to be heard by counsel; whereupon an argument was had thereon, but the board not being sufficiently advised of and concerning the same, it was held over until to-morrow; and

The board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, *September 3, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

McDowell & Black vs. The United States, one thousand acres of land.

The board not being prepared to give its decision in this case, it was held over till Monday next at 10 o'clock a. m.; and the board adjourned.

MONDAY, *September 5, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

McDowell & Black vs. The United States, one thousand acres of land.

The board not being prepared to give its decision in this case, it was held over until to-morrow, and the board adjourned until to-morrow.

TUESDAY, *September 6, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

McDowell & Black vs. The United States, one thousand acres of land.

The board having minutely considered and deliberated on the above case, this day decided that the same must be rejected.

J. Allen Smith vs. The United States, for a lot of land in the city of St. Augustine.

This case being called, and it appearing to the board that the same was a valid Spanish grant, confirmed the same.

The board adjourned until Saturday next at 10 o'clock a. m.

SATURDAY, *September 10, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business being prepared, the board adjourned until Wednesday next at 10 o'clock a. m.

WEDNESDAY, *September 14, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The wardens of the Roman Catholic church of St. Augustine presented their memorial to this board, praying confirmation of title to two lots of land in the city. Ordered to be filed.

Frankee Lewis presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land, under the donation act, situated on New river, near Cape Florida. Ordered to be filed.

The following claims being called, and it appearing to the board that they were valid Spanish grants made previous to January 24, 1818, confirmed the same, viz:

Heirs of Francis X. Sanchez, for one thousand acres of land situated on St. Diego plains, at a place called *Montes de San Diego*.

Heirs of Francis X. Sanchez, one hundred acres of land situated on Diego plains, at a place called *Montes de Puercos*.

J. Allen Smith, for a lot of land situated in the city of St. Augustine.

Daniel Hulbert, for two hundred acres of land situated four miles north of the city of St. Augustine.

The following claims were, on motion of their respective attorneys, confirmed by the board, viz:

George Gianople, for six hundred and forty acres of land, under the donation act, situated about twelve miles northwest from St. Augustine.

The heirs of Jesse Fish, for five hundred acres of land situated in Graham's swamp.

The board adjourned until Friday next at 10 o'clock a. m.

TUESDAY, *September 20, 1825.*

The board met this day. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following claim was recommended for confirmation, viz:

The heirs of James Hutchinson, two thousand acres of land on Jupiter island.

The board adjourned until to-morrow at 10 o'clock a. m.



FRIDAY, *September 23, 1825.*

The board met this day. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Charles W. Clarke was examined in the claim of Horatio S. Dexter vs. The United States, for sixteen thousand acres of land on Indian river.

The board adjourned until to-morrow at 10 o'clock a. m.

MONDAY, *September 26, 1825.*

The board met this day. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

John Andrew presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land, under the donation act, situated on Tocoy creek, St. John's river. Ordered to be filed.

Emanuel Crespo presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated about a mile from the mouth of Tocoy creek, near St. John's river. Ordered to be filed.

The heirs of Andrew Dewees vs. The United States, for two thousand six hundred and thirty-three and a third acres of land situated on the south side of St. John's river, and east side of Pablo creek. This case being called, permission was given to amend the memorial thereof; and it appearing to the board that the same was a valid Spanish grant made previous to January 24, 1818, and also in evidence that the whole or part of said grant has been cultivated by the said heirs for many years, the same is therefore confirmed to them.

Seymour Pickett vs. The United States, for two hundred and fifty acres of land at a place called Hodgins, on St. John's river. This claim being called, and claimant having produced a royal title made to R. Hogans by Governor Kindelan May 26, 1815, and conveyance from said Hogans to him, the board confirmed the same.

Constance McFee vs. The United States, for four hundred and forty-six acres of land on St. John's river. It appearing to the board that claimant was a British subject, and that she resided without the jurisdiction of the United States, rejected the same.

[NOTE.—This case was reconsidered by the board September 30, 1825, and confirmed.]

On motion of Mr. Putnam, permission was given to file an affidavit in the claim of José Papy, for six hundred and forty acres of land.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *September 27, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Maria R. Scott presented her memorial to this board, praying confirmation of title to a lot of land situated in the town of Fernandina, Amelia island, designated as lot No. 8 of eighth square. Ordered to be filed.

The widow of Juan Lorenzo presented her memorial to this board, praying confirmation of title to a lot of land situated without the gates of St. Augustine and within the fifteen hundred yards. Ordered to be filed.

Antonio Rogero presented her memorial to this board, praying confirmation of title to a lot of land situated without the gates of St. Augustine and within the fifteen hundred yards. Ordered to be filed.

José Hernandez presented his memorial to this board, praying confirmation of title to a lot of land situated without the gates of St. Augustine and within the fifteen hundred yards. Ordered to be filed.

The following claims being called, and the same being undefined in quantity, were reported to Congress, viz:

William Travers, for one thousand acres of land situated at a place called the Old Savannas, North river.

Jehu Underwood, for six hundred acres of land situated on Black creek, Duval county.

Francis P. Sanchez vs. The United States, for one thousand acres of land situated at the head of Indian river. This case being called, and it appearing to the board that it was made subsequent to January 24, 1818, rejected the same.

The board then adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, *September 28, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

A number of cases being called, and not being prepared for trial, on motion of their respective attorneys they were continued; and there being no further business, the board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *September 29, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

The heirs of William O'Neal presented their memorial to this board, praying confirmation of title to three hundred acres of land situated on the river St. Mary's and Lanford creek. Ordered to be filed.

The following claim being called, and being undefined in quantity, was reported to Congress, viz:

John Bachelot, for a marsh island situated near Doctor's island.

The board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, *September 30, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion of claimants' attorney, the following claim was reopened, viz:

Archibald Clark and others, for two hundred and fifty acres of land, and permission was given to amend the memorial thereof by inserting "two hundred" in place of two hundred and fifty acres; whereupon it was moved that the decree of the 29th of April last be set aside and said claim be confirmed, which is allowed and ordered by the board.

Constance McFee vs. The United States, for four hundred and forty-six acres of land on St. John's river. In this case G. W. Perpall, attorney in fact for Constance McFee, moved the board to open the same, and that the order of rejection be set aside, and that he have leave to amend the memorial in behalf of the heirs of Constance McFee, she having lately died, which was granted; and the same was also confirmed to said heirs upon the affidavit of G. W. Perpall, stating that he, as attorney for Mrs. McFee, had held possession of said land for the last twelve years.

The board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, *October 1, 1825.*

There being no business prepared, the board adjourned until Friday next, the 7th instant, at 10 o'clock a. m.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day for the purpose of collecting testimony in various cases before the board.

FRIDAY, *October 7, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. George Murray and William H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Francis Paz, by his attorney, J. N. Cox, presented his memorial to this board, praying confirmation of title to fifteen hundred acres of land on Pellicer's creek, with a certified copy of concession made to him by Governor Estrada, dated November 12, 1815. Ordered to be filed.

Philip and Mary Dewees vs. The United States, for one hundred acres of land on Guana river. This case being called, and it appearing to the board that the same was a valid Spanish grant made to Francis X. Sanchez February 6, 1811, who was father to claimants, confirmed the same.

The board adjourned until Monday next at 10 o'clock a. m.

MONDAY, *October 10, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and George Murray.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Juan Garcia, by his attorney, B. A. Putnam, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land situated near St. John's river. Ordered to be filed.

James and George Clarke, for five hundred acres of land situated on the west of Matanzas river.

Charles W. and George J. F. Clarke, for three hundred acres of land situated on Matanzas river, at a place called Worcester.

The above claims being taken up, and it appearing to the board that the same were British grants made in favor of the ancestors of claimants, confirmed the same.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *October 11, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

There being no business prepared, the board adjourned until to-morrow at 10 o'clock a. m.

WEDNESDAY, *October 12, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

No business being prepared, the board adjourned until Friday next at 10 o'clock a. m.

FRIDAY, *October 14, 1825.*

There being no business prepared, the board was adjourned until Friday next, the 21st instant, at 10 o'clock a. m.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended this day under their order.

FRIDAY, *October 21, 1825.*

There being no business prepared, and the secretary being occupied in making out the report of the board for Congress, the same was adjourned until Monday next at 10 o'clock a. m.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

MONDAY, *October 24, 1825.*

The board met this day, but there being no business on hand, it adjourned until to-morrow at 10 o'clock a. m.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

WEDNESDAY, *October 26, 1825.*

The board met this day. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The heirs of Thomas Fitch, deceased, presented their memorial to this board, praying confirmation of title to four thousand five hundred acres of land situated in the territory of Mosquito. Ordered to be filed.

The heirs of Thomas Fitch, deceased, presented their memorial to this board, praying confirmation of title to one thousand acres of land situated at a place called Berresford, St. John's river. Ordered to be filed.

The heirs of Thomas Fitch, deceased, presented their memorial to this board, praying confirmation of title to nineteen hundred acres of land situated at a place called Mount Oswald, Mosquito. Ordered to be filed.

Davis Floyd presented his memorial to this board, praying confirmation of title to one thousand acres of land situated between the North river and Guana creek. Ordered to be filed.

Margaret Cook presented her memorial to this board, praying confirmation of title to a lot of land situated without the gates of St. Augustine and within the fifteen hundred yards. Ordered to be filed.

Margaret Cook presented her memorial to this board, praying confirmation of title to a lot of land situated without the gates of St. Augustine and within the fifteen hundred yards. Ordered to be filed.

Ralph King, by his attorney, John Drysdale, presented his memorial to this board, praying confirmation of title to five thousand acres of land situated in Turnbull's swamp. Ordered to be filed.

The heirs of John Faulk, by their agent, E. R. Gibson, presented their memorial to this board, praying confirmation of title to two hundred and fifty acres of land at a place called Anderson's cowpen, on the river St. Mary's, with a certified copy of concession made to John Faulk June 22, 1792, by Governor Quesada. Ordered to be filed.

The heirs of James McGirt, by their agent, E. R. Gibson, presented their memorial to this board, praying confirmation of title to three hundred acres of land situated about nine miles north from St. Augustine, with a certified copy of concession made to James McGirt, and dated February 24, 1792. Ordered to be filed.

The heirs of James McGirt, by their agent, E. R. Gibson, presented their memorial to this board, praying confirmation of title to three hundred acres of land situated on Nassau river, with a copy of concession by Governor Quesada, dated February 24, 1792. Ordered to be filed.

The heirs of James McGirt, by their agent, E. R. Gibson, presented their memorial to this board, praying confirmation of title to five hundred acres of land situated on St. Mary's river, with a copy of concession made to James McGirt by Governor White June 15, 1790. Ordered to be filed.

The heirs of James McGirt, by their agent, E. R. Gibson, presented their memorial to this board, praying confirmation of title to three hundred acres of land situated on St. Mary's river, with a copy of concession made to James McGirt by Governor Quesada January 24, 1793. Ordered to be filed.

The heirs of James McGirt, by their agent, E. R. Gibson, presented their memorial to this board, praying confirmation of title to three hundred acres of land situated on St. John's river, with a certified copy of permission to exchange lands between John McQueen and James McGirt, by Governor Quesada, dated March 8, 1792. Ordered to be filed.

The heirs of James McGirt, by their agent, E. R. Gibson, presented their memorial to this board, praying confirmation of title to a small island called Martin's island, on St. Mary's river, containing about eighty acres, with a certified copy of concession to James McGirt, dated April 26, 1793. Ordered to be filed.

The heirs of James McGirt, by their agent, E. R. Gibson, presented their memorial to this board, praying confirmation of title to *eighteen caballerias*, or six hundred acres of land, situated on the west side of St. John's river, with a plat and certificate of survey by Don Pedro Marrot, dated January 17, 1792. Ordered to be filed.

On motion, the claim of William Ovington, as executor of James Alexander, for seven acres of land situated in the city of St. Augustine, rejected by the board March 29, 1824, was reopened and ordered to be filed.

On motion of the claimant's attorney, the order of rejection of April 20, 1824, on the following claim, viz: Elihu Woodruff and others, for three hundred and fifty acres of land on St. John's river, was set aside; and the board taking into consideration said claim, and finding the same a valid Spanish grant made to John Moore, and by him regularly conveyed to claimants, confirmed the same.

The wardens of the Roman Catholic church of St. Augustine vs. The United States, for a tract of land containing thirty-one and a half acres situated at the point called Esperanza, within the limits of the said city. The board took up the consideration of said claim, and confirmed the same.

Nicholas Estefanopolus vs. The United States, for two thousand five hundred acres of land situated on the west of the river Suwannee. On motion of claimant's attorney, this claim was taken up, and the board not being fully advised therein, the same was submitted and held under consideration.

On motion of B. A. Putnam, esq., permission was given to withdraw the following claim, viz.: Samuel and George Brennan, for three hundred acres of land; the Hon. Davis Floyd dissenting.

Joseph M. Hernandez was this day examined in the claim of George J. F. Clarke for sixteen thousand acres of land.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *October 27, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. H. Allen.

Edgar Macon esq., United States attorney for the eastern district of Florida, attended the board this day under their order.



Thomas Jones, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land, under the donation act, situated in the county of Alachua, near the Gulf of Mexico. Ordered to be filed.

Peter Nichols, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land, under the donation act, situated in the county of Alachua, near the Gulf of Mexico. Ordered to be filed.

Francis Durant, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land, under the donation act, situated in the county of Alachua, near the Gulf of Mexico. Ordered to be filed.

John Toy, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land, under the donation act, situated in the county of Alachua, near the Gulf of Mexico. Ordered to be filed.

Richard D. Ford, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land, under the donation act, situated in the county of Alachua, near the Gulf of Mexico. Ordered to be filed.

Nathaniel Tanner, by his attorney, A. Bellamy, presented his memorial to this board, praying confirmation of title to six hundred and forty acres of land, under the donation act, situated in the county of Alachua, near the Gulf of Mexico. Ordered to be filed.

The heirs of Thomas Fitch presented their memorial to this board, praying confirmation of title to one thousand acres of land situated on the river St. John's, at a place called Spring Garden. Ordered to be filed.

The heirs of Thomas Fitch presented their memorial to this board, praying confirmation of title to eight hundred acres of land situated at a place called Pengree's old field. Ordered to be filed.

Thomas Reynolds, administrator of Wm. G. Christopher, by his attorney, John Rodman, presented his memorial to this board, praying confirmation of title to five hundred acres of land situated on Santa Juana creek, in the county of Nassau. Ordered to be filed.

On motion of B. A. Putnam, esq., permission was given to withdraw the following claim, to wit: Domingo Fernandez, for nine hundred acres of land, and in place thereof presented the following claim: Juan McClure, for nine hundred acres of land situated on Amelia island; which was ordered to be filed.

On motion, permission was given to John Rodman, esq., to file a deposition of Farquhar Bethune in the claim of Charles Sibbald, for sixteen thousand acres of land.

G. W. Perpall, Geo. J. F. Clarke, and Joseph S. Sanchez were this day examined by the board in the following claims, to wit: Davis Floyd, one thousand acres of land; Geo. J. F. Clarke, sixteen thousand acres of land; the wardens of the Roman Catholic church of St. Augustine, one lot of land; and Ralph King, five thousand acres of land.

The board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, October 28, 1825.

The board met this day, but there being no business prepared, it was adjourned until to-morrow at 10 o'clock a. m.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

SATURDAY, October 29, 1825.

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The heirs of Thomas Fitch presented their memorial to this board, praying confirmation of title to one thousand one hundred acres of land situated on Diego plains. Ordered to be filed.

The heirs of Thomas Fitch presented their memorial to this board, praying confirmation of title to four hundred acres of land situated on the plains of Diego. Ordered to be filed.

The heirs of Thomas Fitch presented their memorial to this board, praying confirmation of title to three thousand acres of land situated on the plains and swamp of Diego, at a place known by the name of Chacaras. Ordered to be filed.

The heirs of Thomas Fitch presented their memorial to this board, praying confirmation of title to two hundred and fifty-five acres of land situated on Diego plains. Ordered to be filed.

The heirs of Thomas Fitch presented their memorial to this board, praying confirmation of title to four hundred acres of land situated on Diego plains. Ordered to be filed.

The wardens of the Roman Catholic church of St. Augustine vs. The United States, for one lot of land in St. Augustine on which the church and school-house stand. This came by its attorney, who obtained permission and amended the memorial thereof; and it appearing from the evidence produced therein that the same is a valid Spanish grant, the board confirmed the same.

Antelm Gay vs. The United States, for two lots of land situated in St. Augustine.

It appearing to the board that the above was a valid Spanish grant made to the original grantee, and regularly conveyed to claimant, the same was confirmed.

The board adjourned until Monday next at 10 o'clock a. m.

MONDAY, October 31, 1825.

The board met this day, but there being no business prepared, it was adjourned until to-morrow at 10 o'clock a. m.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

*List of claims received this day at the office of the Board of Land Commissioners, and are ordered to be filed.*

Pedro Mestre's memorial for six hundred and forty acres of land, under the donation act, situated on the north of the head of the North river.

James Rouse's memorial for six hundred and forty acres of land, under the donation act, situated on the river St. Mary's.

McCully's memorial for six hundred and forty acres, under the donation act, situated on the river St. Mary's.

Thomas Prevatt's memorial for six hundred and forty acres of land, under the donation act, situated on the river St. Mary's.

Will. Haddock's memorial for six hundred and forty acres of land, under the donation act, situated on the river St. Mary's.

Joseph R. Prevatt's memorial for six hundred and forty acres of land, under the donation act, situated on the river St. Mary's.

Achilles Murat's memorial for one thousand two hundred acres of land, situated about nine miles south of St. Augustine.

Joseph Fenwick's memorial for six hundred acres of land situated on the north side of Trout creek.

Susannah Rollin's memorial for two hundred acres of land situated on the river Nassau, with a copy of concession by Governor White, dated December 6, 1799.

Charles Deshon's memorial for three hundred and fifty acres of land situated on St. John's river, with a copy of concession made to Waltero Drumor by Governor Quesada, dated April 5, 1793; also a plat and certificate of survey in favor of William Drummond, dated July 20, 1819, by George J. F. Clarke; also a deed of conveyance from William Drummond to Charles Deshon, dated May 6, 1822.

The heirs of Margaritta O'Neal's memorial for two tracts of land: one for nine caballerias and seven acres of land, or three hundred and seven acres of land, lying on Lansford creek, with a copy of plat and certificate of survey by Pedro Marrot, dated April 16, 1792; and the other for seven caballerias and ten acres of land, or two hundred and forty-three and a third acres, lying on Lansford creek, with a copy of plat and certificate of survey by Pedro Marrot, dated April 17, 1792; also a royal title to the said Margaritta O'Neal, dated March 13, 1807, by Governor White.

The board adjourned until to-morrow at 10 o'clock a. m.

TUESDAY, *November 1, 1825.*

The board met this day, but there being no business prepared, the same was adjourned until to-morrow at 10 o'clock a. m.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

WEDNESDAY, *November 2, 1825.*

The board met this day, but there being no business prepared, the same was adjourned until to-morrow at 10 o'clock a. m.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

THURSDAY, *November 3, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and Wm. H. Allen. Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Blake Williamson, through Wm. H. Allen, esq., presented his memorial to this board for six hundred and forty acres of land situated on the river Nassau, in the county of Duval; and the said Wm. H. Allen, esq., having declared that he received said memorial from the claimant, who resides in the country, previous to November 1, 1825, the same was therefore ordered to be filed.

On motion, the following claims, viz: William P. Yonge, for five hundred acres; and the same, for four hundred and eighty acres of land, confirmed by the board August 27, 1825, were reopened, and permission given to amend the memorials thereof, and they were reconfirmed to Henry Yonge, the original grantee.

The following claims were, after due examination, submitted, viz:

George J. F. Clarke, for ten thousand acres of land; and same, for four thousand five hundred acres of land.

The board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, *November 4, 1825.*

The board met this day pursuant to adjournment. Present: all the members.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

The following claims were, after due examination, submitted, viz:

George J. F. Clarke, two thousand acres of land; and same, for two thousand acres of land.

Full and sufficient testimony having been taken in the following claims as to the occupation and cultivation thereof, they were confirmed to claimants, viz:

Peter Sevelly, one hundred and fifty acres of land on Long bay, about seven miles to the northwest of St. Augustine.

William and John Lofton, three hundred acres of land on the north of Julington creek, St. John's river.

George Henning, two hundred acres on Bell's river, near Row's bluff.

John Wingate, two hundred acres on Lofton's swamp, Nassau river.

James Plummer, three hundred acres on the north of Julington creek, St. John's river.

Thomas Moy, three hundred and fifty acres at Row's bluff, on Bell's river.

Martha Dell, four hundred and fifty acres on St. Mary's river.

William McCully, three hundred acres high up St. Mary's river.

Joseph Prevatt, four hundred acres on Turner's swamp, St. Mary's river.

Thomas Prevatt, five hundred and fifty acres on St. Mary's river.

Edward Dixon, one hundred acres on Pigeon creek, St. Mary's river.

George Hartley, four hundred acres on Old Field branch, Julington creek, St. John's river.

Frederick Hartley, six hundred acres on Old Field branch, Julington creek, St. John's river.

The board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, *November 5, 1825.*

The board met this day pursuant to adjournment, but no business being prepared, the same was adjourned.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

TUESDAY, *November 8, 1825.*

The board met this day, but no business being prepared, the same was adjourned until to-morrow at 3 o'clock p. m.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

WEDNESDAY, *November 9, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. D. Floyd and W. H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

Richard D. Curtis presented his bill to the board, amounting to twelve dollars, for carpenter's work, which was approved and ordered to be audited and certified.

Francis R. Sanchez was this day examined, on the part of the United States, in the claim of William Branning, for six hundred and forty acres of land.

The board adjourned until to-morrow at 3 o'clock p. m.

THURSDAY, *November 10, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. H. Allen.

Edgar Macon, esq., United States attorney for the eastern district of Florida, attended the board this day under their order.

On motion, the following claims were taken up, and permission given to amend the memorials thereof, and James Bradley, Lewis P. Fatio, and Horatio S. Dexter were examined as witnesses therein; after which they were submitted, viz: Francis R. Sanchez, five hundred acres; Simeon Sanchez, four hundred acres; John Sanchez, four hundred acres.

Permission being given, the following claim was presented to the board for adjudication, when Francis R. Sanchez was examined therein; and the board being satisfied as to the occupation and cultivation of the land according to law, reported the same to Congress, viz: David Scurry, for 640 acres of land situated on the south side of St. John's river.

The board adjourned until to-morrow at 3 o'clock p. m.

FRIDAY, *December 2, 1825.*

The board met this day. Present: the Hons. Davis Floyd and W. H. Allen.

Pedro Mestre vs. The United States, for six hundred and forty acres of land situated on the north of the head of the North river, under the donation act. This case was taken up, and it appearing by the evidence adduced therein that claimant was entitled to said land, the board confirmed the same.

The board adjourned.

WEDNESDAY, *December 14, 1825.*

The board met this day. Present: the Hons. Davis Floyd and William H. Allen.

Joseph Desespine vs. The United States, for ninety-two thousand one hundred and sixty acres of land. This case being called, was, after due consideration, reported to Congress for confirmation.

The following claims were also reported for confirmation, viz: John W. Simonton, for an island called Key West (Cayo Hueso) or Thompson's island; Catalina Hijuelos, for two thousand acres situated at a place called Big Grove.

The following claim was, after due consideration, rejected by the board, viz: Peter Mitchell, for himself and others, for three thousand five hundred acres of land at a place called Volusia, St. John's river.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, *December 15, 1825.*

The board met this day. Present: all the members.

Nicholas Estefanopoly vs. The United States, for two thousand five hundred acres. This case being called, was, after due consideration, ordered to be reported to Congress for their determination.

Zephaniah Kingsley vs. The United States, for two thousand acres of land. The board in this case having ascertained that this claim is covered by a British grant, the same is ordered to be reported to Congress.

The following claims were called up, and it appearing to the board that they are valid Spanish grants, they are therefore reported to Congress for confirmation, viz: Zephaniah Kingsley, for two thousand acres; Zephaniah Kingsley, for two thousand six hundred and eleven acres; Archibald Clark, for eighty thousand acres of land.

The board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, *December 16, 1825.*

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William H. Allen.

The following claims were this day reported to Congress for confirmation, viz: Teresa Rodriguez, for



five thousand five hundred acres; Wiggins' estate, for twelve hundred acres; Sarah Fish's heirs, for ten thousand acres; Domingo Fernandez, for one thousand one hundred and fifty acres.

Susannah Cashen's claim, for one thousand and fifty acres of land situated on St. Mary's river, was taken up and confirmed by the board.

The board adjourned until to-morrow at 10 o'clock a. m.

MONDAY, December 19, 1825.

The board met this day. Present: all the members.

The following claims were this day confirmed by the board, viz: the heirs of Pedro R. de Cala, for five hundred acres; Davis Floyd, one thousand acres of land; Francis Pellicer, one thousand one hundred acres of land.

John Bolton vs. The United States, for two thousand acres of land situated in Turnbull's back swamp. The board having ascertained the above to be a valid Spanish grant made previous to January 24, 1818, report the same to Congress for confirmation.

There appearing no evidence before the board as to the actual occupation and cultivation of the following tracts previous to January 24, 1818, and July 17, 1821, they therefore reject the same, viz: Francis R. Sanchez, five hundred acres; Simeon Sanchez, four hundred acres; John Sanchez, four hundred acres of land situated on Hogtown creek, Alachua.

On motion, permission was given to amend the memorial in the following claim, viz: Francis de Medicis, for eighty-three and a third acres of land situated on St. John's river.

The board adjourned until to-morrow at 10 o'clock.

TUESDAY, December 20, 1825.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and W. H. Allen.

John B. Entralgo vs. The United States, for one thousand acres of land on the east side of the St. John's river, at a place called Rollstown. The board having ascertained this to be a valid Spanish grant made previous to January 24, 1818, do therefore report the same to Congress for confirmation.

On motion of claimant's attorney, permission was given to amend the memorial in the claim of Sarah Faulk, for two hundred and fifty acres of land, and to file two affidavits in the following claim, viz: George Branning, for six hundred and forty acres of land.

The board adjourned until to-morrow at 10 o'clock a. m.

THURSDAY, December 22, 1825.

The board met this day. Present: the Hons. Davis Floyd and William H. Allen.

The following claims being called, and the evidence produced therein being satisfactory to the board as to the occupation and cultivation thereof, confirmed the same, viz: Charles Love, for three hundred acres; Pedro Estopa, for fifteen and three-tenths acres.

Robert Miller vs. The United States, for an island situated between Jupiter and Indian rivers. The board having ascertained this claim to be undefined in quantity, and there appearing no evidence to prove the compliance of the conditions set forth in the concession thereof, do reject the same.

Permission was given to amend the memorial of John K. S. Holzendorf, for four hundred acres of land, by inserting "the heirs of Valentine Fitzpatrick, deceased," in place of said Holzendorf.

The board adjourned until to-morrow at 10 o'clock a. m.

FRIDAY, December 23, 1825.

The board met this day pursuant to adjournment. Present: the Hons. Davis Floyd and William H. Allen.

Full and sufficient testimony having been adduced in the following claims, the board confirmed the same, viz: Stephen M. Ingersoll, for one hundred acres of land situated north of St. Augustine; Stephen M. Ingersoll, one hundred acres of land situated in the Twelve-mile swamp; William Lain, two hundred and ten acres on Trout creek, a branch of St. John's; Nathaniel Wilds, three hundred acres on Lofton's creek, a branch of St. John's; Isaac Hendricks, two hundred acres on Pottsburg creek, St. John's river; Isaac Hendricks two hundred acres on south side of river St. John's, near the Cowford; Isaac Hendricks, five hundred acres on the north side of St. John's river, near Jacksonville; Cornelius Griffith's heirs, one hundred acres on the east side of one of the branches of Trout creek, St. John's river; the heirs of Valentine Fitzpatrick, for four hundred acres on Graham's swamp; the heirs of Valentine Fitzpatrick, twenty-five acres on Sam's hammock, Matanzas river; William Gardner, one hundred and fifty acres on the south side of the river St. John's; S. Clarke, a lot of land in Fernandina; John Dixon, one hundred and thirty acres, river St. Mary's, at Faulk's swamp; Francis Ferreira, fourteen acres without the old lines, and about one and three-quarter mile north of the city of St. Augustine; John Houston, ninety-two acres on Talbot island; Polly Lewis, six hundred and forty acres, under the donation act, on the east side of Miami river, near Key Biscaino; John D. Braddock, six hundred and forty acres, under the donation act, in the county of Duval, on the road from Rose's bluff; John Faulk's heirs for three hundred and fifty acres, Mulberry Grove, St. John's river.

Permission having been given to amend the memorials in the following claims, and claimants having produced sufficient testimony therein, they were confirmed, viz: Isaac Carter, three hundred and fifty acres on river Nassau; Ferdinand D. McDonell, eight hundred acres on Matanzas river; William Fitzpatrick, four hundred and forty acres, Cedar Point, north side St. John's river.

The board adjourned until to-morrow at 10 o'clock a. m.

SATURDAY, December 24, 1825.

The board met this day pursuant to adjournment. Present: all the members.

The following claims were this day taken up and confirmed by the board, viz:

Elijah Higginbottom, three hundred and fifty acres on Little St. Mary's river; Joseph Higginbottom, three hundred acres on Spell's swamp, Nassau river; Pablo Sabaté, two hundred acres at St. Diego; heirs of Elizabeth Cain, two hundred and fifty acres east side of river St. John's, north of Picolata fort; Lazaro Ortega, eighty-eight acres, North river and Guana creek.

Permission was given to amend the memorial of James Smith's heirs for two hundred and fifty acres of land, by inserting "John Tharp's heirs" in place of Smith's heirs, and the board confirmed the same. The board adjourned until Monday next, the 26th instant.

TUESDAY, December 27, 1825.

The board met this day. Present: all the members.

The following claims under the donation act were taken up and confirmed by the board, if on public lands, viz:

Jonathan Lewis, six hundred and forty acres, river Miami, near Cape Florida; Frankee Lewis, six hundred and forty acres, New river, near Cape Florida; Mrs. Hagens, six hundred and forty acres, river Miami, near Cape Florida; James Hagens, six hundred and forty acres, river Miami, near Cape Florida.

Sufficient testimony being adduced as to the occupation and cultivation of the land previous to July 17, 1821, the board, therefore, report the following claims to Congress under the donation act, viz:

John Oliver, six hundred and forty acres situated on the east side of Dunn's lake, St. John's river; José Papy, six hundred and forty acres, east of Picolata fort, St. John's river; Andres Papy, six hundred and forty acres, south of St. Augustine, on Moses' creek; Henry Heartley, six hundred and forty acres, St. John's county.

The following claims were rejected by the board, viz:

Seymour Pickett, six hundred and forty acres, and Lewis Guibert, six hundred and forty acres of land.

The board adjourned until to-morrow at four o'clock p. m.

WEDNESDAY, December 28, 1825.

The board met this day pursuant to adjournment. Present: all the members.

The following claims being prepared, were confirmed by the board:

John Middleton, two half and one lot in the town of Fernandina, Amelia island; same, for a lot in said town.

The board having examined the following claim, reported the same to Congress, viz:

George Murray, for an island called Cayo Hueso or Thompson's island.

The board adjourned until to-morrow at 4 o'clock p. m.

THURSDAY, December 29, 1825.

The board met this day pursuant to adjournment. Present: all the members.

It being ascertained that the following individuals had grants before the board for 640 acres, under the donation act, rejected the said 640 acres, and confirmed to them as follows, viz:

David Scurry, 300 acres; William Nelson, 350 acres; William Sparkman, 300 acres; Andrew Brennan, 400 acres.

The following claims were also confirmed by the board on actual settlement and cultivation:

Joseph Hagens, 200 acres on Julington creek; Hartwell Leath, 200 acres, Big Creek; Jno. Dixon, 200 acres, St. Mary's river; Thomas, 257 acres, Live-oak landing; James Bradley, 250 acres, Cedar swamp; Jehu Mezells, 200 acres, St. Mary's river.

The following claims were, after due consideration, rejected by the board, viz:

Frederick Hartley, 400 acres; Thomas Higginbottom, 200 acres; Charles Hovey, 400 acres; N. Wilds, 184 acres; Maxey Dell, 700 acres; Stephen Eubanks, 450; Theophilus Woods, sen., 370 acres; James Woods, 75 acres.

The board adjourned until to-morrow at 4 o'clock p. m.

FRIDAY, December 30, 1825.

The board met this day pursuant to adjournment. Present: all the members.

The following accounts were presented to the board, and were, after due investigation, ordered to be passed and certified, viz:

Joseph M. Sanchez, for \$518 for house rent.

Waters Smith, United States marshal, for services, &c., \$239.

Francis J. Fatio, for contingent expenses of said board, \$113.

The honorable Davis Floyd moved to dismiss all the cases which have been translated and laid over, from time to time, for testimony; which motion was overruled by the majority of the board.

The board adjourned *sine die*.

DAVIS FLOYD.  
W. H. ALLEN.

Attest:

F. J. FATIO, S. B. L. C.

### THIRD SESSION.

No. 2.—See REPORT No. 1.

*José Sanchez vs. The United States. For two hundred and ten acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of José Sanchez respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and ten acres, situated upon the west bank of Hillsborough, or south Mosquito river, to the south of the old town of Snecyrand north by an artificial canal called Gabardy canal, and fronting upon Hillsborough river aforesaid. A copy of plat and certificate of survey is herewith exhibited, dated January 22, 1818, marked Z; which title your memorialist derives from a royal title

made to *Rafael Andrew*, dated June 2, 1817, by Governor Coppinger, in virtue of the royal order of March 29, 1815, who sold the same to *Fernando de la Maza Arredondo, jr.*, by conveyance dated April 2, 1820, who conveyed the same to your memorialist by deed dated March 25, 1822, exhibited, &c., marked A. And your memorialist further sheweth that he is legally seized and possessed of said lands; that he is a citizen of the United States and resident of East Florida, and has been ever since the cession of the same to the United States. He prays confirmation of title, &c. All of which is submitted, &c.

JOSE SANCHEZ.

[Here follows the translation of the royal title made by Governor Coppinger to *Rafael Andrew* of the 210 acres, dated July 2, 1817, in virtue of the royal order of 1815.]

[Here follows the translation of the plat and certificate of survey of the land by *Robert McHardy*, dated January 22, 1818.]

[Here follows a deed of conveyance from *Fernando de la Maza Arredondo* to claimant. By said deed it appears that *Andrew* conveyed the 210 acres to *Arredondo*, reference being made to the public archives for the conveyance.]

#### DECREE BY THE BOARD.

In this case the claimant exhibited a royal title for the land described in his memorial made by Governor Coppinger to one *Rafael Andrew* July 2, 1817, in virtue of the royal order of March 29, 1815; a certificate of survey and plat made by *Robert McHardy* January 22, 1818; a conveyance for the said land from *Andrew* to *Fernando de la Maza Arredondo*, and a deed from *Arredondo* to him. The title of the claimant is confirmed, so far as the United States is concerned. April 11.

No. 1.—See REPORT No. 1.

*Robert McHardy's trustee vs. The United States. For one thousand acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of *John Rodman*, assignee of all the estate, real and personal, of *Robert McHardy*, deceased, in trust for the benefit of his creditors, respectfully sheweth: That your memorialist claims title, as the assignee of the said *McHardy*, to a tract of land consisting of 1,000 acres, situated at *Tomoka*, bounded as follows: on the north by lands of the heirs of *James Ormond*, on the east by the river *Tomoka*, on the south by lands of *John Burch*, and on the west by the public road; which said land was granted to the said *Robert McHardy*, in full title, July 3, 1815, by Governor *Estrada*, founded upon a previous grant made to him September 5, 1808, in virtue of the royal order of October 29, 1790. And your memorialist further sheweth that the said *Robert McHardy* remained in possession of the said land until his death, on December 12, 1822; that said land was much cultivated by him, and very valuable buildings erected thereon; that he was a resident inhabitant of Florida at the time of the cession of the country to the United States. In confirmation of the title of the said *McHardy* to the aforesaid land, your memorialist herewith presents a certified copy of the absolute title and grant from the Spanish government, dated July 3, 1815. The deed of assignment from the said *McHardy* to your memorialist of all his estate, real and personal, in trust for the benefit of his creditors, is dated December 1, 1822, and is recorded in the office of the clerk of the county of *St. John's*. *St. Augustine*, October 23, 1823.

JOHN RODMAN.

N. B.—The original survey of the said land has been lost.

[Here follows the translation of the royal title made by Governor *Estrada* to *Robert McHardy* of the 1,000 acres, dated July 3, 1815, in virtue of the royal order of 1790.]

#### DECREE BY THE BOARD.

In this case the claimant filed a royal title made to *Robert McHardy* for the land claimed by Governor *Estrada*, July 3, 1815. It appearing to the satisfaction of the board that the grant was made in conformity with the Spanish laws and royal orders previous to January 24, 1818, the land is confirmed to the claimant as assignee of *Robert McHardy*. April 11.

No. 3.—See REPORT No. 1.

*John Christopher vs. The United States. For five hundred acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of *John Christopher*, by his attorney, *Farquhar Bethune*, respectfully sheweth: That your memorialist claims title to a tract of land consisting of five hundred acres, situated on the river *Nassau*, and contained within the following lines and boundaries: the first line runs south  $43^{\circ}$  west, beginning at a pine tree marked with a cross on the banks of *St. Juana* creek, and terminating at another pine with the same mark, and is in length one hundred and twenty-nine chains; the second line runs south  $32^{\circ}$  east, beginning at the same pine and ends at another on the edge of a marsh in the river *Nassau*, and is in measure forty chains; the front runs partly on the edge of said marsh, and partly on the bank of *St. Juana* creek, which divides this tract from the lands of *Francis Deaz Teran*; which title your memorialist derives from a grant originally made to his deceased father, *Spicer Christopher*, under the orders of Governor *Quesada*, by *Don Pedro Marrot*, judge commissioned for that purpose, February 15, 1792, and surveyed by *Eastlake*, as appears from a certified copy of their certificate, herewith annexed, and marked A, in pursuance of the royal order of October 29, 1790, and for which tract the full or royal title annexed, marked B, was obtained by said *Spicer* from Governor *White*, under date of April 8, 1809, and



which tract your memorialist inherits as one of the co-heirs of said Spicer Christopher, deceased. Your memorialist further sheweth that he is now in actual possession of said land, and was so at the time of the cession, and for many years preceding; that he is a citizen of the United States and resident on the said tract, now in Duval county. All of which is respectfully submitted.

JOHN CHRISTOPHER,

Per his attorney, FARQ. BETHUNE.

[Here follows the translation of the certificate and plat of survey by Pedro Marrot, commissioned judge for the distribution of lands, of 15 caballerias, (500 acres,) dated February 15, 1792, surveyed for Spicer Christopher.]

[Here follows the translation of the royal title by Governor White to Spicer Christopher for the land, dated April 8, 1809, in virtue of the royal order of 1790.]

DECREE BY THE BOARD.

The claimant exhibited a royal title for the land claimed, made by Governor White, April 8, 1809, to Spicer Christopher, deceased, from whom the claimant derives title by devise; the said devise is on file in this office, in the case of ——— vs. The United States. The title of the claimant is confirmed. April 11.

No. 4.—See REPORT No. 1.

*Farquhar Bethune vs. The United States. For eleven hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Farquhar Bethune respectfully sheweth: That your memorialist claims title to a tract of land consisting of eleven hundred acres of land, situated on the Halifax river, Mosquito, bounded as follows: on the north by lands granted to Samuel Williams; on the east by the river Halifax; on the south and west by vacant lands at the time of the survey; which title your memorialist derives from a grant made to him by Governor White September 5, 1805, in lieu of an equal number of acres granted to him August 5, 1803, and retroceded to government by your memorialist for the above tract, and which grant was made to him in virtue of the royal order of October 29, 1790; and for which tract, after complying with the conditions imposed by said royal order, your memorialist obtained the title in fee simple, hereto annexed, dated March 4, 1814, granted by Governor Kindelan. Your memorialist further sheweth that he is now in actual possession of said lands, and was at the time of the cession, and from the year 1805; that he is an inhabitant of Florida and a resident of Amelia island, Duval county; the survey of said tract by John Purcell is also annexed to this memorial. All of which is respectfully submitted, &c.

FARQUHAR BETHUNE.

[Here follows the translation of the certificate and plat of survey by Juan Purcell of 1,100 acres of land, surveyed for claimant, dated May 18, 1806.]

[Here follows the translation of the royal title made by Governor Kindelan to claimant for the 1,100 acres, dated March 4, 1814, in virtue of the royal order of 1790.]

DECREE BY THE BOARD.

A royal grant made to claimant for the land claimed by Governor Kindelan March 4, 1814, and a certificate and plat of survey by John Purcell May 18, 1806, being submitted as evidence of title, the claim is confirmed. April 11.

No. 5.—See REPORT No. 1.

*Widow and heirs of Bagley vs. The United States. For three hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Anna Hogans, widow, and the other heirs of Francis Bagley, deceased, respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated on the south side of the river St. John's; on the north by said river; south by public lands; east by lands granted to Reuben Hogans; and west by lands granted to William Hendricks; which title your memorialist derives from a royal grant made to Francis Bagley in 1816 by Governor Coppinger, in virtue of the royal order of 1790; which title your memorialist derives from having married the widow of said Francis Bagley. And your memorialist further sheweth that he is in actual possession of said lands, and was so at the time of the cession; that he is a citizen of the United States and resident of the Territory of Florida.

A. BELLAMY, Attorney for Memorialists.

[Here follows the translation of the royal title made by Governor Coppinger to Francisco Bagley of the three hundred acres, dated December 24, 1817, in virtue of the royal order of 1790.]

[Here follows the translation of the certificate and plat of survey by George Clarke of the three hundred acres surveyed for Anna Hogans, widow of Bagley, dated June 24, 1818.]

DECREE BY THE BOARD.

A royal title made by Governor Coppinger to Francis Bagley, deceased, under whom the claimants derive their title to the land in question, dated December 24, 1817, and a certificate of survey and plat

by George J. F. Clarke, having been produced as evidence of title, and being satisfactory, the board confirm the title. April 12.

No. 6.—See REPORT No. 1.

*Prudence Plummer vs. The United States. For three hundred and fifty and one-third acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Prudence Plummer, widow of Daniel Plummer, deceased, respectfully sheweth: That your memorialist claims title to a tract of land known by the name of Montpelier, consisting of three hundred and fifty and one-third acres, situated on the east side of the river St. John's, the boundaries of which said tract commence at a gum tree marked with a cross on the side of a cove or creek of the said river, and terminates where a pine tree is marked with the same sign; this line being bounded by the lands of Isaac Bowden, measuring 56 chains; the second line runs 22° east, beginning at the aforesaid pine tree and terminating with the other mark before mentioned, measuring 180 chains; the third line runs north 70° west, beginning at the aforesaid pine tree and terminating by a cypress tree marked with a cross on the shore of the river St. John's, this line being bounded by lands of Ann Travers, measuring 41 chains; and which said tract of land was originally granted to one Samuel Eastlake, in the year 1792, in virtue of the royal order of October 29, 1790; but he not having fulfilled the conditions required, your memorialist took possession of the said land, and the ownership and possession thereof were confirmed to your memorialist by a decree of the Spanish government in East Florida under Governor White, September 17, 1800, as appear by the said decree, a copy of which is herewith presented. And your memorialist further sheweth that she has ever since been in quiet possession of the said land, and cultivated and improved it, and now actually resides on it; that she was an inhabitant resident on said land at the time of the cession of Florida to the United States. All which is respectfully submitted, &c. St. Augustine, October 23, 1823.

PRUDENCE PLUMMER,

By her attorney JOHN RODMAN.

[Here follows the translation of the certificate and plat of survey of ten caballerias and seventeen acres of land (350 acres) by Pedro Marrot, surveyed for Samuel Eastlake, dated January 6, 1792.]

[Here follows a judicial proceeding, by which it appears that the late government confirmed to Mrs. Plummer her right to the land. Said proceeding is dated September 7, 1800.]

DECREE BY THE BOARD.

The claimant in this case exhibited a certificate and plat of survey made by Pedro Marrot to Samuel Eastlake for the land claimed, dated January 6, 1792. By a proceeding which was also exhibited, it appeared that the claimant took possession of the land, which was confirmed to her by a decree of the government. Being of opinion that this claim would have been valid had Florida remained a dominion of Spain, we confirm the title. April 12.

No. 7.—See REPORT No. 1.

*Charles Seton vs. The United States. For six hundred acres of land.*

MEMORIAL.

*To Messrs. Alexander Hamilton, W. W. Blair, and Davis Floyd, land commissioners, now sitting in St. Augustine, East Florida:*

Memorial of Charles Seton, merchant and planter, residing in Fernandina, stating his right to the following tract of land granted by authority of his Catholic Majesty Ferdinand VII.

Grant No. 3. Royal titles in fee simple for 600 acres of land in Sample swamp, on the river Nassau, as per plat annexed. The first line commencing at a pine tree, running south 22° east, 100 chains, to a pine; second line, from that south 68° west, 60 chains, to a pine; third line, from that north 22° west, 100 chains, to a pine; fourth line, from that 68° east, 60 chains, until it strikes the first line; vacant land all around. Granted by Governor Coppinger, September 13, 1816, for my services during the revolution of 1812 and 1813, in which I was dangerously wounded. A full grant without any conditions. Fernandina, October 15, 1823.

CHARLES SETON.

[Here follows the translation of the certificate and plat of survey by G. J. F. Clarke of the six hundred acres, dated May 18, 1816.]

[Here follows the translation of the royal title made by Governor Coppinger to claimant of the six hundred acres, dated September 13, 1816, in virtue of the royal order of 1815.]

DECREE BY THE BOARD.

In this case the claimant exhibited a certificate and plat of survey for the land described in his memorial, dated May 18, 1816; also a royal title made by Governor Coppinger to him on September 13, 1816, in virtue of the royal order of 1815. We ascertain this to be a valid Spanish grant, and confirm to the claimant the title thereof. April 12.

## No. 8.—See REPORT No. 1.

*John Floyd's heirs vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Catharine Hall, Margaret Floyd, Mary D. Floyd, John Floyd, and Andrew Floyd, children and heirs of John Floyd, otherwise called José Juaneda, deceased, respectfully sheweth: That your memorialists claim title to a tract of two hundred acres of land situated on the North river, about twenty miles from the city of St. Augustine, bounded as follows: the first line runs north 65°, beginning at a pine tree marked with the sign of the cross, on the border of the marsh of the North river, and terminates at a stake with the same mark at the border of the marsh of Guana creek, containing 75 chains; the second line runs south 75° west, beginning at a stake marked with the same sign, planted at the border of a marsh of Guana creek, and terminates at a pine tree with the same sign, at the border of a marsh of the North river, containing 70 chains, as appears by the certificate of survey and plat, dated May 15, 1793, a copy of which is herewith presented. The said tract of land was granted by Governor Quesada on February 1, 1793, to Augustine Buyck, under the royal order of October 29, 1790, and by the said Augustine Buyck transferred to the said José Juaneda on April 30, 1799, the father of your memorialists; and the said land was held and cultivated by your memorialists' father until his death, about five years ago, and since his death has been in the uninterrupted possession of your memorialists, who were resident inhabitants of East Florida at the time of the cession of Florida to the United States. In confirmation of the title of your memorialists the following documents are herewith presented:

1. Grant from Governor Quesada, dated February 1, 1793.
2. Transfer by Governor White of the land to José Juaneda, April 30, 1799.
3. Survey and plat.

All which is respectfully submitted. St. Augustine, October 23, 1823.

J. RODMAN, *Attorney for the Memorialists.*

[Here follows the translation of the concession by Governor Quesada of the land to Augustine Buyck, dated February 1, 1793.]

[Here follows the translation of the certificate and plat of survey by Pedro Marrot of six caballerias, (equal to 200 acres,) surveyed for Augustine Buyck, dated May 15, 1793.]

[Here follows the translation of the permission given by Governor White to Augustine Buyck to transfer the 200 acres to José Juaneda, dated April 30, 1799.]

## DECREE BY THE BOARD.

The claimants, as heirs of John Floyd, deceased, (alias José Juaneda,) produced to the board the grant to Augustine Buyck for the land claimed, dated February 1, 1793, together with a certificate and plat of survey by Marrot. Buyck, by permission of Governor White, transferred the land to the father of claimants April 30, 1799. The title is confirmed. April 12.

## No. 9.—See REPORT No. 1.

*Robert Pritchard's heirs vs. The United States. For four hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of James Hall and Eleanor Hall, his wife, formerly wife of Robert Pritchard, deceased, John Creighton and Mary Creighton, daughter of the said Robert Pritchard, Ann Stallings, widow of Elias Stallings, also daughter of the said Robert Pritchard, Robert Pritchard, son of the said Robert Pritchard, and Amelia Pritchard, daughter of the said Robert Pritchard, respectfully sheweth: That your memorialists, the said James Hall and Eleanor Hall, his wife, were residents in Florida, and your other memorialists in the States of Georgia and South Carolina, at the period of the cession of Florida to the United States; that your memorialists, James Hall and Eleanor Hall, and Ann Stallings, are now actual residents in East Florida, and your other memorialists in the United States; that your memorialists claim title to a tract of land consisting of four hundred and fifty acres, situated in Jacksonville, comprising the town of Jacksonville, on the west side of the river St. John's, in the county of Duval, formerly called the ferry of St. Nicholas, which said tract of land is part of a grant from the Spanish government, made in virtue of the royal order of October 29, 1790, by Governor Quesada to the said Robert Pritchard, on January 3, 1791, as appears by a certified copy of the original grant herewith presented. Your memorialists further show that immediately after the aforesaid grant was delivered a regular survey of the same was duly made, but which survey has been lost in consequence of the troubles which took place in this country in the years 1811 and 1812; the making of the said survey and the running of the lines can, however, be proved by living witnesses residing near the said tract of land. That the said Robert Pritchard, immediately on receiving the grant in the year 1791, took possession of said land, planted it, and erected buildings thereon, and the agents of the heirs, under their authority, remained in possession of the same until compelled by the troubles and insurrection in the country in 1811 and 1812 to quit the same, and that since then they have been unlawfully kept out of possession by different persons, some of whom are now on the premises. All of which is respectfully submitted. St. Augustine, October 23, 1823.

JOHN RODMAN, *Attorney for Memorialists.*

[Here follows the translation of a grant by Governor Quesada of the land, dated January 3, 1791.]

TERRITORY OF FLORIDA, *St. John's County:*

Personally appeared before me John Jones, who, being duly sworn, deposeth and saith, that twenty years ago or upwards he was well acquainted with Robert Pritchard, and that one Lain settled a tract of



land for Robert Pritchard, on which Zachariah Hogans now lives, and that Lain settled said tract for the express purpose to fulfil the conditions of the proclamation of the Spanish government.

JOHN JONES.

Sworn to before me this 19th June, 1824.

SAMUEL FAIRBANKS, J. P.

TERRITORY OF FLORIDA, *St. John's County*:

Personally appeared before me, Samuel Fairbanks, justice of the peace, Joseph Hogans, who, being duly sworn, depose and saith that, in the year 1803 or 1804, he knew John Joseph Lain did cultivate a certain tract of land for Robert Pritchard, deceased, said to have been a part of the tract of land granted him as his headrights, now in possession of Lewis Hogans.

JOSEPH HOGANS.

Sworn to and subscribed before me this 19th June, 1824.

SAMUEL FAIRBANKS, J. P.

TERRITORY OF FLORIDA, *St. John's County*:

Personally appeared before me, Samuel Fairbanks, justice of the peace for said county, James Plummer, who, being duly sworn, depose and saith that about three or four months ago Isaac Hendricks told this deponent that he, Isaac Hendricks, went to the Spanish office and took out two papers, and that he carried them both to George J. F. Clarke, and that Clarke picked out the papers that belonged to Hendricks, and that he, Hendricks, carried the other paper back to the office, not knowing what paper it was.

JAMES PLUMMER.

Sworn to and subscribed before me this 22d June, 1824.

SAMUEL FAIRBANKS, J. P.

TERRITORY OF FLORIDA, *St. John's County*:

Personally appeared before me, Samuel Fairbanks, justice of the peace, Daniel Hogans, who, being duly sworn, depose and saith that about eighteen or twenty years ago this deponent called at a place on the other side of St. John's river, near Jacksonville, and that a man by the name of Lain lived there, and said he was put there by Mr. Robert Pritchard, and that there was a small crop of corn on the place, and one or two small buildings; and about twenty years ago this deponent saith that his father showed him a tree which he told this deponent was the corner tree of Mr. Pritchard's tract, which answered with Vanever's late plat and survey on that place, which I saw at Jacksonville court in April last.

DANIEL HOGANS.

Sworn to and subscribed to this 23d June, 1824.

SAMUEL FAIRBANKS, J. P.

TERRITORY OF FLORIDA, *County of St. John's*:

Personally appeared before me, S. Fairbanks, justice of the peace for the said county, David Scurry, who, being duly sworn, depose and saith that in the year 1818 this deponent was in company with Isaac Hendricks, and he, Hendricks, told this deponent he had taken two plats out of the Spanish office of Pritchard and carried them to George J. F. Clarke, and Mr. Clarke gave him the one for the land this side the river St. John's, where said Hendricks lives. The plat for the other side he put back into the office, and told this deponent he had traced out his lines by Pritchard's plats, and he found everything to answer according to what he had been told; and found the stump of the corner tree near the garrison, on the river side, which the soldiers had cut down, a short leaf pine, and said he would hew a light wood post and set down at the corner. Hendricks wished to know whether this deponent thought if there was more land in the lines than the plat called for, whether the American law would take it from him, as the plat called for 215 acres, to the best of my recollection. Hendricks said he thought there were near 300 acres. Hendricks further told this deponent he had got all his papers in his own name, and that he could go on with his buildings in safety, and that Doctor Stiles had told him so to do, as he had more sense than half the men in Florida.

DAVID <sup>his</sup> <sub>mark.</sub> SCURRY.

Sworn to and subscribed this 24th June, 1824.

SAMUEL FAIRBANKS, J. P.

TERRITORY OF FLORIDA, *St. John's County*:

Personally appeared before me, S. Fairbanks, one of the justices of the peace for said county, Joseph Summerall, who, being duly sworn, depose and saith that he was well acquainted with the late Robert Pritchard when he was settled and cultivated a certain tract of land now in the possession of Isaac Hendricks, at the Old St. Nicholas, said to contain 650 acres, on both sides of the river.

JOSEPH SUMMERALL.

Sworn to and subscribed before me this 19th day of June, 1824.

SAMUEL FAIRBANKS, J. P.

TERRITORY OF FLORIDA, *County of St. John's*:

Personally appeared before me, S. Fairbanks, Joseph Hogans, who, being duly sworn, depose and saith that he was acquainted with the late Robert Pritchard when he was settled on and cultivated a certain tract of land now in the possession of Isaac Hendricks, at the Old St. Nicholas, said to contain 650 acres, on both sides of the river.

JOSEPH HOGANS.

Sworn and subscribed to before me this 19th June, 1824.

SAMUEL FAIRBANKS, J. P.

DECREE BY THE BOARD.

The board having ascertained that the foregoing claim of Pritchard's heirs was a valid one under the late Spanish government, they therefore confirm it to the heirs aforesaid. April 12.

## No. 10.—See REPORT No. 1.

*Teresa Marshall's heirs vs. The United States. For five hundred and thirty-three and a third acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The memorial of Eliza Burnett, for herself and the other heirs of Teresa Marshall, deceased, respectfully sheweth: That your memorialist, as one of the heirs of the said Teresa Marshall, *as such heirs, and also in their own rights*, claims title in and to a certain tract or parcel of land containing five hundred and thirty-three and one-third acres, situated and being in East Florida aforesaid; that the said land was granted without any condition, and in absolute property, on the tenth day of October, in the year 1791, by the governor of East Florida to the said Teresa Marshall, then Teresa Hills, the widow and relict of one Lodowick Hills. Your memorialist and the other heirs of the said Teresa Marshall, being children of the said Teresa Marshall by the said Lodowick Hills, as the headrights of her, said Teresa Marshall, then Teresa Hills, and of her children, and upon the joint property of herself and her said children, under the order of the King of Spain of October 29, 1790, as will more fully and at large appear by a reference to a certified copy of the original grant to the said Teresa Marshall, herewith submitted and filed, and marked exhibit A. Your memorialist further sheweth that the said tract of land was surveyed, by order of the government, by Josiah Dupont, a surveyor regularly authorized for that purpose, and under the superintendence and direction of one Pedro Marrot, an officer appointed by the government to make a special delivery of this land to the said Teresa Marshall, then Teresa Hills; and that the said tract or parcel of land was formally delivered to her, after the survey thereof by the said Pedro Marrot, on May 28, 1793, as will appear by a reference to the exhibit B, herewith submitted and filed. Your memorialist further shows that the said tract or parcel of land is situated on the North river, on the west side thereof, about nine miles from the city of St. Augustine, and is known by the name of Santa Teresa, and has the following lines and dimensions, that is to say: the first line begins at the stake marked with a cross on the margin of the marsh of a branch called the Sweet Water branch, and runs north 78 degrees west, 45 chains, to another stake with the same mark; the second line runs thence north 32 degrees east, 25 chains, to a live-oak marked with a cross; the said two lines were, at the time of the said survey of the said land, bounded by vacant lands; the third line runs from the said live-oak north 58 degrees west, 62 chains, to a pine also marked with a cross, and was bounded at the time of survey by lands of one Roque Leonardy; the fourth runs south 10 degrees east, 87 chains, to another pine marked with a cross; the fifth line runs thence south 37 degrees east, 43 chains, to a pine marked with a cross; the sixth line runs thence north 78 degrees east, 53 chains, to another pine marked also with a cross, which said last-mentioned pine is on the margin of the said Sweet Water branch; all which will more fully and distinctly appear by a reference to a copy of the original plat of the survey thereof, being part of exhibit B. Your memorialist further shows that the said Teresa Marshall occupied and cultivated the said land for many years after the grant thereof, and that she departed this life about the year —, leaving your memorialist and her other children her heirs. Your memorialist further shows that she and the other children of the said Teresa Marshall were, before and at the time of the cession of this Territory to the United States, and are now, inhabitants and settlers of East Florida; and that the said Teresa Marshall was, when the said land was granted to her as aforesaid, and at the time of her death, a resident and settler of East Florida, and a subject of the King of Spain. Wherefore, your memorialist prays a confirmation of the title of the heirs of the said Teresa Marshall in and to the said tract of land and its appurtenances, conformably to the acts of Congress in such cases made and provided.

ELIZA BURNETT,  
By JOHN DRYSDALE, *her Attorney.*

[Here follows the translation of a concession by Governor Quesada of the land, dated October 10, 1791, to Teresa Marshall.]

[Here follows the translation of certificate and plat of survey by Pedro Marrot of sixteen caballerias, (equal to 533 $\frac{1}{3}$  acres,) dated May 28, 1793, surveyed for Teresa Marshall.]

## DECREE BY THE BOARD.

The claimants, as heirs of Teresa Marshall, deceased, produced in evidence an unconditional grant for the land described in their memorial to this board, made by Governor Quesada to the aforesaid Teresa Marshall, dated October 10, 1791; also a certificate and plat of survey of the same. In consideration whereof, we confirm the same. April 12.

## No. 11.—See REPORT No. 1.

*John Houston vs. The United States. For one hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of John Houston respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated on the island of Talbot, bounded north and south by lands of your memorialist, east and west by marshes; which title your memorialist derives from a royal grant made to William Hendricks, June 13, 1809, by Governor White, in virtue of the royal order of 1790, who sold the same to Spicer Christopher, as will be seen by the royal grant which is herewith presented, who, by his last will, conveyed the same to your memorialist. And your memorialist further sheweth that he is in actual possession of said lands, and was so at the time of the cession; that he is a citizen of the United States and resident of the Territory of Florida.

A. BELLAMY, *Memorialist's Attorney.*

[Here follows the translation of the royal title made by Governor White to Spicer Christopher of the hundred acres, dated April 12, 1809; said title specifying that William Hendricks had ceded the land to Christopher.]

## DECREE BY THE BOARD.

The royal title made by Governor White to Spicer Christopher, dated April 12, 1809, being submitted as evidence of title for the hundred acres, and being satisfactory, the board confirm the claim to Houston and his heirs. April 12.

## No. 12.—See REPORT No. 1.

*Pedro R. de Cala vs. The United States. For two hundred acres.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the heirs of Pedro R. de Cala respectfully sheweth: That your memorialists claim title to a tract of land consisting of headrights of two hundred acres, situated on St. Diego swamp, at a place known by the name of Clarke's Rice Plantation, bounded on the north by lands of Francis Sanchez, deceased, and on the south by lands of Robert Andros, deceased, and on the east and west by vacant lands; which title your memorialists derive from a grant made to said Pedro R. de Cala by Governor White. And your memorialists further show that the deceased, at the time of his death, was in actual possession of said lands; that he was a subject of Spain and resident of St. Augustine, November 10, 1823.

WILLIAM REYNOLDS, *for the heirs of P. R. de Cala.*

[Here follows the translation of a concession by Governor White of the land to Pedro R. de Cala, dated August 4, 1803.]

## DECREE BY THE BOARD.

We find in this case that Governor White, on the memorial of Pedro R. de Cala, conceded to him the land formerly belonging to one Ellerbee; the concession bears date August 4, 1803. We confirm the claim to the heirs of the aforesaid Cala. April 13.

I hereby certify that it appears of record in my office that there was granted to John Ellerbee, on May 12, 1803, two hundred acres of land by Governor White, on the same conditions that the same land was previously granted to Thomas Ellerbee by Governor Quesada, October 20, 1791.

In testimony whereof, I have hereunto set my hand and seal of office, at the city of St. Augustine, [L. s.] December 24, 1825.

WILLIAM REYNOLDS, *Keeper of the Public Archives.*

(Endorsed:)—“To be filed in the case of Cala, for 200 acres.”

## No. 13.—See REPORT No. 1.

*Robert Hutchinson vs. The United States. For one hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Robert Hutchinson respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and fifty acres, situated on the bank of Little St. Mary's river, at the first mouth above the mouth of said river; which title your memorialist derives from a concession made to him September 11, 1811, by Governor Estrada, in virtue of—a certified copy of which concession is herewith presented, and dated as above. And your memorialist further sheweth that he is legally in possession of said lands; that he is a citizen of the United States and resident of Florida. All of which is respectfully submitted, &c.

ROBT HUTCHINSON.

[Here follows the translation of a certified copy of concession by Governor Estrada to claimant of the 150 acres of land, dated September 11, 1811.]

TERRITORY OF FLORIDA, *County of Duval:*

This day personally appeared before me Charles Hogans, and, being sworn, depose and saith that he is knowing to Mr. Robert Hutchinson improving a piece of land on St. Mary's river, about two miles above Little St. Mary's; and that he has cultivated the same, or that it has been done by his direction, for more than ten years past.

CHARLES HOGANS.

Sworn to and subscribed before me January 16, 1824.

WM. G. DAWSON, *J. P.*

## DECREE BY THE BOARD.

The claimant submitted, as evidence of title, a certified copy of concession made to him by Governor Estrada, dated September 11, 1811, for the land claimed. It was proven that he had cultivated the same for more than ten years. We confirm the title. April 13.



## No. 14.—See REPORT No. 1.

*E. Waterman's heirs vs. The United States. For two hundred and sixty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Sarah Waterman, in behalf of herself and heirs of the estate of E. Waterman, sheweth: That your memorialist claims title to a tract of land consisting of two hundred and sixty acres, on Bell's river, bounded on the northeast by Bell's river, on the south and west by lands of the said Waterman, and on the other side by lands vacant at the time of survey, as will appear by the plat thereof hereto annexed, and marked A; begins at a pine and runs thence south 39° west, 36 chains, to another pine; thence north 51° west, 75 chains, to another pine; thence 39° east, 36 chains, to an oak; thence in a direct line to the edge of Bell's river, and along the margin of said river to the first point; and which survey was made, February 5, 1816, by Geo. J. F. Clarke; which title your memorialist derives, in behalf as aforesaid, from a royal grant made to Joseph Howell by Governor Coppinger, in virtue of the royal order of October 29, 1790, who sold to the said E. Waterman in his lifetime; and that the said grant bears date February 22, 1816, and herewith filed, marked B. And your memorialist further sheweth that she, in behalf of the heirs of said estate, is in actual possession of said lands; that she is a citizen of the United States and resident of Florida. All which is respectfully submitted.

ARCH'D CLARK, *Attorney for Ex. and heirs of E. Waterman.*

[Here follows the translation of the royal title made by Governor Coppinger to Joseph Howell, who afterwards sold his right to the 260 acres to Eleazer Waterman, as the said royal title sets forth, the title being dated February 22, 1816, and in virtue of the royal order of 1790.]

[Here follows the translation of the certificate and plat of survey of the 260 acres by Geo. J. F. Clarke, dated February 5, 1816.]

## DECREE BY THE BOARD.

A royal title for the land claimed, made by Governor Coppinger to Eleazer Waterman, deceased, who obtained it from Joseph Howell, dated February 22, 1816; also a certificate and plat of survey of the same by G. J. F. Clarke, dated February 5, 1816, being produced by the heirs of the aforesaid Waterman, and being satisfactory, we confirm the title to claimants. April 14.

## No. 15.—See REPORT No. 1.

*John Addison vs. The United States. For one thousand four hundred and fourteen acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Addison respectfully sheweth: That your memorialist claims title to a tract of land consisting of one thousand four hundred and fourteen acres, situated on the river Tomoka, at a place called Carricergus, to the southward of the city of St. Augustine, bounded on the north by lands of John Bunch, on the west by the public road, on the south by the lands of Gabl. William Perpall, and on the east by the river Tomoka; beginning at a pine marked A, thence north 25° east, 125 chains and 50 links, to a pine with the same mark; thence north 80° west, 85 chains, begins at a stake and ends at a pine with the same mark; thence north 75° east, 95 chains, to a pine with the same mark, as will be seen by a plat and certificate made in favor of memorialist by Robert McHardy, dated May 10, 1816, filed with the proceeding in the office of the public archives at St. Augustine; which title your memorialist derives from a royal title made to him June 8, 1816, by Governor Coppinger, in virtue of the royal order of October 29, 1790, as will be seen by a certified copy of said royal title herewith filed. And your memorialist further sheweth that he is in actual possession of said lands, and was before the cession of this Territory to the United States; that he is a citizen of the United States and resident of East Florida. All of which is respectfully submitted, &c.

JOHN ADDISON.

[Here follows the translation of the royal title made by Governor Coppinger of the 1,414 acres of land, dated June 8, 1817, in virtue of the royal order of 1790.]

## DECREE BY THE BOARD.

A royal title made to claimant for the land claimed by Governor Coppinger, June 8, 1817, being submitted as evidence of title, and being satisfactory, we confirm the claim. April 15.

## TESTIMONY.

*John Addison vs. The United States. For one thousand four hundred and fourteen acres of land.*

Francis J. Fatio, being sworn, states that in the year 1820 he saw claimant on the land claimed; that there were buildings and other improvements on the land which was then in cultivation, and has ever understood that claimant occupied and cultivated said land.

F. J. FATIO.

Before the board April 15, 1825.

## No. 16.—See REPORT No. 1.

*Domingo Acosta vs The United States. For six hundred and ninety-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Domingo Acosta respectfully sheweth: That your memorialist claims title to a tract of land consisting of six hundred and ninety-five acres, situated in three surveys, as follows: 250 acres on the east side of St. John's river, at a place called Mount Tucker, 250 acres on the east side of Lake George, and 195 acres on the east side of St. John's river, at the first point above a place called Mount Royal, and are bounded as follows: 250 acres at Mount Tucker begins at a water oak near the river St. John's and runs east, 53 chains, to a pine; thence north, 48 chains, to another pine; thence west, 53 chains, to a pine on the banks of said river; thence along its meanders to the beginning, as will be seen by a plat and certificate dated June 1, 1821, and marked A; 250 acres on the east side of Lake George begins at an ash on the banks of said lake and runs north 60° east, 34 chains, to a pine; thence south 40° east, 74 chains, to another pine; thence south 60° west, 34 chains, to an ash on the banks of the said lake; thence along the margin of the said lake to the beginning, as will be seen by a plat and certificate dated April 10, 1821, and marked B; 195 acres at Mount Royal begins at an elm on the banks of the river St. John's and runs south 75° east, 56 chains, to a pine; thence north 50° east, 36 chains, to a pine; thence north 75° west, 55 chains, to an elm on the banks of said river; thence along the meanders of said river to the beginning, as will be seen by a plat and certificate dated May 30, 1820, and marked C, which several plats and certificates were made by George J. F. Clarke; which title your memorialist derives from a royal title made to him on March 20, 1817, by Governor Coppinger, in virtue of the royal order of March 29, 1815, as will be seen by a certified copy herewith presented, and marked E. And your memorialist further sheweth that he is legally in possession of said lands, and was so before the cession of this Territory to the United States; that he is a citizen of the United States, and a resident of Fernandina, in Amelia island, East Florida. All of which is respectfully submitted, &c.

BERNARDO SEGUI, *Attorney in fact for Domingo Acosta.*

[Here follows the translation of a plat and certificate of survey of 250 acres, at Mount Tucker, by G. J. F. Clarke, dated June 1, 1821.]

[Here follows the translation of a plat and certificate of survey of 250 acres, at Lake George, by G. J. F. Clarke, dated April 10, 1821.]

[Here follows the translation of a plat and certificate of survey of 195 acres, at Mount Royal, by G. J. F. Clarke, dated May 30, 1820.]

[Here follows the translation of a royal title made by Governor Coppinger to Domingo Acosta for the 695 acres, dated March 20, 1817.]

## DECREE BY THE BOARD.

The claimant in this case exhibited a royal title made to him by Governor Coppinger for the land described in his memorial, dated March 20, 1817, in virtue of the royal order of March 29, 1815; also three separate certificates and plats of survey of the same; all of which being satisfactory to the board, they confirmed the title to claimant. April 15.

## No. 17.—See REPORT No. 1.

*Antonio Andrew vs. The United States. For one hundred and twenty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the widow and heirs of Antonio Andrew respectfully sheweth: That your memorialists claim title to a tract of land consisting of one hundred and twenty acres, situated on the North river, at a place known by the name of Sta. Catalina, about nine miles north of St. Augustine, bounded on the north by the lands of James R. Hanham, on the south by those of Juan Segui, on the east by Guana creek, and on the west by the North river; the first line runs north 44° east, 74 chains 50 links; the second runs south 44° west, 70 chains; which title your memorialists derive from a royal title made to Lorenzo Capella, April 10, 1804, by Governor White, in virtue of the royal order of October 20, 1790, who sold the same to Antonio Andrew, deceased, as appears by a conveyance dated February 16, 1805, herewith presented, and marked A. And your memorialists further show that they are in actual possession of said lands, and were so before the cession of this Territory to the United States; that they are citizens of the United States and residents of Florida. All of which is respectfully submitted, &c.

JUAN F. ANDREW,  
*For himself, and other heirs of Antonio Andrew.*

[Here follows the translation of the royal title for the hundred and twenty acres by Governor White to Lorenzo Capella, dated April 10, 1804, in virtue of the royal order of 1790.]

[Here follows the translation of the conveyance from Capella to Antonio Andrew, dated February 17, 1805.]

## DECREE BY THE BOARD.

In this case we find that the land claimed was granted in absolute property to Lorenzo Capella by Governor White, on April 10, 1804, in virtue of the royal order of 1790. Capella, on February 17, 1805, by his deed, conveyed the same to claimant. We confirm the claim. April 15.

## No. 18.—See REPORT No. 1.

*Thomas Andrew vs. The United States. For three hundred and seven acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Thomas Andrew, by his attorney, FARQ'R Bethune, respectfully sheweth: That your memorialist claims title, as guardian of the grandchildren of Margaret O'Neal, deceased, on their behalf, and of the legal heirs of said Margaret, to a tract of land consisting of three hundred and seven acres, situated on Langford creek, near Amelia island, having the following lines and boundaries: the first line runs north 40° east, beginning at a stake marked with a cross on the margin of Langford creek, and ending at an oak with the same mark, and is in length 40 chains; the second runs south 75° east, beginning at said oak and ending at another with the same mark, is in measure 11 chains; the third runs south 40° east, beginning at the last oak and ending at another with the same mark, is in length 8 chains; the fourth runs south 13° east, beginning at said oak and ending at another with the same mark, is in measure 40 chains; the fifth runs south 25° west, beginning at said oak and ends at another with the same mark, is in measure 40 chains; the sixth runs south 45° west, beginning at said oak and ending at a live-oak with the same mark, and measures 25 chains; the seventh runs west, beginning at the last-mentioned oak and ends at a water oak, marked with a cross, on the bank of Langford creek, and measures 15 chains; the front runs along the margin of said creek; which title your memorialist derives from a grant in fee simple made to the heirs of said Margaret O'Neal by Governor White, on March 12, 1807, in virtue of the royal order of October 29, 1790. Your memorialist further sheweth that the heirs of said Margaret O'Neal are now in actual possession of said land, and were so at the time of the cession; that they are inhabitants of Florida and residents of Duval county, as is also your memorialist. The grant to the heirs of Margaret O'Neal, marked A, and the survey, marked B, are annexed. All of which is respectfully submitted, &c.

THOMAS ANDREW,

Per his attorney, FARQ'R BETHUNE.

[Here follows the translation of a royal title for the land made by Governor White to Donna Margaret O'Neal, dated March 12, 1807, in virtue of the royal order of 1790.]

## DECREE BY THE BOARD

The claimant, as guardian of the heirs of Margaret O'Neal, deceased, produced a royal grant for the land claimed made by Governor White to the said Margaret O'Neal, and dated March 12, 1807, in virtue of the royal order of 1790. We confirm the claim. April 15.

## No. 19.—See REPORT No. 1.

*Samuel Meers' heirs vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Susannah Cashen, in behalf of the orphan children of Samuel Meers, deceased, respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated on Tyger island, in East Florida; which title your memorialist derives from a royal title made to the orphans of S. Meers by Governor Estrada, in virtue of the royal order of October 29, 1790, as will be seen by a certified copy thereof, dated October 17, 1811, herewith presented, and marked M. And your memorialist further sheweth that she is legally in actual possession of said lands for the aforesaid orphan children of Samuel Meers, deceased; that she is a native of the United States and resident of St. Augustine. All of which is respectfully submitted, &c.

SUSANNAH CASHEN,

*In behalf of the orphans of S. Meers.*

[Here follows the translation of the royal title for the 200 acres of land made by Governor Estrada to Samuel Meers, dated October 17, 1811, in virtue of the royal order of 1790.]

## DECREE BY THE BOARD.

A royal grant made by Governor Estrada to Samuel Meers, deceased, for the 200 acres of land, dated October 17, 1811, being produced as evidence of title, we confirm the title. April 15.

## No. 20.—See REPORT No. 1.

*Andrew Atkinson vs. The United States. For four hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Andrew Atkinson respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred and fifty acres, more or less, on the St. John's river, at the place known by the name of the King's Plantation, or the Ship Yard, joining on the north with the river St. John's; on the south with pine land; on the east with a creek, which divides said lands of Vincent Ferrer; and on the west with the swamp of the said river St. John's; which title your memorialist derives from a royal grant made in virtue of the royal order of October 29, 1790, which grant and title bear date April 5, 1815. And your petitioner further sheweth that he has been informed and believes that the aforesaid tract of land



has been trespassed on, and is now in the occupation of one John C. Houston, of St. John's county; that your petitioner was a subject of the King of Spain when the Floridas were ceded to the United States; and that his residence at this time is Philadelphia, in the State of Pennsylvania.

ARCHD. CLARK, *Attorney for the Memorialist.*

[Here follows the translation of the royal title for the land made by Governor Coppinger to Andrew Atkinson, dated April 5, 1816, in virtue of the royal order of 1815.]

DECREE BY THE BOARD.

A royal title for the land described in the memorial of the claimant, made by Governor Coppinger, and dated April 5, 1816, in virtue of the royal order of 1815, having been exhibited, and being satisfactory, we confirm the title. April 15.

No. 21.—See REPORT No. 1.

*John Houston vs. The United States. For one hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Houston respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated on the island of Talbot, bounded north by lands of your memorialist, south by Fort George bar, east by marshes surrounding the island of Little Talbot, and west by Talbot river; which title your memorialist derives from a royal grant made to Spicer Christopher, April 12, 1809, by Governor White, in virtue of the royal order of 1790, who, by his last will, conveyed the same to your memorialist. And your memorialist further sheweth that he is in actual possession of said lands, and was so at the time of the cession; that he is a citizen of the United States and resident of the Territory of Florida.

A. BELLAMY, *Memorialist's Attorney.*

[Here follows the translation of the royal title for the land made by Governor White, dated April 12, 1809, in favor of Spicer Christopher, in virtue of the royal order of 1790.]

DECREE BY THE BOARD.

The royal title made by Governor White to Spicer Christopher for the hundred acres, dated April 12, 1809, being submitted as evidence of title, and being satisfactory, the board confirm the claim. April 15.

No. 22.—See REPORT No. 1.

*Susannah Cashen vs. The United States. For seven hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Susannah Cashen, widow of James Cashen, deceased, respectfully sheweth: That your memorialist claims title to a tract of land consisting of seven hundred acres, situated on the west side of Amelia island at a place known by the name of Plum orchard, bounded on the north by the lands of John Bachelot, on the south by vacant lands, on the east by vacant lands, and on the west by the marsh and a creek known by the name of St. Patrick's creek; a copy of the plat and certificate is herewith presented, made by Andres Burgevin in favor of James Cashen, deceased, and dated July 12, 1820, and marked No. 1; which title your memorialist derives from a royal title made to James Cashen by Governor Kindelan, in virtue of the royal order of October 29, 1790, a certified copy of which is herewith presented, dated June 11, 1814, and marked C. And your memorialist further sheweth that she is in possession of said lands, and that her deceased husband was so, long before the cession of this Territory to the United States; that she is a native of the United States and resident of St. Augustine. All of which is respectfully submitted, &c.

SUSANNAH CASHEN.

[Here follows the translation of the royal title for the seven hundred acres of land made by Governor Kindelan to James Cashen, dated July 11, 1814, in virtue of the royal order of 1790.]

[Here follows the certificate and plat of survey by Andres Burgevin of the seven hundred acres.]

DECREE BY THE BOARD.

The claimant in this case exhibited, as evidence of title, the royal title made to her deceased husband by Governor Kindelan, dated April 11, 1814, in virtue of the royal order of 1790; a certificate and plat of survey was also exhibited. We confirm the claim. April 15.

No. 23.—See REPORT No. 1.

*Thomas Andrew vs. The United States. For three hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Thomas Andrew, by his attorney, Farquhar Bethune, respectfully sheweth: That your memorialist, as guardian of the grandchildren of Margaret O'Neal, deceased, claims titles on their behalf, and of the legal heirs of the said Margaret, to a tract of land consisting of three hundred acres, situated on Langford creek, and bounded as follows: on the north by lands granted to said Margaret O'Neal

on the east by marshes and the waters of St. Mary's, on the west by Langford creek, and on the south by William Carney's land; which title is derived from a grant in fee simple to the children and heirs of said Margaret O'Neal, made by Governor White June 15, 1810, in virtue of the royal order of — 29, 1790. Your memorialist further sheweth that, as guardian of the grandchildren of the said Margaret O'Neal, your memorialist is now in possession of said land, and was so at the time of the cession; that he is an inhabitant of Florida and a resident of Duval county, as are also the said grandchildren of Margaret O'Neal. The grant to the heirs of Margaret O'Neal is annexed, marked A, and the survey is in the public archives attached to the title in fee simple. All of which is respectfully submitted, &c.

THOMAS ANDREW,

By his attorney, FARQUHAR BETHUNE.

[Here follows the translation of the royal title for the three hundred acres of land made by Governor White to Margaret O'Neal, dated June 15, 1810.]

DECREE BY THE BOARD.

The claimant, as guardian of the heirs of Margaret O'Neal, produced a royal title for the land claimed made by Governor White to said Margaret O'Neal, and dated June 15, 1810, in virtue of the royal order of 1790. The claim is confirmed. April 15.

No. 24.—See REPORT No. 1.

*Andrew Atkinson vs. The United States. For two hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Andrew Atkinson, per his attorney, George Gibbs, respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated between Dunn's creek and Trout creek, on the west side of the river St. John's. No further description can be obtained at the office of the public archives of the particular spot where this land lies; but as a plantation was cleared and buildings and other improvements put upon, and the conditions of the original so fully complied with as to enable your memorialist to obtain a royal title, he is ready to produce satisfactory proofs; which title your memorialist derives from a royal title made to him by Governor Coppinger, in virtue of the royal order of October 29, 1790, who obtained a grant for the same September 1, 1802, as per exhibit A A, and the royal title is dated November 17, 1817. And your memorialist further sheweth that he is legally in actual possession of said lands; that he is a subject of Spain and resident of Philadelphia.

ANDREW ATKINSON,

By GEORGE GIBBS, *Attorney in fact.*

[Here follows the translation of the royal title for the land made by Governor Coppinger to Andrew Atkinson, dated November 17, 1817.]

DECREE BY THE BOARD.

A royal title for the land claimed, made by Governor Coppinger, dated November 17, 1817, in virtue of the royal order of 1790, being exhibited, and being satisfactory, the claim is confirmed. April 16.

No. 25.—See REPORT No. 1.

*Moses Bowden vs. The United States. For two hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Moses Bowden respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and fifty acres, situated on the south side of the river St. John's; which title your memorialist derives from a decree made to your memorialist April 15, 1815, by Governor Kindelan, in virtue of the royal order of 1790. And your memorialist further sheweth that he is in actual possession of said lands, and was at the time of the cession; that he is a citizen of the United States and resident of the Territory of Florida.

A. BELLAMY, *Memorialist's Attorney.*

[Here follows the translation of a certified copy of concession by Governor Kindelan, dated April 5, 1815, to Moses Bowden.]

DECREE BY THE BOARD.

We ascertain the foregoing to be a valid Spanish grant by a certified copy of concession made by Governor Kindelan to claimant, dated April 5, 1815; being submitted as evidence of title, the claim is confirmed. April 16.

No. 26.—See REPORT No. 1.

*Thomas Andrew vs. The United States. For five hundred acres.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain titles and claims to lands in East Florida:*

The petition of Thomas Andrew, by his attorney, Farq. Bethune, respectfully sheweth: That your memorialist claims title to a tract of land consisting of five hundred acres, situated at St. Diego, and

known by the following lines: the first runs south 10° east, beginning at a cabbage tree marked with a cross, and ending at a pine tree, is on measure 89 chains; the second runs south 80° west, beginning at said pine, and finishing at another with the same mark, and is in length 70 chains; the third runs north 10° west, beginning at said pine, and ending at another with the same mark, is in length 85 chains; the fourth runs north 80° east, 70 chains, beginning at said pine, and ending at the forementioned cabbage tree; which title your memorialist derives from a grant made to his deceased father, Robert Andrew, by Governor Quesada, in virtue of the royal order of October 29, 1790, as appears from the certificate of Don Pedro Marrot, dated May 12, 1793, and the survey by Josiah Dupont annexed, marked A. After cultivating said land your memorialist's father obtained from Governor White a title in fee simple, dated April 6, 1809, also annexed, marked B. And your memorialist further sheweth that himself and sisters, heirs of said Robert Andrew, are now in actual possession of said lands; that they are inhabitants of Florida and residents of Duval county. Which is respectfully submitted, &c.

THOMAS ANDREW,  
Per his attorney, FARQ. BETHUNE.

[Here follows the translation of the certificate and plat of survey by Pedro Marrot of 15 caballerias, (equal to 500 acres,) dated May 12, 1793, surveyed for Robert Andrew.]

[Here follows the translation of a royal title for the 500 acres of land made by Governor White to Robert Andrew, dated April 6, 1809, in virtue of the royal order of 1790.]

DECREE BY THE BOARD.

The claimant, on behalf of himself and sisters, heirs of Robert Andrew, deceased, exhibited evidence of title, a certificate and plat of survey by Marrot for the land claimed, dated May 12, 1793; also a royal title for the same by Governor White, dated April 6, 1809. We confirm the claim to the heirs aforesaid. April 16.

No. 27.—See REPORT No. 1.

*Moses Bowden vs. The United States. For two hundred acres..*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of Moses Bowden respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situate on the south side of St. John's, adjoining lands granted to Gilbert, and on a place called San Antonio, as will appear by the annexed grant which is herewith presented; which title your memorialist derives from a royal grant made to your memorialist's father, Uriah Bowden, April 15, 1815, by Governor Kindelan, in virtue of the royal order of 1790. And your memorialist further sheweth that he is in actual possession of said lands, and was so at the time of the cession; that he is a citizen of the United States and resident of the Territory of Florida.

A. BELLAMY, *Memorialist's Attorney.*

[Here follows the translation of the royal title for the 200 acres made by Governor Kindelan to Uriah Bowden, dated April 17, 1815.]

TERRITORY OF FLORIDA, *St. John's County :*

Personally appeared before Samuel Fairbanks, esq., George Petty, who, being duly sworn, deposeth and saith that he is well acquainted with Moses Bowden, and that he has been acquainted with the said Moses Bowden for twenty years last past, and that he has lived at a place on the east side of St. John's river called St. Antonio Point, on a place granted to his father, Uriah Bowden, by the Spanish government in the year 1793, said survey calling for two hundred acres; and this deponent further saith that he is knowing that the Spanish government granted one other tract to the said Moses Bowden for headrights, situate on the east side of St. John's river, at the mouth of Lake George, at a place called East Grove, said grant calling for 225 acres. Said grant by the Spanish government, to the best of his knowledge, was in the year 1814. And this deponent further saith that Moses Bowden applied to D. S. H. Miller, and gave him the papers to survey the place called East Grove, said Miller then being surveyor; and that he kept the papers for one year at least, but dared not attempt to survey said tract for fear of the Indians.

GEORGE <sup>his</sup> X PETTY.  
mark.

Sworn and subscribed to before me this 30th day of December, A. D. 1823.

SAMUEL FAIRBANKS, J. P.

DECREE BY THE BOARD.

In this case the claimant exhibited as evidence of title a royal grant for the 200 acres made to his father by Governor Kindelan April 17, 1815, in virtue of the royal order of 1790. The title is confirmed to claimant. April 16.

No. 28.—See REPORT No. 1.

*Bagley's heirs vs. The United States. For one thousand acres.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

Timothy Hollingsworth, guardian of Francis, Carlota, Margaret, and Isabel Bagley: Your memorialist claims title to a tract of land consisting of one thousand acres, situated at a place called Brown Fort, west of St. John's river, bounded as follows: commencing at a stake marked with a cross; thence north 3° east, 193 chains, to a pine with the same mark; thence south 33° west, 31 chains and 50



links, to a pine with the same mark, in William Gaine's line; thence north  $39^{\circ}$  east, 46 chains, to a pine tree with the same mark; thence north  $40^{\circ}$  west, 12 chains, to a pine tree with a cross; thence south  $40^{\circ}$  west, 100 chains, to a pine with a cross; thence south  $50^{\circ}$  east, 70 chains, to a pine with the same mark; thence north  $10^{\circ}$  west, 45 chains, to a laurel tree with a cross; north  $80^{\circ}$  west, 45 chains, to the beginning; which title your memorialist derives from a document upon file in the office of the keeper of the public archives, a certified copy of which is filed herewith, marked A. And your memorialist further sheweth that he has actual possession of said lands; that at the change of flags he was a Spanish subject, and resident in this Territory; that he is a citizen and resident of \_\_\_\_\_.

T. HOLLINGSWORTH, *Guardian, &c.*

[Here follows the translation of the certificate and plat of survey by Pedro Marrot of 30 caballerias, (equal to 1,000 acres of land,) surveyed and delivered to the heirs of Bagley, dated April 3, 1793.]

DECREE BY THE BOARD.

In this case we find that Pedro Marrot, under the authority of the Spanish government, surveyed and delivered to the heirs of Bagley, deceased, the land described in their memorial to this board. The certificate of survey is dated April 3, 1793. The claim is confirmed. April 19.

No. 29.—See REPORT No. 1.

*Bagley's heirs vs. The United States. For two hundred and forty-eight acres.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Timothy Hollingsworth, guardian of Francis, Charlotte, Margaretta, and Isabel Bagley: Your memorialist claims title to a tract of land consisting of two hundred and forty-eight acres, situated at a place called Bagley, on Goodman's lake, in St. John's river, bounded as follows: the first line runs north  $35^{\circ}$  west, begins at a pine marked with a cross, and ends at a pine with the same mark, and measures 63 chains; thence south  $55^{\circ}$  west, 31 chains, to a stake with the same mark; thence south  $45^{\circ}$  west, 13 chains, to a pine with a cross, in the line of *Ricard's malpass, known by Flenos*; thence south  $38^{\circ}$  east, 61 chains, to a pine tree with a cross; thence north  $55^{\circ}$  east, 40 chains, to the beginning; which title your memorialist derives from the document filed herewith, which is a certificate made by Don Marrot, duly authorized for that purpose by the Spanish government; that he has laid off and measured the said two hundred and forty acres of land for memorialist, as guardian of the above-named children, he having exhibited to the said Marrot British titles for the said land. And your memorialist further sheweth that he has actual possession of said lands; and that he is a Spanish subject, and resided in East Florida at the change of flags.

T. HOLLINGSWORTH, *Guardian, &c.*

[Here follows the translation of the certificate and plat of survey by Pedro Marrot of 248 acres of land surveyed and delivered to the heirs of Bagley, dated April 7, 1793.]

DECREE BY THE BOARD.

In this case we find that Pedro Marrot, under the authority of the Spanish government, surveyed and delivered to the heirs of Bagley, deceased, the quantity of land described in their memorial to this board. The certificate and survey is dated April 7, 1793. The claim is confirmed. April 19.

No. 30.—See REPORT No. 1.

*Francisco Barbé vs. The United States. For five hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Francisco Barbé respectfully sheweth: That your memorialist claims title to a tract of land consisting of five hundred acres, situated at the head of the river Nassau, on Cedar creek, at a place called Thomas' swamp, bounded on the north and south by vacant lands, on the east by the lands of José Alvarez, and on the west by the lands of Henry Groves; the first line begins at a pine and runs north, 95 chains, to another pine; the second line commences at the last-mentioned pine and runs east, 53 chains, to a pine; the third line begins at the last pine and runs south, 95 chains, to another pine; the fourth line commences at the last pine and runs west, 53 chains, to the beginning, as will be seen by a certified copy of plat and certificate herewith presented, made by George J. F. Clarke, and dated the 8th of February, and marked A; which title your memorialist derives from a royal title made to your memorialist March 27, 1819, by Governor Coppinger, in virtue of the royal order of March 29, 1815, which is herewith filed, and marked B; as also certified copy of concession to memorialist of said land, dated April 10, 1817, herewith presented, and marked C. And your memorialist further sheweth that he is actually seized and possessed of said lands, and was so before the cession of this Territory to the United States; that he is a citizen of the United States and resident of East Florida. All of which is respectfully submitted, &c.

FRANCIS BARBÉ.

[Here follows the translation of a concession made by Governor Coppinger of the 500 acres of land, dated April 10, 1817.]

[Here follows the translation of the certificate and plat of survey by G. J. F. Clarke of the 500 acres, dated February 8, 1817.]

## DECREE BY THE BOARD.

A concession without condition, in virtue of the royal order of 1815, made by Governor Coppinger to claimant April 10, 1817, for the land in question, and a certificate and plat of survey of the same being submitted as evidence of title, the claim is confirmed. April 10.

No. 31.—See REPORT No. 1.

*William Berrie vs. The United States. For one hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of ——— respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated north of a place called Loftin's, which said place is called Turkey island, which said tract of land has never been surveyed, and your memorialist cannot therefore bound the same; which title your memorialist derives from a concession made to Thomas Mann by Governor White, in virtue of the royal order of ———, who sold the same to your memorialist November 2, 1805, and transferred the improvements thereon to your memorialist for \$100, which said tract of land memorialist went into possession of and planted the very year he purchased it, and has been in possession ever since, with the acquiescence and consent of the Spanish government. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of Camden county, Georgia.

BELTON A. COPP,  
For WILLIAM BERRIE.

[Here follows the translation of a concession made by Governor White to Thomas Mann of the 100 acres, dated July 3, 1799.]

[Here follows a bill of sale from Thomas Mann to William Berrie of the land, dated November 2, 1805.]

*EAST FLORIDA, Duval County:*

In the matter of William Berrie's claim to a certain tract of land in Duval county, called Turkey island, on the river Nassau, granted to Thos. Mann:

William Braddock, an inhabitant of this county, planter, aged about 46 years, being duly sworn, says that for the last 27 years he has lived in that section of country between the St. Mary's and the St. John's known as part of Duval county. Deponent says that he well knows William Berrie, and well knows that tract of land on the river Nassau commonly called Turkey island; that he was present at the purchase of the said tract by the said William Berrie from the said Thomas Mann, the date of which purchase I do not recollect particularly, but I believe it was in one of the years 1804, '5, or '6; that said William Berrie paid one hundred dollars for the same to the said Thomas; that the said William Berrie, a year or two after the purchase, cultivated about eight acres of the said land in cotton, but the dews in the neighborhood were so bad that they destroyed the crop. Deponent does not know whether Berrie has ever cultivated it since that time; that William Berrie removed to Georgia in 1812 or '13, in consequence of the troubles then existing in Florida, and has since not returned. Deponent says he is interested in the subject-matter.

WILLIAM BRADDOCK. [L. S.]

Sworn to before me this 23d of January, 1824.

JAMES J. O'NEILL, J. P.

## DECREE BY THE BOARD.

The claimant in this case exhibited as evidence of his title to the land a concession for the 100 acres made by Governor White to one Thomas Mann July 3, 1799, who sold the same to him. It appears by the affidavit of William Braddock that claimant, after the purchase of the tract, cultivated a part of it. We confirm the claim. April 19.

No. 32.—See REPORT No. 1.

*Susannah Cashen vs. The United States. For one hundred acres.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Susannah Cashen, widow of James Cashen, deceased, respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated on Amelia island, at a place called Red Bay, at the head of Beach creek, between the sand hills and the pine barren, bounded on the east by the lands of John Bachelot; which title your memorialist derives from a concession made to Solomon Miller June 26, 1802, by Governor White, in virtue of the royal order of ———, who sold the same to James Cashen, deceased, as will be seen by a conveyance of Solomon A. Miller to said Cashen, dated February 24, 1804, and attached to concession herewith presented, and marked C. And your memorialist further sheweth that she is legally in possession of said lands, and that her deceased husband was so before the cession of this Territory to the United States; that she is a native of the United States and resident of St. Augustine. All of which is respectfully submitted.

SUSANNAH CASHEN.

[Here follows the translation of a certified copy of concession of the one hundred acres by Governor White to Solomon Miller, dated June 26, 1802.]

[Here follows a conveyance from Miller to James Cashen, dated February 24, 1804.]

## DECREE BY THE BOARD.

In this case we find that Governor White conceded the land claimed to Solomon Miller June 26, 1802, and that Miller sold the same to claimant. The claim is confirmed. April 19.

No. 33.—See REPORT No. 1.

*John Bellamy vs. The United States. For three hundred acres.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of John Bellamy respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated on the river of Little St. Mary's, about six miles from its junction, bounded on the east by lands of David Braddock, west by lands of Joseph Higginbottom, north by said river, and south by public lands; which title your memorialist derives from a royal grant made to Robert Hutchinson July 31, 1816, by Governor Coppinger, in virtue of the royal order of 1790, who sold the same to James Filman, and the said James Filman has since sold and conveyed the same to your memorialist. And your memorialist further sheweth that he is in actual possession of said lands, and was so at the time of the cession; that he is a citizen of the United States and resident of the Territory of Florida.

A. BELLAMY, *Memorialist's Attorney.*

[Here follows the translation of the royal title for the land made by Governor Coppinger to Robert Hutchinson, dated July 31, 1816, in virtue of the royal order of 1790.]

[Here follows a deed of conveyance from Robert Hutchinson to James Tilman, dated August 10, 1818.]

[Here follows a conveyance from Tilman to claimant.]

## DECREE BY THE BOARD.

The board having ascertained that the foregoing claim was a valid one under the late Spanish government, they therefore confirm it to claimant. April 21.

No. 34.—See REPORT No. 1.

*Charles Breward vs. The United States. For two hundred and fifty acres.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of Charles Breward respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and fifty acres, situated on Cedar creek of St. John's river; the first line beginning at a pine and running north 10° east, 40 chains, to a pine; second, north 80° west, 63 chains, to a pine; third, south 10° west, 40 chains, to a cypress; fourth, south 80° east, 63 chains, to the pine at the beginning; bounded on the first line by William Eubanks; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790. A certified copy of his grant, dated March 18, 1817, accompanies this memorial, and the plat and certificate of survey by George J. F. Clarke will be filed when required. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been an inhabitant and resident of this province. Your memorialist will, as in duty bound, pray, &c.

GEO. J. F. CLARKE,  
For CHARLES BREWARD.

[Here follows the translation of a concession made by Governor Coppinger of the two hundred and fifty acres of land to claimant, dated March 18, 1817.]

## DECREE BY THE BOARD.

The board ascertain the above to be a valid Spanish grant previous to January 24, 1818, and confirm the title to the claimant. April 21.

No. 35.—See REPORT No. 1.

*Farquhar Bethune vs. The United States. For four hundred and twenty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The memorial of Farquhar Bethune respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred and twenty-five acres, situated on the river St. Mary's, at a place called Cabbage swamp, with the following lines and boundaries: the first line runs south 60° west, 81 chains, which divides the tract from the land granted to Charles Sibbald; the second line runs south 30° east, 45 chains; the third line is formed by a creek which divides it from Isabella Higginbottom's land; the front of the tract is on the river St. Mary's; which title your memorialist derives from a grant to him by Governor Coppinger April 22, 1817, in virtue of the royal order of March 29, 1815. Your memorialist further sheweth that he is in possession of said land, and was so at the time of the cession; that he is an inhabitant of Florida and resident of Amelia island. Annexed to this memorial are the title above referred to, marked A, and the plat and survey by Geo. J. F. Clarke, surveyor general, marked B. All of which is respectfully submitted.

FARQ'R BETHUNE.



[Here follows the translation of the royal title for the four hundred and twenty-five acres of land made by Governor Coppinger, dated April 22, 1817.]

[Here follows the translation of the certificate and plat of survey by Geo. J. F. Clarke of the four hundred and twenty-five acres]

DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant made previous to January 24, 1818, and confirm the title of the claimant. April 21.

No. 36.—See REPORT No. 1.

*Sarah Bowden vs. The United States. For one hundred and forty-two and a half acres.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of Sarah Bowden respectfully sheweth: That your memorialist claims title to a tract of land containing one hundred and forty-two and a half acres, situated on Julington creek, which empties into St. John's river; the first line runs south 74° west, 36 chains, begins at a stake marked with a cross on the bank of a small creek, and ends at another with the same mark; second runs south 26° east, 44 chains, begins at said stake, and ends at a laurel with a cross on the banks of Julington creek; its front runs along the bank of said creek, and part on a small creek, forming an irregular figure, as is seen by a plat and certificate made by Pedro Marrot February 25, 1793; which title your memorialist derives from a survey made by Pedro Marrot, by order of Governor Quesada, February 25, 1793, which will more fully appear by a reference thereto, and which your memorialist begs leave to file herewith. And your memorialist further sheweth that she is a citizen of the United States and resident in Florida.

SARAH BOWDEN,

By her attorney, B. PUTNAM.

[Here follows the translation of the certificate and plat of survey by Pedro Marrot of the land, dated February 25, 1793.]

DECREE BY THE BOARD.

The claimant produced a certificate of a survey made by Pedro Marrot, commissioned judge for the distribution of land under the royal order of 1790, which is ascertained to be valid under the Spanish laws and ordinances, and therefore confirmed. April 21.

No. 37.—See REPORT No. 1.

*Samuel Harrison vs. The United States. For six hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The memorial of Samuel Harrison respectfully sheweth: That he claims title in and to a certain tract or parcel of land containing eighteen caballerias, or six hundred acres, situated and being in East Florida aforesaid; that the said tract of land was granted to the said Samuel Harrison in absolute property under the order of 1790, being the quantity of land to which he was entitled under that order for himself, his family, and slaves, October 1, 1791, by Governor Quesada, then the governor of East Florida, while it belonged to the crown of Spain; that your memorialist submits and files the certified copy of the said original grant, by which the foregoing allegations will be proved, the said document being marked exhibit A. Your memorialist further avers and shows that the said tract of land had been taken possession of and considerably improved by the said Samuel Harrison, deceased, before the said grant thereof to him as aforesaid; that it has continued from that time to the present in the actual possession and occupancy in the possession of the said original grantee and his descendants; that it was in the possession and actual occupancy and cultivation of the heirs of the said original grantee at the time of the cession of this Territory to the United States, and is so at this time. Your memorialist further shows that the said land was surveyed by Pedro Marrot, and the aforesaid quantity laid off to the said Samuel Harrison, deceased, by the said Marrot, who was duly authorized for that purpose, as the quantity to which he, the said Samuel Harrison, was entitled as aforesaid, on or before February 14, 1792, as appears by a certified copy of the plat and certificate of the survey of the said land herewith filed, and marked exhibit B; that the said tract of land has the following lines and boundaries, that is to say: the first line begins at a pine marked X on the margin of the Nassau river, and runs north 10° west, to another pine marked X, 95 chains, and was, at the time of survey, bounded by lands of one Francis Dias Teran; the second line runs south 82° east, 50 chains, to another pine marked X on the margin of the marsh of Harrison creek. The other sides and parts of the said tract of land form irregular lines, and are by the marshes of the said creek and of Nassau river, as will more distinctly appear by a reference to the copy of the plat filed herewith. Your memorialist avers that he is, and that the other heirs of the said Samuel Harrison, deceased, were, at the time of the cession of the Territory to the United States, in the actual occupancy and possession of the said land, and inhabitants and settlers of East Florida; that they have at this time the actual possession and occupancy of the said land, and are inhabitants and settlers of East Florida. Wherefore your memorialist prays confirmation of the title of the heirs of the said Samuel Harrison, deceased, to the said land.

SAMUEL HARRISON,

By his attorney, JNO. DRYSDALE.

[Here follows the translation of a concession by Governor Quesada to Samuel Harrison, dated October 1, 1791.]

[Here follows the translation of the certificate and plat of survey by Pedro Marrot of the 600 acres surveyed for Samuel Harrison, and dated February 14, 1792.]

TERRITORY OF FLORIDA, *Duval County*:

Personally appeared before me, John Harrison, one of the justices of the peace in and for the said county, Daniel Vaughan and Peter Suarez, both of the county aforesaid, who, being duly sworn, *deposed and saith* that they have been personally acquainted with Samuel Harrison, senior, of the island of Amelia, planter, and that he has been in possession of and improved a certain tract of land commonly known by the name of Seymore's Point for upwards of twenty years; and deponents further say that they have never known any other person to have settled or improved the said tract of land but the family of the said Samuel Harrison.

PETER SUAREZ.  
DANIEL VAUGHAN.

Sworn to before me, at Amelia island, January 9, 1824.

JOHN HARRISON, J. P.

DECREE BY THE BOARD.

The claimant produced a concession from Governor Quesada, dated in 1791; also a certificate of survey for the 600 acres by Pedro Marrot, commissioned judge for the distribution of land, dated in 1792; also an affidavit of Daniel Vaughan and Peter Suarez, dated January 9, 1824, proving the possession and cultivation. It is therefore confirmed to claimant by the board. April 21.

No. 38.—See REPORT No. 1.

*Samuel Harrison vs. The United States. For five hundred acres of land.*

MEMORIAL.

TERRITORY OF FLORIDA, *East Florida*:

*To the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Samuel Harrison respectfully sheweth: That your memorialist claims title, in fee simple absolute, in and to a certain tract or parcel of land consisting of five hundred acres, situated and being in East Florida aforesaid; that the said tract of land was granted to your memorialist in absolute property November 12, 1807, by Don Henry White, then the governor of East Florida, under and in virtue of the royal order of the King of Spain of October 29, 1790, as will appear by a certified copy of the original grant herewith submitted, and marked exhibit A; that the said tract of land was surveyed by order of the said Governor White on or before April 15, 1807, as appears by a certified copy of the plat and certificate of the survey thereof of that date by John Purcell, then the surveyor general of said province, herewith submitted and filed, and marked exhibit B. Your memorialist further shows that the said land is situated on the island of Amelia, in Duval county, and is known by the name of Harrison's old fields, and has the following lines, dimensions, and boundaries, that is to say: the first line begins on the edge of a marsh, and runs north 80° east, 62 chains 50 links, to the sea beach, and is bounded on the west and southwest by a creek called Half-moon creek and the marshes thereof, and on the south partly by another creek; the residue of the southern line of the said land runs from the head of the said last-mentioned creek directly to the sea beach, as will more distinctly appear by a reference to the plat thereof herewith submitted. Your memorialist further shows that the said land is now, and has been ever since the grant thereof to him as aforesaid, in his actual possession, occupancy, and cultivation, and is now, and has since that time been, the place of residence of himself and his family; that he was, at the time of the grant thereof to him as aforesaid, and at the time of the cession of this Territory to the United States, an actual settler on the said land, and an inhabitant of East Florida; and that he is now, and ever since the said cession has been, an inhabitant and settler of East Florida. Wherefore he prays confirmation of his title to the said land and its appurtenances.

SAMUEL HARRISON,  
By his attorney, JNO. DRYSDALE.

[Here follows the translation of the royal title for the five hundred acres of land by Governor White to claimant, dated November 12, 1807, in virtue of the royal order of 1790.]

DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant for five hundred acres of land dated previous to January 24, 1813, and therefore confirm the same to claimant. April 21.

No. 39.—See REPORT No. 1.

*Samuel Harrison vs. The United States. For two hundred acres.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Samuel Harrison respectfully sheweth: That your memorialist claims title to a certain tract of land consisting of two hundred acres, situated and being in East Florida aforesaid; that the said land was granted to your memorialist May 16, 1799, by a grant or decree of that date made by Don Henry White, then the governor of East Florida, as appears by a certified copy thereof herewith submitted and filed, marked exhibit A; that the said land consists chiefly of sand hills and marshes, and has never been surveyed; that it is situated at the west point of Amelia island, and has been in the actual possession and occupancy of your memorialist ever since the grant thereof to him as aforesaid.

Your memorialist further avers that at the time of the said grant he was an inhabitant and settler in East Florida, and that from that time to the present time he has continued *uninterruptedly* to be such inhabitant and settler. Wherefore he prays confirmation of title to the said lands and its appurtenances.

SAMUEL HARRISON,

By his attorney, JOHN DRYSDALE.

[Here follows the translation of a certified copy of concession by Governor White of the land to Samuel Harrison, dated May 16, 1799.]

TERRITORY OF FLORIDA, *Duval County:*

Personally appeared before me, John Harrison, one of the justices of the peace in and for the said county, Robert Harrison and Samuel Harrison, jr., both of the said county, who, being duly sworn, depose that Samuel Harrison, sr., of the island of Amelia, planter, has been in possession of a certain tract of land situated on the south end of the said island of Amelia, and has used the same for the use of cattle stock; and the deponents further depose that the said Samuel Harrison, sr., has had a large stock of cattle on the said tract for fifteen years and upwards.

ROBERT HARRISON.

SAMUEL HARRISON, Jr.

Sworn and subscribed to before me this 9th January, 1824.

JOHN HARRISON, J. P.

DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant made to the said Samuel Harrison previous to January 24, 1818, and therefore confirm the same. April 21.

No. 40.—See REPORT No. 1.

*E. Hudnall vs. The United States. For one hundred acres.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the heirs of E. Hudnall respectfully sheweth: That your memorialists claim title to a tract of land consisting of one hundred acres, situated on St. John's river, and east side thereof, at a place called Talék, bounded north by the lands of Mrs. Plummer, south by the lands of Tasset, west by St. John's river, and east by vacant lands; beginning on St. John's river at a cypress, thence running south 70° east, 20 chains, with Tasset's land; thence north 15° east, 50 chains, to a pine; thence north 70° west, 20 chains, with Plummer's land, to a pine on St. John's river; thence up the river to the beginning; a plat and certificate of survey of the same, made by George J. F. Clarke, and dated June 8, 1821, is herewith submitted; which title your memorialists derive from a royal title made to José García, December 5, 1817, by Governor Coppinger, in virtue of the royal order of March 29, 1815, who sold the same to E. Hudnall, by deed dated November 27, 1821, which title and deed are exhibited; and the said E. Hudnall having since departed this life, his heirs set up title to the land; and your memorialists further show that they are legally in possession of said lands, and were so at the time of the cession of this country by Spain to the United States; that they are citizens of the United States and residents of East Florida. They pray confirmation of title, &c.

JOHN B. STRONG, *Attorney.*

[Here follows the translation of a royal title made by Governor Coppinger for the land in favor of José García, dated December 5, 1817, in virtue of the royal order of 1815.]

[Here follows the translation of a certificate and plat of survey by G. J. F. Clarke of the one hundred acres, dated June 5, 1821.]

[Here follows a deed of conveyance from Joseph García and Jane, his wife, to Ezekiel Hudnall, dated November 27, 1821.]

DECREE BY THE BOARD.

The board ascertain this to be a valid Spanish grant made previous to January 24, 1818, and therefore confirm the same to claimants. April 21.

No. 41.—See REPORT No. 1.

*William Berrie vs. The United States. For one hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Berrie sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated in the county of Duval, north and west of the river St. John's, called Snelling's old field, bounded on the south by the marsh of the river St. John's, on the east by marsh, and on the west by vacant lands; a plat of the survey is herewith —; which title your memorialist derives from a concession made to him by Governor White, in virtue of the royal order of 1790. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of Camden, Georgia.

BELTON A. COPP, *Agent.*

[Here follows the translation of a concession by Governor White of the hundred acres in favor of William Berrie, dated June 16, 1801.]

[Here follows the translation of a certificate and plat of survey by Juan Purcell of the one hundred acres, dated March 15, 1807.]



*East Florida, Duval County:*

William Braddock, an inhabitant of this county, planter, aged about forty-six years, being duly sworn, says that for the last twenty-seven years he has lived in the section of country between the St. Mary's and the St. John's, now known as part of Duval county. Deponent says he well knows William Berrie, and knows well the land claimed by him at Snelling's old field; that in the year 1802, or thereabouts, deponent will not positively say whether the year before or after, he lived with William Berrie and helped him to clear the land called Snelling's old field; that Berrie continued to plant said land from four to six years, when he exchanged lands with Andrew Tinker, his father-in-law; that the said Andrew Tinker continued to plant said land till ten years, (1812 or 1813,) when he, as well as Berrie, left Florida in consequence of the troubles then existing in the country. Deponent says that he is not interested in the matter of the foregoing deposition; that he shall neither gain nor lose whether the said grant be confirmed or not; that he is connected with William Berrie by marriage, the said Berrie and himself having married sisters; that William Berrie lives in Georgia.

WILLIAM BRADDOCK.

Sworn to before me this 23d January, 1824.

J. T. O'NEILL, J. P.

## DECREE BY THE BOARD.

The board ascertained this to be a valid Spanish grant made to the said William Berrie previous to January 24, 1818, and therefore confirm the same. April 21.

No. 42.—See REPORT No. 1.

*William Hobkirk's heirs vs. The United States. For three hundred and twenty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Hobkirk's heirs respectfully sheweth: That your memorialists claim title to a tract of land consisting of three hundred and twenty-five acres, situated on the river St. Mary's, in East Florida, bounded on the front on the margin of St. Mary's river; which title your memorialists derive from a royal title made to William Hobkirk by Governor Coppinger, in virtue of the royal order of March 29, 1815, a copy of which royal title is herewith exhibited, bearing date upon the 24th day of September, 1816. And your memorialists further show that they are in actual possession of said lands, and that the said Hobkirk has been for many years; that they are citizens of the United States and residents of East Florida. They pray confirmation of title, &c.

WILLIAM HOBKIRK'S HEIRS.

[Here follows the translation of a royal title for the land made by Governor Coppinger to William Hobkirk, dated September 24, 1816, in virtue of the royal order of 1815.]

## DECREE.

The board ascertain this to be a valid Spanish grant made to William Hobkirk previous to January 24, 1818, and confirm the title to the heirs. April 21.

No. 43.—See REPORT No. 1.

*William Hobkirk's heirs vs. The United States. For three hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Hobkirk's heirs respectfully sheweth: That your memorialists claim title to a tract of land consisting of three hundred and fifty acres, situated on Bill's creek, by Waterman's lands; which title your memorialists derive from a royal title made to William Hobkirk, deceased, by Governor Coppinger, in virtue of the royal order of March 29, 1815, a copy of which is herewith exhibited, marked A, and dated September 24, 1816. And your memorialists further show that they are in actual possession of said lands; that they are citizens of the United States and residents of East Florida, and were so before and at the cession to the United States. They pray confirmation of title, &c.

WILLIAM HOBKIRK'S HEIRS.

[Here follows the translation of the royal title for three hundred and fifty acres made by Governor Coppinger to William Hobkirk, dated September 24, 1816, in virtue of the royal order of 1815.]

## DECREE.

The board ascertain this to be a valid Spanish grant made to William Hobkirk previous to January 24, 1818, and confirm the title to his heirs. April 25.

No. 44.—See REPORT No. 1.

*Zephaniah Kingsley vs. The United States. For one thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Zephaniah Kingsley, by his attorney, George Gibbs, respectfully sheweth: That your memorialist claims title to a tract of land consisting of one thousand acres, situated on the St. Mary's

river, on the south side thereof; bounded on the north by the St. Mary's river, on the east and south by Little St. Mary's river, and on the west by the plantation of Higginbottom; the first line begins at a sassafras and runs south 22° west, to a pine, 36 chains; second line, thence south 15° east, 33 chains, to another pine; third line, thence west, 15 chains, to another pine; fourth line, south 32° west, 30 chains, as far as the swamp called White Oak, running also by lands of Higginbottom 50 chains, by the northwest, to a pine; thence to a pine, 40 chains; sixth line, thence north 65° west, 50 chains; seventh line, south 45° west, 30 chains; eighth line, south 5 chains; ninth, south 79° east, 30 chains; tenth, south 68° east, 72 chains; which title your memorialist derives from a royal title made to him by Governor Estrada, in virtue of the royal order of October 29, 1790, per royal title herewith submitted, dated December 22, 1815, marked I, and to the other documents filed in the office of the public —. And your memorialist further sheweth that he is in actual possession of said lands, granted by royal title to him December 22, 1815, per exhibit I; that he is now a citizen of the United States and resident of St. Augustine.

ZEPH. KINGSLEY,

By GEORGE GIBBS, *Attorney in fact.*

[Here follows the translation of the royal title for the land made by Governor Estrada to claimant, dated December 22, 1815, in virtue of the royal order of 1790.]

[Here follows the translation of the certificate and plat of survey by George J. F. Clarke, dated —.]

#### DECREE.

The board ascertain this to be a valid Spanish grant made to Zephaniah Kingsley previous to January 24, 1818, and confirm the title to him and his heirs. April 25.

No. 45.—See REPORT No. 1.

*Zephaniah Kingsley vs. The United States. For three hundred acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Zephaniah Kingsley, by his attorney, George Gibbs, sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated at the head of Saw-mill creek, bounded as follows: on the east by a line running north 11° east, 160 chains; on the north by a line running west 11° south, 30 chains; on the west by a line running south 11° west, 160 chains; and on the south by a line running east 11° south, 38 chains, as per plat marked H; which title your memorialist derives from a grant made to your memorialist January 18, 1816, by Governor Coppinger, in virtue of the royal order of October 29, 1790. And your memorialist further sheweth that he was, at the exchange of flags, and is now, in legal possession of said lands; that he is a citizen of the Territory of Florida and resident of said Territory. All of which is respectfully submitted.

ZEPH. KINGSLEY,

By GEORGE GIBBS.

[Here follows the translation of the royal title for the three hundred acres made by Governor Coppinger to claimant, dated January 18, 1816, in virtue of the royal order of 1790.]

#### DECREE.

The board ascertain this to be a valid Spanish grant made to Zephaniah Kingsley previous to January 24, 1818, and confirm the title to him and his heirs. April 25.

No. 46.—See REPORT No. 1.

*Anna M. Kingsley vs. The United States. For three hundred and fifty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Anna M. Kingsley respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and fifty acres, situated, two hundred and twenty-five thereof, on Dunn's lake, on the *easterly side*; the first line south 20° east, 33 chains, from a pine to a palm; second, south 78° east, 46 chains, to a pine; third, north 62° east, 18 chains, to a live-oak; fourth, north 4° west, 40 chains, to a stake; fifth, south 56° west, 34½ chains, to a stake; sixth, north 38° west, 35 chains, to a stake; seventh, south 56° west, 12 chains, to a pine at the beginning. One hundred and twenty-five acres on St. John's river, east side; first line, from a cypress to a pine, south 88° east, 65 chains—this line bounded by John Faulk; second line, south 65° west, 80 chains, to an orange, bounded by John Creighton; third line formed and bounded by said river, 40 chains, from the orange to the cypress; which title your memorialist derives from a grant made to her by Governor Coppinger, in virtue of the royal order of 1790, a certified copy of which, dated January 12, 1816, accompanies this petition; and the plat and certificate of survey, by George J. F. Clarke, will be filed when required. And your memorialist further sheweth that she is in actual possession of said lands, and that she has long been a resident of East Florida. Your memorialist will, as in duty bound, ever pray, &c.

GEO. J. F. CLARKE,

For ANNA KINGSLEY.

[Here follows the translation of a concession for the land made by Governor Coppinger to claimant, dated January 12, 1816.]

#### DECREE.

The board ascertain this to be a valid Spanish grant made to Anna M. Kingsley previous to January 24, 1818, and confirm the title to her and her heirs. April 25.

## No. 47.—See REPORT No. 1.

*Zeph. Kingsley vs. The United States. For one hundred and fifty acres.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Zeph. Kingsley, by his attorney in fact, Geo. Gibbs, respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and fifty acres, situated on the west side of the river St. John's, opposite the mouth of Dunn's creek, known by the name of the Orange Grove, in the swamps, bounded and beginning at a laurel tree on the margin of the swamp; thence north 22° west, 13 chains, to an oak tree; thence west, 14 chains, to an oak; thence south 64° west, 12 chains, to an oak; thence north 28° west, 9 chains, to an oak; thence south 16° west, 7 chains; thence north 30° west, 18 chains, to a gum tree; thence west, 6 chains, to an oak on the margin of the swamp; thence along the edge of the swamp to the beginning corner, per survey and certificate dated April 10, 1818, marked C; which title your memorialist derives from a concession made to William Hartley by Governor Coppinger, in virtue of the royal order of ———, who sold the same to your memorialist per receipt dated August 30, 1821, which is marked A, and decree bearing date December 13, 1817, marked B, are herewith enclosed. And your memorialist further sheweth that he is in actual possession of said lands; that he is now a citizen of the United States and resident of the Territory of Florida.

ZEPH. KINGSLEY,

By GEORGE GIBBS, *Attorney in fact.*

[Here follows the translation of a concession made by Governor Coppinger to William Hartley of two hundred and fifty acres of land, dated December 13, 1817.]

[Here follows the translation of the certificate and plat of survey of one hundred and fifty acres of land by An. Burgevin, dated April 10, 1818.]

[Here follows the conveyance from Hartley to claimant, dated August 30, 1821.]

## DECREE.

The board ascertain this to be a valid Spanish grant made previous to January 24, 1818, and confirm the title to claimant. April 26.

## No. 48.—See REPORT No. 1.

*John Bachelot vs. The United States. For three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Bachelot respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated on the north point of Amelia island, bounded on the north by the lands of John McQueen, on the south by the lands of Mrs. Jordine, on the east by the said hills and the beach, and on the west by the marsh of Beach creek, as will be seen by a copy of survey thereof made by John Purcell, dated December 24, 1807, and copied and certified by George J. F. Clarke; which title your memorialist derives from a royal title made to him June 10, 1816, by Governor Coppinger, in virtue of the royal order of October 29, 1790, a certified copy whereof is herewith presented. And your memorialist further sheweth that he is legally in possession of the said lands, and was so at the time of the cession of this Territory by Spain to the United States; that he is a citizen of the United States and resident of St. Mary's, in Georgia. He prays confirmation of title, &c.

JOHN BACHELOT.

[Here follows translation of a royal title by Governor Coppinger, dated June 10, 1816]

[Here follows translation of a certificate of survey and plat by John Purcell, dated December 24, 1807.]

## DECREE.

*John Bachelot vs. The United States. For three hundred acres of land.*

The board having ascertained the above to be a valid Spanish title made to claimant, do confirm the same accordingly. April 26, 1825.

## No. 49.—See REPORT No. 1.

*Heirs of Sebastian Espinosa vs. The United States. For five hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Raman Sanchez, for himself and the other heirs of Sebastian Espinosa, deceased, respectfully sheweth: That he claims title to a certain tract or parcel of land (being the whole of a grant) containing five hundred acres, situated and being in Diego plains, at a place called Uleridge, in East Florida; that this memorialist is unable to set forth the lines or boundaries of the said tract of land, with the exception of the northern boundary, which is on the lands granted to one Francisco X. Sanchez, a survey of the same having never been made; that the said land was granted to the said Sebastian Espinosa September 5, 1801, by Governor White, under and in virtue of a royal order from the King of Spain of October 29, 1790, as will appear by a certified copy, of the said original grant or decree, and herewith submitted and filed, marked exhibit A; that possession of the said lands was soon after the said grant thereof taken and held by the said Sebastian Espinosa until the time of his death, which took place



some time in the year 1819; that he performed all the conditions upon which the said land was granted to him, and obtained a grant thereof in absolute property March 31, 1818, from Don José Coppinger, then the governor of East Florida, as will appear by a certified copy of the last-mentioned grant herewith submitted and filed, and marked exhibit B, reference being thereto had; and that the said Sebastian Espinosa died intestate, and without will, whereupon the estate descended to your memorialist, and those other persons on behalf of whom this memorial is presented, as his heirs-at-law. Your memorialist avers that the said Sebastian Espinosa was, at the time the said land was originally granted to him, at the time it was confirmed as aforesaid, and at the time of his death, a resident and settler in East Florida, and a subject of the King of Spain; and that your memorialist and the other heirs of the said Sebastian Espinosa were, at the time of his death, and at the time of the cession of this Territory to the United States, and are now, residents and settlers of East Florida. Wherefore your memorialist claims confirmation of the title to the said tract of land to the heirs-at-law of the said Espinosa. And they will, as in duty bound, &c.

RAMAN SANCHEZ,

By his attorney, JOHN DRYSDALE.

[Here follows translation of a concession by Governor White to Sebastian Espinosa, dated September 5, 1801.]

DECREE.

*Heirs of Sebastian Espinosa vs. The United States. For five hundred acres of land.*

This being a claim founded on a regular and valid Spanish grant, without condition, made previous to January 24, 1818, it is therefore confirmed. April 29, 1825.

TESTIMONY.

*S. Espinosa's heirs vs. The United States. For five hundred acres of land.*

G. W. Perpall, being sworn and interrogated, on the part of the claimants' attorney, whether he was acquainted with S. Espinosa during his lifetime, answered that he was.

*Question.* Where did he usually reside?

*Answer.* At a small plantation on Diego plains.

*Question.* Do you recollect the name of this place?

*Answer.* I do not recollect, but it was somewhere on Diego plains.

G. W. PERPALL.

Before the board in session April 28, 1825.

No. 50.—See REPORT No. 1.

*Geo. J. F. Clarke vs. The United States. For one hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Geo. J. F. Clarke respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres of land, situated on Amelia island, to the northeast of the town of Fernandina, and place known by the name of Willow Pond; the first line of the survey of which begins at a live-oak, and runs north 79° east, thirty-one chains, to a live-oak, and bounded by John Bashlot; second line, north 10° west, forty-nine chains, to a live-oak, and bounded by John Bashlot; third line, south 53° west, forty-five chains, to a live-oak; fourth line south 10° east, seventeen chains, to the live-oak at the beginning; the plot and certificate of which survey, made by Andre Burgevin, will be filed when required; which title your memorialist derives from a grant made to him by Governor Estrada, in virtue of the royal order of 1790, a certified copy of which grant accompanies this petition, bearing date December 15, 1815. And your memorialist further sheweth that he is in actual possession of said lands; that he is a native of East Florida and resident of the same. Your memorialist will, as in duty bound, ever pray, &c.

GEO. J. F. CLARKE.

[Here follows translation of a concession made December 15, 1815, by Governor Estrada.]

DECREE.

*Geo. J. F. Clarke vs. The United States. For one hundred acres of land.*

The board ascertained this to be a *bona fide* valid Spanish grant, made previous to January 24, 1818, without conditions. It is therefore confirmed. April 29, 1825.

No. 51.—See REPORT No. 1.

*Sarah Breward vs. The United States. For three hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Sarah Breward respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated, one hundred and sixty-two thereof on the waters of Nassau river, at the place called Doctor's island, and the three small neighboring islands surrounded by marshes; thirty-eight acres situated near the head of Pumpkin Hill creek, bounded on the north by Gilbert

McGlone, on the west by vacant lands, south by William Fitzpatrick, and east by marshes; and one hundred acres at Pumpkin Hill swamp, bounded on the north by marsh, east by Gilbert McGlone, and south and west by vacant lands; which two last tracts lie distant from each other about one and a half mile, and on the waters of Nassau river; which title your memorialist derives from an absolute grant made to the heirs of Francis Bowden by Governor Coppinger, in virtue of the royal order of 1790, as per a certified copy of the said title dated February 15, 1816, and a memorial and decree of August 17, 1816, amending a deficiency in said title; both of those documents accompany this petition, and the plat and certificate of survey by John Purcell will be filed when required. And your memorialist further sheweth that she is in actual possession of said lands; that she has long been an inhabitant and resident of Florida. Your memorialist will, as in duty bound, pray, &c.

GEO. J. F. CLARKE,  
For SARAH BREWARD.

[Here follows translation of a royal title by Governor Coppinger, dated February 13, 1816.]

[Here follows translation of a memorial and decree of Governor Coppinger, dated August 16, 1816, amending a deficiency in the above title.]

DECREE.

*Sarah Breward vs. The United States. For three hundred acres of land.*

The board having ascertained this to be a valid and *bona fide* Spanish grant made previous to January 24, 1818, to wit, a royal title or absolute grant, dated February 13, 1816, it is therefore confirmed to grantee. April 29, 1825.

No. 52.—See REPORT No. 1.

*John A. Cavedo vs. The United States. For three hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John A. Cavedo respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and fifty acres, situated on Black creek, bounded as follows; first line runs west, sixty chains, beginning at a maple tree marked  $\equiv$ , to a pine tree marked +; thence south, sixty chains, to a live-oak tree, bounded on the other side by Black creek and Little Black creek; which title your memorialist derives from a grant made to him by Governor Estrada, in virtue of the royal order of 1815, a certified copy of which, dated December 14, 1815, is filed herewith. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of East Florida and resident of the same.

JOHN A. CAVEDO.

[Here follows translation of a concession made by Governor Coppinger, dated January 4, 1816.]

DECREE.

*John A. Cavedo vs. The United States. For three hundred and fifty acres of land.*

This being a valid Spanish concession made previous to January 24, 1818, it is therefore confirmed. April 29, 1825.

No. 53.—See REPORT No. 1.

*John Bachelot vs. The United States. For three hundred acres of land.*

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Bachelot respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated on Amelia island, at a place called White Point, bounded on the north by the lands of Elizabeth Jordine, on the south by the land of James Cashen, on the east by vacant land, and on the west by the marshes and waters of the river St. Mary's; a plat and certificate whereof is herewith exhibited, made by John Purcell, and copied and certified by George J. F. Clarke, dated April 2, 1807; which title your memorialist derives from a royal title made to him June 10, 1816, by Governor Coppinger, in virtue of the royal order of October 29, 1790, as will be seen by a certified copy of said title herewith exhibited. And your memorialist further sheweth that he is legally in possession of said lands, and was so at the time of the cession of the province to the United States; that he is a citizen of the United States and a resident of St. Mary's, in Georgia. He prays confirmation of title, &c.

JOHN BACHELOT.

[Here follows translation of a royal title by Governor Coppinger, dated June 10, 1816.]

DECREE.

*John Bachelot vs. The United States. For three hundred acres of land.*

The board having ascertained the above to be a valid Spanish title to claimant, do confirm the same accordingly. April 29, 1825.

## No. 54.—See REPORT No. 1.

*Charles Seton vs. The United States. For seven hundred acres of land.*

## MEMORIAL.

*To Alexander Hamilton, W. W. Blair, and Davis Floyd, land commissioners, now sitting in St. Augustine, East Florida:*

Memorial of Charles Seton, merchant and planter, residing in Fernandina, stating his right to the following tracts of land granted by authority of his Catholic Majesty Ferdinand VII: grant number 4, royal title for a tract of seven hundred acres of land, situated on the river St. Mary's, joining the old township formerly belonging to Thomas Cryer; first line, south 60° east, 15 chains, commencing at a stake with a cross on it, at the edge of the river St. Mary's, to a pine tree joining the land of Thomas Cryer; second line from that pine, south 25° east, 23 chains, to another pine with the same mark; third line, south 30° west, 95 chains, to another pine with the same mark; fourth line running north 60° west, 84 chains, to another pine of the same mark; fifth line running north 30° east, 84 chains, from that pine to a stake marked with a cross, on the edge of the river St. Mary's, vacant land on the 3d, 4th, and 5th line, fronting on the river St. Mary's and the marsh; granted by Governor White April 14, 1792, as per certificate annexed to George Arons, left by him to his wife Elizabeth Arons, and by her to her son, William Carney, both dying intestate, and purchased by me from the said William Carney April 28, 1818, for two thousand dollars, as per bill of sale annexed, with the plat, &c. It is now called George Plantation.

CHARLES SETON.

[Here follows the translation of a certificate of survey and plat by Captain Don Pedro Marrot to George Arons, dated April 14, 1792.]

[Here follows translation of a royal title by Governor Coppinger of the above to William Carney, a legal representative of George Arons, dated August 26, 1818.]

[Here follows a conveyance from William Carney to Charles Seton, dated April 28, 1818, and relinquishment of dower by his wife, dated April 10, 1819.]

## DECREE.

*Charles Seton vs. The United States. For seven hundred acres of land.*

The board having ascertained the above to be a valid Spanish concession, and the deraignment to claimant being regular, do confirm the same accordingly. May 4, 1825.

## No. 55.—See REPORT No. 1.

*Zephaniah Kingsley vs. The United States. For three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Zephaniah Kingsley, by his attorney, Geo. Gibbs, sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres of land, situated on Doctor's creek, on the river St. John's, called Fuente del Llamo; the first line runs north 20° west, 77½ chains; second line runs north 70° east, 38.72 chains; third line runs south 20° east, 35 chains; the fourth line bounded by the bank of Doctor's creek, as will appear by the plat marked E; which title your memorialist derives from a grant made to William Kane August 19, 1809, by Governor White, in virtue of the royal order of October 29, 1790, who dying, his heirs sold the same to your memorialist, as per deed marked F, dated September 1, 1809. And your memorialist further sheweth that he was, at the exchange of flags, and now is, in legal possession of said lands; that he is a citizen of the Territory of Florida and resident of the said Territory. All of which is respectfully submitted.

ZEPH. KINGSLEY,

By his attorney in fact, GEO. GIBBS.

[Here follows translation of a certificate of survey by Captain Don Pedro Marrot to William Kane, dated November 30, 1791.]

[Here follows translation of a royal title made by Governor White, dated August 9, 1809, to the widow and heirs of William Kane.]

[Here follows translation of a conveyance from William Kane's widow unto Zephaniah Kingsley, dated September 1, 1809.]

[Here follows a power from Elizabeth Kane, Margaret Kane, and Ann Kane, authorizing their mother, Elizabeth Kane, widow of William Kane, to make the aforementioned conveyance to Zephaniah Kingsley, dated September 1, 1809.]

## DECREE.

*Zephaniah Kingsley vs. The United States. For three hundred acres of land.*

The board having ascertained the above to be a valid Spanish title, and the deraignment to the claimant being regular, the same is confirmed accordingly. May 4, 1825.

## No. 56.—See REPORT No. 1.

*Heirs of C. Griffith vs. The United States. For four hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Downs, David Turner, Zachariah Haddock, and Benjamin Simmons, husbands of Winney, Elizabeth, Sarah, and Eliza, heirs of Cornelius Griffith, respectfully sheweth: That your



memorialists claim title to a tract of land consisting of four hundred and fifty acres, situated on the head of Nassau river, distant from it about half a mile, between two creeks, which form said river; which title your memorialists claim from a survey made by Don Pedro Marrot, dated April 8, 1792, and returned to the office of the keeper of the public archives of the province of East Florida, a certified copy of which survey is filed herewith, as by a reference thereto will more fully and at large appear. And your memorialists further show that they are in legal possession of the said lands; and that they are citizens of the United States, and, with the exception of William Downs, are residents of this Territory. And your memorialists will ever pray, &c. Certified copy of survey, marked A, filed herewith.

WILLIAM DOWNS.  
DAVID TURNER.  
ZACHARIAH HADDOCK.  
ABRAHAM SIMMONS,

By his attorney, DAVID B. MACOMB.

[Here follows translation of a survey and certificate of delivery to Cornelius Griffith by Captain Don Pedro Marrot, judge commissioned for the distribution of lands in East Florida, dated April 8, 1792.]

*Cornelius Griffith's heirs vs. The United States. For four hundred and fifty acres of land.*

The board having ascertained this to be a valid Spanish concession to Cornelius Griffith, deceased, do therefore confirm it to his heirs. May 4, 1825.

No. 51.—See REPORT No. 1.

*Magdalena Juaneda vs. The United States. For three hundred and eighty-five acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Magdalena Juaneda, widow of Nicholas Sanchez, deceased, claims title in and to three hundred and eighty-five acres of land, situated, lying, and being in East Florida aforesaid; that the said land was granted in absolute property to the said Nicholas Sanchez April 24, 1816, under royal order of the King of Spain, March 29, 1815, by Governor Don José Coppinger; that the said land is situated in Diego's plain, and is bounded on the south by lands of Sebastian Espinosa; on the north by lands of Francis X. Sanchez; on the east by the sea beach; and, as will appear by exhibit A, herewith filed, the west by vacant pine barren; and that the said Nicholas Sanchez departed this life about the year 1817, leaving those in behalf of whom this memorial is presented, your memorialist, his widow, and his children, as his heirs. Your memorialist further avers that the said Nicholas Sanchez was, at the time the said land was granted to him as aforesaid, and at the time of his death, an inhabitant and settler of East Florida, and subject of the King of Spain. Wherefor your memorialist, in behalf as aforesaid, prays confirmation of the title of the heirs of said Nicholas Sanchez in and to the said tract of land, in conformity to the acts of cession in such case made and provided.

MAGDALENA JUANEDA,  
By the attorney, JNO. DRYSDALE.

[Here follows the translation of a royal title from Governor Coppinger to Nicholas Sanchez, deceased, dated April 24, 1816.]

#### DECREE.

*Magdalena Juaneda, widow of Nicholas Sanchez, deceased vs. The United States. For three hundred and eighty-five acres of land.*

The board having ascertained the above to be a valid Spanish title to Nicholas Sanchez, deceased, do confirm it to his widow and heirs accordingly. May 4, 1825.

No. 58.—See REPORT No. 1.

*Joseph Gaunt vs. The United States. For three hundred and twenty-five acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Joseph Gaunt respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and twenty-five acres, situated in Turnbull's swamp, to the west of Hillsboro' river; first line runs north 75° east, 80 chains, from a pine to a palm; second line runs north 15° west, 40½ chains, to a palm; third line runs south 75° west, 80 chains, to a pine; fourth line runs south 15° east, 40½ chains, to the pine at the beginning; which title your memorialist derives from an absolute title made to him by Coppinger, in virtue of the royal order of 1815, a certified copy of which, dated October 12, 1816, is herewith presented, and the plat and certificate of survey by George J. F. Clarke will be filed when required. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been an inhabitant and resident of this province. Your petitioner will, as in duty bound, ever pray, &c.

GEORGE J. F. CLARKE,  
For JOSEPH GAUNT.

[Here follows the translation of a cession made by Governor Coppinger, dated October 12, 1816.]

#### DECREE.

*Joseph Gaunt vs. The United States. For three hundred and twenty-five acres of land.*

The board having ascertained this to be a valid Spanish concession without conditions, do therefore confirm it. May 4, 1825.

## TESTIMONY.

*Joseph Gaunt vs. The United States. For three hundred and twenty-five acres of land.*

Francis J. Fatio, being sworn and examined by the board:

*Question.* Were you acquainted with Governor Coppinger?

*Answer.* I was.

*Question.* Have you seen him write?

*Answer.* Very frequently.

*Question.* From your knowledge of Governor Coppinger's handwriting, do you believe this to be his signature? (Here the original concession was exhibited to witness, upon which this claim is founded.)

*Answer.* I believe it to be the genuine signature of Governor Coppinger.

F. J. FATIO.

Before the board in session May 4, 1825.

No. 59.—See REPORT No. 1.

*Magdalena Juaneda vs. The United States. For three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Magdalena Juaneda, for herself and the other heirs of Nicholas Sanchez, deceased, respectfully sheweth: That your memorialist, for herself and in behalf of the other heirs of Nicholas Sanchez, deceased, claim title to a certain tract or parcel of land containing three hundred acres, situated and being in the Territory of East Florida aforesaid; that the said land was originally granted February 3, 1800, by a concession of that date, to the said Nicholas Sanchez, deceased, made by Governor White, then the governor of East Florida, in virtue of the royal order of the King of Spain of October 29, 1790, as will appear by reference to the certified copy of the said concession, herewith filed, and marked exhibit A; that the said land is situated in Diego plains, at a place called Qui Qui; that it is bounded on the north by lands of Francisco Sanchez, east by Guana creek, and west and south by vacant land; that the said land was surveyed by Juan Purcell on or before June 23, 1809, as will appear by a reference to the certified copy of the plat and certificate of survey of that date, herewith filed, and marked exhibit B; that it has the following lines, to wit: the first line runs south 35° west, 20 chains; and the second line runs south 55° east, 200 chains, as appears by the plat and the royal title to the said land; that the heirs of the said Nicholas Sanchez obtained a royal title in absolute property for the said land April 2, 1819, as will appear by the certified copy herewith filed, marked exhibit C. Your memorialist further shows that the said Nicholas Sanchez departed this life many years ago, leaving your memorialist and those other persons in behalf of whom this claim is made his heirs; and that upon his death the said tract of land and its appurtenances devolved upon them; that the said Nicholas Sanchez was, when the said land was granted to him as aforesaid, a Spanish subject and inhabitant of East Florida, and so continued until his death; and that your memorialist and the other heirs of the deceased are inhabitants and settlers of East Florida, and were at the time of his death Spanish subjects and settlers in East Florida. Wherefore they pray that your honorable board will confirm their title to the said land and its appurtenances.

MAGDALENA JUANEDA,

By the attorney, JNO. DRYSDALE.

[Here follows translation of a concession made by Governor White to Nicholas Sanchez, dated February 3, 1800.]

[Here follows translation of a certificate of survey and plat made by John Purcell, dated June 23, 1809.]

## DECREE.

*Magdalena Juaneda and other heirs of Nicholas Sanchez, deceased, vs. The United States. For three hundred acres of land.*

The board having ascertained this to be a valid Spanish concession made to Nicholas Sanchez, deceased, do confirm the same to his widow and heirs. May 4, 1825.

No. 60.—See REPORT No. 1.

*John Low vs. The United States. For seven hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Low respectfully sheweth: That your memorialist claims title to a tract of land consisting of seven hundred and fifty acres, situated at Belli old field, on Belli river, bounded on the north by Belli creek, on the east by McGirth's creek, on the south by vacant land, and on the west by William Carney; which title your memorialist derives from an absolute grant made to him by Governor Estrada, in virtue of the royal order of 1790, as per a copy of said grant herewith presented, bearing date January 30, 1812. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been an inhabitant and resident of this province. Your memorialist will, as in duty bound, pray, &c.

GEO. J. F. CLARKE,

For JOHN LOW.

[Here follows translation of a royal title by Governor Estrada, dated January 30, 1812.]

## DECREE.

*John Low vs. The United States. For seven hundred and fifty acres of land.*

The board having ascertained the above to be a valid Spanish royal title to claimant, do therefore confirm it. May 4, 1825.

## No. 61.—SEC REPORT No. 1.

*Widow and heirs of John Andrea vs. The United States. For one hundred and sixty-one and one-third acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Maria Mabrity, widow of John Andrea, deceased, respectfully sheweth: That your memorialist claims title to a tract of land consisting of four caballerias and twenty-eight acres, situated on the North river and Guana creek, at a place called White Oyster Bank, bounded and beginning at a stake marked with a cross, at the edge of a marsh, on the North river; thence north 50° east, 74 chains and 50 links, to an oak at the edge of a marsh on Guana creek—this line bounds the lands of José Peso de Burgo; thence along said marsh to a laurel with the same mark; thence south 87° west, 40 chains, to an oak with the same mark; thence south, 10 chains, to a stake with the same mark; thence north 70° west, 10 chains, to a stake with the same mark, on the edge of a marsh of the North river; thence along said marsh and river to the beginning; which title your memorialist derives from a royal title made to Juan Andrea, by Governor White, in virtue of the royal order of October 29, 1790, a certified copy of which royal title is herewith presented, and dated July 10, 1804; also a certificate of the notary of government of the division of the estate of the said Andrea. And your memorialist further sheweth that she is in actual possession of said lands; that she is a native of Florida and resident of St. Augustine. All of which is respectfully submitted, &c.

MARIA MABRITY, *Widow of John Andrea, deceased.*

[Here follows translation of a royal title to John Andrea, by Governor White, dated July 10, 1804.]

[Here follows certificate of the notary of government of the division of the estate of John Andrea, dated September 15, 1818.]

## DECREE.

*Widow and heirs of John Andrea vs. The United States. For one hundred and sixty-one and one-third acres of land.*

The board having ascertained that the above is a valid Spanish title to John Andrea, deceased, do confirm it to his widow and heirs accordingly. May 6, 1825.

## No. 62.—SEC REPORT No. 1.

*Christina Hill vs. The United States. Claim for four hundred and five acres of land.*

TERRITORY OF FLORIDA, *East Florida:*

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Christina Hill, widow of Joseph Sanchez, deceased, respectfully sheweth: That she claims, in behalf of herself and her children, by her deceased husband, the said Joseph Sanchez, title in and to a certain tract or parcel of land consisting of four hundred and five acres, situated and being in East Florida aforesaid; that the said Joseph Sanchez, the husband of your memorialist, was one of the inhabitants of the city of St. Augustine who, by reason of his services as a militiaman during the rebellion of 1812 and 1813 in East Florida, became entitled to a grant of land under the order of the King of Spain of March 29, 1815; that he departed this life some time in the year 1814; that on November 16, 1815, your memorialist, in behalf of herself and her children, the heirs of the said Joseph Sanchez, applied for and obtained from Don José Coppinger, then the governor of East Florida, a concession of four hundred and five acres of land, the quantity to which her husband, the said Joseph Sanchez, would have been entitled under the royal order aforesaid if he had been alive, as will appear by a certified copy of said concession, which bears date the 17th November, the year last aforesaid, now submitted and filed, and marked exhibit A. The title of the heirs of the said Joseph Sanchez to the said land was, on April 16, 1818, confirmed by a grant thereof in absolute property, made to them by the said Governor Coppinger, as will appear by a reference to a certified copy of the said grant, now submitted and filed, and marked exhibit B. Your memorialist shows that the said land has not been surveyed, but that fifty acres, parcel of the aforesaid four hundred and five acres, are situated at a place called "Casino Loco;" and the residue thereof, that is to say, three hundred and fifty-five acres, are situated in Diego plains, and are bounded on the north by lands granted to one Sebastian Espinosa, as appears by exhibit marked A. Your memorialist further shows that she and the other heirs of Joseph Sanchez were, at the time the said lands were originally conceded and granted to them as aforesaid, and that they have since been, inhabitants and settlers of East Florida. Wherefore they pray a confirmation of their title to the said land and their appurtenances, &c.

CHRISTINA HILL,

By her attorney, JOHN DRYSDALE.

[A. Here follows translation of a concession by Governor Coppinger, dated November 17, 1817, to Christina Hill.]



## DECREE.

*Christina Hill vs. The United States. For four hundred and five acres of land.*

The board having ascertained the above to be a valid Spanish concession to claimant, do confirm the same accordingly. May 12, 1825.

No. 63.—See REPORT No. 1.

*Thomas Napier vs. The United States. For eight hundred acres of land.*

## MEMORIAL.

*To the honorable the board of commissioners appointed to ascertain claims and titles to lands in the Territory of East Florida:*

The memorial of Thomas Napier respectfully sheweth: That your memorialist is a citizen of the United States, resident in South Carolina; that your memorialist lays claim to a tract of land consisting of eight hundred acres, in East Florida, lying and being in the territory of Mosquito, in the *pazage* called Pantano, of the west of Turnbull, about three miles to the west of New *Shneyrna*; the first line standing to the northward and westward, near the east of the said Pantano, ninety chains, butting on lands of the government; the second line forming a rectangle with the first, running to the southwestward, and crossing the said Pantano, eighty-nine chains, butting on lands of the government; the third line striking off to the southward and eastward, ninety chains, butting on lands of the government; the fourth and last line standing from the third line northwardly and eastwardly, eighty-nine chains, butting on lands of Ambrose Hull; the whole tract forming a rectangular parallelogram of eight hundred acres, and having such boundaries and landmarks as are set forth in the plat of said land made by George J. F. Clarke; that your memorialist lays claim to said land on the ground of purchase from Isaac Wicks, who has been a resident of this province for the last forty years; that the said Isaac Wicks did obtain his right by purchase from Juan de Entralgo, who was in respectable official situation in this province under the Spanish government, and that the said Juan de Entralgo obtained his right by special grant from said government; that in support of his claims your memorialist submits, or will in time submit, the original deed of conveyance from Isaac Wicks to your memorialist; an authenticated copy of the conveyance from Juan de Entralgo to Isaac Wicks; an authenticated copy of the grant from Governor Coppinger to Juan de Entralgo, together with the memorial of the said governor; an authenticated copy of the plat and certificate of survey made by George J. F. Clarke, dated February 20, 1810; the original documents comprehended under the foregoing last three heads being in the Spanish language in the office of the keeper of the public archives. All which is respectfully submitted.

THOMAS NAPIER,

By his attorney, RICHARD B. FARMAND.

[Here follows translation of a royal title made by Governor Coppinger to Juan de Entralgo, dated November 15, 1817.]

[Here follows translation of the certificate of survey and plat by George J. F. Clarke, dated February 20, 1818.]

[Here follows translation of a memorial to the governor, and his decree, dated February 26, 1818, ordering the aforesaid plat to be placed in the archives.]

[Here follows translation of a conveyance from Juan de Entralgo to Isaac Wicks, dated August 20, 1818.]

[Here follows a conveyance from Isaac Wicks to Thomas Napier, dated April 22, 1822.]

## DECREE.

*Thomas Napier vs. The United States. For eight hundred acres of land.*

The board having ascertained the above to be a valid Spanish title, and the deraignment to claimant being regular, do confirm the same accordingly. May 12, 1825.

No. 64.—See REPORT No. 1.

*John Middleton vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John Middleton, by his attorney, Farquhar Bethune, respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated on the west side of the river St. John's, on Cedar branch, within the following lines: the first runs east, measuring fifty-eight chains; the second line runs north, thirty-five chains; the third runs west, fifty-eight chains; the fourth runs south, and measures thirty-five chains; which title your memorialist derives from a grant made to William Garvin by Governor Coppinger, on March 29, 1817, in virtue of the royal order of March 29, 1815; which grant was made for a place called formerly Langley Bryan, but there being to that previous claims, said Garvin had surveyed in lieu thereof the same quantity at the place above described, as appears from the certificate of George Clarke, surveyor general; which tract was conveyed to your memorialist, who further sheweth that he is in actual possession of the above-described lands, and was so at the time of the cession; that he is a citizen of the United States and resident of Amelia island. Attached to this memorial are the title in fee simple, A; the conveyance from William Garvin, B; and the plat and survey by the surveyor general, C. All of which is respectfully submitted.

JOHN MIDDLETON,

Per his attorney, FARQUHAR BETHUNE.

[Here follows translation of a royal title made by Governor Coppinger to William Garvin, dated March 29, 1817.]

[Here follows a conveyance from William Garvin to John Middleton, dated December 3, 1821.]

[Here follows translation of a certificate of survey and plat by George J. F. Clarke, dated April 6, 1817.]

DECREE.

*John Middleton vs. The United States. For two hundred acres of land.*

The board having ascertained the above to be a valid Spanish title, and the derangement to claimant being regular, do confirm the same accordingly. May 12, 1825.

No. 65.—See REPORT No. 1.

*William Hartley vs. The United States. For two hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Hartley respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and fifty acres, situated at the headwaters of Goodby's lake, near Wills' swamp; which title your memorialist derives from a concession made to him by Governor Coppinger, a certified copy of which is herewith presented, and dated December 13, 1817. And your memorialist further sheweth that he is legally in possession of said lands, and was so previous to the cession of this then province to the United States; that he is a citizen of the United States and resident of East Florida. All of which is respectfully submitted.

JOHN DRYSDALE, *Attorney for Claimant.*

[Here follows the translation of a concession for the two hundred and fifty acres of land by Governor Coppinger to claimant, dated December 13, 1817.]

DECREE.

The board ascertain this to be a valid Spanish grant made previous to January 24, 1818, and confirm the title to claimant. May 30.

No. 66.—See REPORT No. 1.

*Frederick Hartley vs. The United States. For four hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Frederick Hartley respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred and fifty acres of land, at a place called St. Nicholas, St. John's river; which title your memorialist derives from a decree of Governor White, May 17, 1803, under the royal order of 1790. And your memorialist further sheweth that he is in actual possession, and was so at the time of the cession; that he is a citizen of the United States and a resident of the Territory of Florida.

A. BELLAMY, *Attorney.*

[Here follows translation of a concession for two hundred acres by Governor White, dated May 7, 1803.]

DECREE.

*Frederick Hartley vs. The United States. For four hundred and fifty acres of land.*

The board having ascertained that the concession was made for only two hundred acres of four hundred and fifty solicited, and that the said concession was a valid one under the Spanish government, do confirm two hundred acres to claimant accordingly. May 30, 1825.

No. 67.—See REPORT No. 1.

*Hannah Nobles vs. The United States. For two hundred and eight acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Hannah Nobles respectfully sheweth: That your memorialist claims title to a tract of land consisting of about two hundred and eight acres, situated on the St. John's river, bounded on two sides by the said river, and the land of Isaac Bowden on the other two sides; the first line begins at a laurel tree on the margin of the river St. John's; runs thence north 45° east, 64 chains, to a pine; thence north 45°, 15 chains, to a cypress on the margin of the river St. John's; thence following the course of the said river to the first said comm'r tree, per certificate of survey, memorial, and decree, dated December 20, 1791, marked P; which title your memorialist derives from a royal title made to Susannah Cowan, and confirmed to Robert Cowan by Governor Kindelan, in virtue of the royal order of October 28, 1790, per royal title herewith submitted, dated April 24, 1815, marked L. And the said Robert Cowan, by his last will and testament filed in the office of the clerk of the county court for the county of St. John's, devised

and bequeathed the same, all his real and personal property and effects, to your memorialist, as by reference to the said will and testament will fully appear. And your memorialist further sheweth that she is in actual possession of said lands; that she is a citizen of the United States and resident of the Territory of Florida.

her  
HANNAH  $\bowtie$  NOBLES.  
mark.

Witness to the mark of Hannah Nobles:

GEORGE GIBBS.

[Here follows translation of a royal title made by Governor Kindelan to Robert Cowan, dated April 24, 1815.]

[Here follows translation of a plat and certificate by Don Pedro Marrot, dated December 20, 1791.]

DECREE.

*Hannah Nobles vs. The United States. For two hundred and eight acres of land.*

The board having ascertained the above to be a valid Spanish royal title, and by will of grantee bequeathed to claimant, the same is confirmed accordingly. May 30, 1825.

.No. 68.—See REPORT No. 1.

*James R. Hanham vs. The United States. For one hundred and seventy and two-thirds acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of James R. Hanham respectfully sheweth: That your memorialist claims title to one hundred and seventy and two-thirds acres, situated between the North river and the river Guana, called El Burgos, bounded as follows: beginning at a stake marked with a cross, on the edge of a marsh on North river, and running north 50° east, to an oak similarly marked, on the Guana, its length being 74 chains and 50 links; thence down the Guana to an oak marked with a cross; thence south 44° west, 74 chains and 50 links, to a stake on the marsh of the North river; thence with the river and marsh to the beginning; which title your memorialist derives from a grant made to José Peso de Burgo by Governor Quesada, in virtue of the royal order of 1790, who sold the same to *Jane Triay* and Francisco Triay, who sold the same by their attorney, Andres Pacetty, to your memorialist, as will appear by the documents filed with this memorial. And your memorialist further sheweth that he is in actual possession of said lands; that he now cultivates and improves them; that he was in Pensacola July 10, 1821; and that he now resides in St. Augustine. All of which is respectfully submitted.

JAMES R. HANHAM.

[Here follows translation of a certificate of survey and delivery, with a plat by Don Pedro Marrot, to José Peso de Burgo, dated May 26, 1793. At foot is a note by the secretary of government, certifying that a decree was made September 11, 1798, authorizing the exchange of the above with Francisco and Juan Triay.]

[Here follows a conveyance to James R. Hanham, dated May 20, 1822.]

DECREE.

*James R. Hanham vs. The United States. For one hundred and seventy and two-thirds acres of land.*

The board having ascertained the above to be a valid Spanish survey and delivery, and the deraignment to claimant being regular, do confirm it to him accordingly. May 30, 1825.

No. 69.—See REPORT No. 1.

*Abraham Hanian vs. The United States. For fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Abraham Hanian respectfully sheweth: That your memorialist claims title to a tract of land consisting of fifty acres, situated at Little Grove, on the east side of St. John's river, and north of the military station of Buena Vista, which has not been surveyed to him, but is bounded by the said river and vacant lands; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1815, a certified copy of which, dated September 18, 1816, accompanies this petition. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been an inhabitant and resident of East Florida. Your petitioner will, as in duty bound, pray, &c.

GEORGE J. F. CLARKE,  
For ABRAHAM HANIAN.

[Here follows translation of a concession by Governor Coppinger, dated September 18, 1816.]

DECREE.

*Abraham Hanian vs. The United States. For fifty acres of land.*

This being a valid Spanish concession made to claimant previous to January 24, 1818, it is therefore confirmed. May 30, 1825.



## No. 70.—See REPORT No. 1.

*John M. Hanson, guardian of Francis Miles, an infant, vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John M. Hanson, guardian of Francis Miles, an infant, respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated on the North river, bounded on the north by land of Manuel Marshal, southeast by lands of John Salome, and east and west by royal lands. Your memorialist further shows that Barbara Hainsman, who had a title from the British government for said lands, remained here after the year 1784, and had the title to the said lands confirmed to her by the Spanish government, as will appear by the documents A and B filed herewith, and others in the office of the keeper of the public archives. And your memorialist further sheweth that he is in actual possession of said lands; that he (and his ward) resided in St. Augustine in 1821, and does so now.

GEORGE MURRAY, *for Petitioner.*

[Here follows translation of certificate of survey and delivery, with a plat by Don Pedro Marrot, commissioned judge for the distribution of lands in East Florida, dated June 2, 1793, to Barbara Hainsman.]

[Here follows translation of a conveyance from Barbara Hainsman to Francisco X. Sanchez, dated September 11, 1791.]

## DECREE.

*John M. Hanson, guardian of Francis Miles, an infant. For two hundred acres of land.*

The board having ascertained the above to be a valid Spanish survey and delivery of the above land to Barbara Hainsman, and that she had conveyed it to Francisco X. Sanchez, from whom claimant derives as one of his heirs, the same is confirmed to him accordingly. May 30, 1825.

## No. 71.—See REPORT No. 1.

*Francis Miles, a minor, by John M. Hanson, his guardian, vs. The United States. For three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Francis Miles, a minor, by John M. Hanson, as guardian, respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated on the river St. John's, at a place called Terios, bounded as follows: beginning at a laurel marked with a cross, at the edge of said river, running north 45° east, 67 chains and 44-100 of a chain; thence south 45° east, 38 chains and 72-100 of a chain, to a pine with the same mark; thence south 45° west, 77 chains 44-100, to a gum tree on the bank of said river; which title your memorialist derives from an absolute grant made to the heirs of Francisco Xavier Sanchez by Governor White, in virtue of the royal order of 1790; and your memorialist claims title to said lands, as guardian to the said F. Miles, as one of the heirs of Francisco X. Sanchez, it having been allotted to him in the division of the estate of the said Sanchez. And your memorialist further sheweth that he is in actual possession of the said lands; a certified copy of the grant made February 4, 1811, is herewith filed; that he is a citizen of the United States and resident of St. Augustine.

JOHN M. HANSON,  
For FRANCIS MILES.

[Here follows translation of a royal title made by Governor White to Francisco X. Sanchez, dated February 4, 1811.]

## DECREE.

*Francis Miles, a minor, by John M. Hanson, his guardian, vs. The United States. For three hundred acres of land.*

The board having ascertained the above to be a valid Spanish royal title to Francisco X. Sanchez, from whom claimant derives as one of his heirs, the same is confirmed to him accordingly. May 30, 1825.

## No. 72.—See REPORT No. 1.

*Heirs of Ezekiel Hudnall vs. The United States. For two hundred and fifty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of S. Streeter, administrator of the estate of E. Hudnall, deceased: Your memorialist claims title to a tract of land consisting of two hundred and forty-five acres, situated on the north bank of the river St. John's, nearly opposite the Fort of St. Nicholas, and on the east of a creek called Hogan's creek; which title your memorialist derives from a concession made to Daniel Hogans by Governor Copping, in virtue of the royal order of 1790, who sold the same to E. Hudnall; a certified copy of said concession is herewith presented, dated March 18, 1817. And your memorialist further sheweth that he is legally in possession of said lands; that he is a citizen of the United States and resident of St. Augustine. All of which is respectfully submitted.

J. B. STRONG, *Attorney*

[Here follows translation of a concession by Governor Coppinger to Daniel Hogans, dated March 18, 1817, and a conveyance to E. Hudnall, dated November 11, 1818.]

[Here follows translation of a survey, and a plat by George J. F. Clarke, dated May 9, 1817, to the same.]

## DECREE.

*Ezekiel Hudnall's heirs vs. The United States. For two hundred and twenty-five acres of land.*

The board having ascertained the above to be a valid Spanish concession, and the deraignment being regular to Ezekiel Hudnall, the same is confirmed to his heirs. May 30, 1825.

No. 73.—See REPORT No. 1.

[*Ezekiel Hudnall's heirs vs. The United States. For five hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Squire Streeter, administrator of the estate of E. Hudnall, sheweth: That your memorialist claims title to a tract of land consisting of five hundred acres, situated in the place known as the Barranco de las Calabazas, to the south and near the mouth of the river Nassau; which title your memorialist derives from a title made to Ezekiel Hudnall by Governor White, in virtue of the royal order of 1790. And your memorialist further sheweth that said Hudnall was, at the time of his death, in actual possession of said lands, as will appear by the document lodged in the office of the secretary of the commissioners; that he was a citizen of the United States and resident of St. Augustine.

J. B. STRONG, Attorney.

[Here follows translation of a concession by Governor White, dated January 29, 1802.]

## DECREE.

*Ezekiel Hudnall's heirs vs. The United States. For five hundred acres of land.*

The board having ascertained that the above is a valid Spanish concession made to E. Hudnall, deceased, do confirm it to his heirs accordingly. May 30, 1825.

No. 74.—See REPORT No. 1.

*William Eubanks vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Eubanks respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres; one hundred and seventy acres of land thereof on Big Cedar creek, St. John's river; 1st line, east, fifty chains, from a pine to a pine; 2d, north 10° east, thirty-five chains, to a pine; 3d line, west, fifty chains, to a pine; 4th, south 10° west, thirty-five chains, to the pine at the beginning, and thirty acres, taking in the whole of Burton island, on the Nassau river; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790; a copy of said grant, under date of March 18, 1817, is presented herewith, and the above documents of survey by George J. F. Clarke will be filed when required. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been a resident of this province. Your memorialist will ever, as in duty bound, pray, &c.

GEO. J. F. CLARKE, for the Petitioner.

[Here follows translation of a concession by Governor Coppinger, dated March 18, 1817, for one hundred and fifty acres of land.]

*William Eubanks vs. The United States, For one hundred and fifty acres of land.*

The board having ascertained the above to be a valid Spanish concession for only one hundred and fifty acres of land, and not for two hundred, as set forth in the memorial, do confirm the same to the claimant accordingly. June 6, 1825.

No. 75.—See REPORT No. 1.

*Robert Harrison vs. The United States. For seven hundred and sixty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Robert Harrison respectfully sheweth: That he claims title to a certain tract or parcel of land situated and being in East Florida, consisting of seven hundred and sixty-five acres; that the said land was granted to your memorialist April 1, 1816, by Don José Coppinger, then the governor of East Florida, under the royal order of the King of Spain of October 29, 1790, as will appear by a certified copy of the original grant or concession of the said land herewith submitted and filed, and marked exhibit A; that the said land is situated at an island not having hitherto been named, near the place called Roundabout, on the river Nassau, at the distance of about twenty-five miles north of the bar; and your memorialist further avers and shows that he was, before and at the time of the cession of this Territory to the United States, and has continued until this time, a settler and inhabitant of East Florida, having the said land in his actual possession and occupancy. Wherefore, he prays a confirmation of his title to the said land and its appurtenances.

ROBERT HARRISON,

By his attorney, JOHN DRYSDALE.

[Here follows translation of a concession by Governor Coppinger, dated May 10, 1816.]

## DECREE.

*Robert Harrison vs. The United States. For seven hundred and sixty-five acres of land.*

The board having ascertained this to be a valid Spanish concession made to claimant, do confirm it to him accordingly. June 6, 1825.

No. 76.—See REPORT No. 1.

*John Silcock vs. The United States. For three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Silcock respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated three miles from the head of the river Nassau, in the county of Duval, beginning at a stake marked with a cross; thence south, 55 chains, to a pine with the same mark; thence east, 55 chains, to a pine with the same mark; thence north, 55 chains, to a stake with the same mark; thence west, 55 chains, to the beginning, as will be seen by a plat and certificate made by Pedro Marrot, by order of the Spanish government, in favor of memorialist, and dated March 18, 1792; which title your memorialist derives from a grant made to him by Governor Quesada, in virtue of the royal order of October 29, 1790. And your memorialist further sheweth that he is legally, and was in actual possession, and cultivated said lands until he was obliged to abandon them on account of the revolution of the year 1812; that he is a citizen of the United States and resident of East Florida. All of which is respectfully submitted, &c.

JOHN SILCOCK.

[Here follows translation of a certificate of survey and a plat by Pedro Marrot, dated March 18, 1792.]

## DECREE.

*John Silcock vs. The United States. For three hundred acres of land.*

The board having ascertained the above to be a valid Spanish title made by Don Pedro Marrot, judge commissioned for the survey and distribution of lands in East Florida, do confirm the same accordingly. June 6, 1825.

No. 77.—See REPORT No. 1.

*Lewis Guibert vs. The United States. For four hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Lewis Guibert respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred acres, situated to the east of the river St. John's; the first line runs north 10° east, 24 chains, to a pine; the second, north 65° west, 76 chains, to another pine; the third, south 55° west, 48 chains, to another pine; the fourth, south 65° east, 76 chains, to another pine; the fifth, south 10° west, 24 chains, to another pine; and the sixth, north 57° east, 48 chains, to another pine; which title your memorialist derives from a grant made to Edward M. Wanton by Governor White, in virtue of the royal order of 1790, who sold the same to your memorialist; which said tract of four hundred acres is in part of a grant of seven hundred and fifty acres made to the said Edward M. Wanton on December 23, 1801. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of Florida. In confirmation of the title of your memorialist, he begs leave to refer this honorable board to the memorial of the said Edward M. Wanton, and the decree thereon, dated November 23, 1801; the royal title of April 26, 1820, attached to which will be found the certificate of survey of George J. F. Clarke, public surveyor, for the said four hundred acres, and from which the within description is taken; and also to the bill of sale from Wanton to your memorialist, dated May 18, 1820—all on file in the office of the public archives of this city.

THOMAS F. CORNELL,  
Attorney for LEWIS GUIBERT.

[Here follows translation of a concession by Governor White, dated November 23, 1801, to Edward M. Wanton.]

[Here follows translation of a royal title by Governor Coppinger, dated April 26, 1820, to the same.]

[Here follows translation of a certificate of survey and a plat by George J. F. Clarke, dated November 17, 1819.]

[Here follows translation of a conveyance from Edward M. Wanton to Lewis Guibert, dated May 18, 1820.]

## DECREE.

*Lewis Guibert vs. The United States. For four hundred acres of land.*

The board having ascertained the above to be a valid Spanish concession, and the deraignment being regular to claimant, do confirm the same accordingly. June 6, 1825.



## No. 78.—See REPORT No. 1.

*Stephen Eubanks vs. The United States. For three hundred and twenty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Stephen Eubanks, jr., respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and twenty-five acres of land, situated on Trout creek, St. John's river, which title your memorialist derives from a grant made to him by Governor Coppinger in virtue of the royal order of 1790. A copy of his said grant, bearing date March 18, 1817, your memorialist herewith presents, and will file his documents of survey when required. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been an inhabitant and resident of this country. And he will, as in duty bound, pray, &c.

GEO. J. F. CLARKE,  
For STEPHEN EUBANKS.

[Here follows translation of a concession made March 18, 1817, by Governor Coppinger.]

## DECREE.

*Stephen Eubanks, jr., vs. The United States. For three hundred and twenty-five acres of land.*

The board having ascertained the above to be a valid Spanish concession, do confirm the same accordingly. June 6, 1825.

## No. 79.—See REPORT No. 1.

*Ezekiel Hudnall's heirs vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the heirs of Ezekiel Hudnall, deceased, respectfully sheweth: That your memorialists claim title to a tract of land consisting of two hundred acres, situated at the south head of St. Pablo creek, and beginning *at laurel*, running thence south 7° west, 50 chains, to a pine; thence south 83° west, 4 chains, with Solomon Miller's land, to a pine; thence north 7° east, 50 chains, *to pine*; thence north 83° east, 40 chains, with Francisco Richard's lands, to the beginning, as will be seen by a plat and certificate of George J. F. Clarke, dated June 7, 1821, herewith submitted; which title your memorialists derive from a concession made to Selvey Taylor April 14, 1817, by Governor Coppinger, in virtue of the royal order of ———, who sold the same to E. Hudnall, as per deed herewith submitted, dated November 28, 1821, who, since that time, departed this life, resident in East Florida; and your memorialists further show that they are legally in the possession of said lands, and were so by *original* ——— *granted* at the time of the cession of this Territory by Spain to the United States; that they are citizens of the United States and residents of East Florida. They pray concession of title, &c.

JOHN B. STRONG, *Attorney.*

[Here follows translation of a concession to Selvey Taylor by Governor Coppinger, dated April 14, 1817.]

[Here follows translation of a certificate of survey and plat by George J. F. Clarke, dated June 7, 1821.]

[Here follows a conveyance from Selvey Taylor to Ezekiel Hudnall, dated November 28, 1821.]

## DECREE.

*Ezekiel Hudnall's heirs vs. The United States. For two hundred acres of land.*

The board having ascertained the above to be a valid Spanish concession, and the deraignment to claimants being regular, the same is confirmed accordingly. June 6, 1825.

[No. 80 was not sent to the General Land Office by the commissioners.]

## No. 81.—See REPORT No. 1.

*José Alvarez vs. The United States. For three hundred and fifty-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of José Alvarez respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and fifty-five acres, situated at a place known by the name of Thomas' swamp, near the river Nassau, bounded on the north, south, and west, by vacant lands, and on the east by the lands of Henry Grover; the first line commences at a pine and runs south 80° east, 71 chains, to a another pine; thence south 10° west, 50 chains, to another pine; thence north 80° west, 71 chains; thence north 10° east, 50 chains, to the beginning, as will be seen by a plat and certificate herewith presented, made by George J. F. Clarke, dated February 2, 1817, and marked A; which title your memorialist derives from a royal title made to José Alvarez September 9, 1816, by Governor Coppinger, in virtue of the royal order of March 29, 1815, which is herewith presented and marked B, as also a certified copy of the concession of said lands to memorialist, and dated September 9, 1816, and marked C. And your memorialist further sheweth that he is legally seized and possessed of said lands, and was so before the cession

of this Territory to the United States; that he is a citizen of the United States and resident of East Florida. All of which is respectfully submitted.

JOSE ALVAREZ.

[Here follows translation of a royal title by Governor Coppinger, dated September 9, 1816.]

[Here follows translation of a certificate of survey and plat by George J. F. Clarke, dated February 2, 1817.]

DECREE.

*José Alvarez vs. The United States. For three hundred and fifty-five acres of land.*

This being a valid Spanish title made previous to January 24, 1818, it is therefore confirmed. June 13, 1825.

No. 82.—See REPORT No. 1.

*Zephaniah C. Gibbs vs. The United States. For one hundred and twenty-one acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Zephaniah C. Gibbs respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and twenty-one acres, more or less, situated on the head of the Guana river to the west, on *St. Diego plains*, by *St. Diego plains*, on the west, on lands belonging to Francis P. Sanchez on the north, on the banks of the sea, those to the east, and on lands belonging to Philip Downs to the south; the first line begins at a laurel tree, running north 10° west, 42 chains, to a stake; the second line runs north 8° east, 29 chains, to a palma real tree; the third line runs east 10°, 42 chains, to a stake; the fourth line runs south 72° west, 29 chains, to the laurel tree, the beginning; conceded per royal title herewith submitted, with reference for further information to the office of the archives of the Territory, marked Z; which title your memorialist derives from a royal title made to the late Francis X. Sanchez, by Governor White, in virtue of the royal order of October 29, 1790; and on a division of the estate of the said Francis X. Sanchez amongst his heirs, this said tract of land fell to John M. Sanchez, his son, which, by reference to the archives of the Territory, will fully appear; and the said John M. Sanchez sold the same to your memorialist, per deed now in possession of Samuel Fairbanks, esq., for the purpose of taking the acknowledgment of the wife of the said Sanchez to the same. And your memorialist further sheweth that he is in actual possession of the said lands; that he is a citizen of the United States and resident of St. Augustine. November 17, 1823.

ZEPH. C. GIBBS,  
By GEORGE GIBBS.

[Here follows translation of a royal title made by Governor White, dated February 12, 1811, to Francisco Xavier Sanchez.]

[Here follows a deed of conveyance from John M. Sanchez and Margaretta, his wife, heirs of F. X. Sanchez, dated May 8, 1823, to Zephaniah C. Gibbs.]

DECREE.

*Zephaniah C. Gibbs vs. The United States. For one hundred and twenty-one acres of land.*

The board having ascertained the above to be a valid Spanish title made previous to January 24, 1818, and the deraignment being regular to claimant, it is therefore confirmed to him. June 13, 1825.

No. 83.—See REPORT No. 1.

*Zephaniah Kingsley vs. The United States. For fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain the claims and titles to lands in East Florida:*

The petition of Zephaniah Kingsley, by George Gibbs, attorney in fact, respectfully sheweth: That your memorialist claims title to a tract of land consisting of fifty acres, situated on St. John's bluff, on the south side of the said river, bounded by St. John's river on the north, on lands now or late belonging to Dr. Bartolo de Castro, and on the east by a creek and marsh; the first line appears to begin at a stake on the margin of the said St. John's river, the boundary between it and the aforesaid lands of Manuel Row. Turner, nearly south to a stake, as per plat of survey by George Clarke, and dated April 15, 1817, submitted, marked M; which title your memorialist derives from a royal title made to Francisco Estacholy by Governor Coppinger, in virtue of the royal order of October 29, 1790, who sold the same to your memorialist per deed dated March 27, 1817, marked N, and a royal title for the same, dated March 15, 1817, also submitted, marked O. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of ———.

ZEPHANIAH KINGSLEY,  
By GEORGE GIBBS, Attorney in fact.

[Here follows translation of a royal title by Governor Coppinger, dated March 15, 1817, to Francisco Estacholy.]

[Here follows a conveyance from Francisco Estacholy to Zephaniah Kingsley, dated March 27, 1817.]

[Here follows a plat by George J. F. Clarke, dated April 15, 1817.]

## DECREE.

*Zephaniah Kingsley vs. The United States. For fifty acres of land.*

The above being a valid Spanish title made previous to January 24, 1818, and the deraignment regular to claimant, it is therefore confirmed to him. June 13, 1825.

No. 84.—See REPORT No. 1.

*John G. Rushing vs. The United States. For two hundred and five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John G. Rushing, by G. Gibbs, his attorney in fact, respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and five acres, situated on the north side of the river St. John's, and beginning on Little Dunn's creek at a poplar tree; the first line running north 23° east, 54 chains, to a pine; the second line running south 67° east, 26 chains, to a pine; third line running south 23° west, 119 chains, to a pine; the fourth running south 45° west, 13 chains, to a pine on Big Dunn's creek; thence up the same to the fork of Little Dunn's creek; thence up the same to the beginning of the first line, as per concession dated November 27, 1815, marked A, and survey of the same by George Clarke, dated February 1, 1818, marked B, herewith enclosed; which title your memorialist derives from a decree in concession made to John G. Rushing by Governor Estrada, in virtue of the royal order —, agreeably to a certified copy of a decree signed by Thomas de Aguilar, dated November 17, 1815, and further reference to the office of the archives. And your memorialist further sheweth that he is in actual possession, having built on and improved the said lands; that he is a citizen of the United States and resident of the said Territory.

JOHN G. RUSHING,  
By GEORGE GIBBS, Attorney in fact.

[Here follows the translation of a concession by Governor Estrada, dated November 27, 1815.]

[Here follows the translation of a certificate of survey and plat by George J. F. Clarke, dated February 1, 1818.]

## DECREE.

*John G. Rushing vs. The United States. For two hundred and five acres of land.*

The board having ascertained the above to be a valid Spanish concession, do confirm the same accordingly. June 13, 1825.

No. 85.—See REPORT No. 1.

*John Christopher vs. The United States. For fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John Christopher, by his attorney in fact, Farquhar Bethune, respectfully sheweth: That your memorialist claims title to a tract of land consisting of fifty acres, situated on the river Nassau, and bounded on the west by other land belonging to your memorialist; which title your memorialist derives from a grant originally made to John Tucker on May 24, 1804, by Governor White, in virtue of the royal order of October 29, 1790, a certified copy of which is annexed, marked A; which tract was exchanged by said Tucker with Gilbert Mann for another, as appears by a paper marked B, and was by said Mann conveyed to your memorialist, as appears by a paper marked C. And your memorialist further shows that he is now in actual possession of said lands, and has been since the year 1807; that he is a citizen of the United States and resident of Duval county. All of which is respectfully submitted.

JOHN CHRISTOPHER,  
By his attorney FARQUHAR BETHUNE.

[Here follows translation of a concession to John Tucker by Governor White, dated May 24, 1804.]

[Here follows a transfer from John Tucker to Gilbert Mann, dated January 22, 1807.]

[Here follows a transfer from Gilbert Mann to John Christopher, dated October 31, 1807.]

## DECREE.

*John Christopher vs. The United States. For fifty acres of land.*

The board having ascertained the above to be a valid Spanish concession, and the deraignment to claimant being regular, it is therefore confirmed to him. June 14, 1825.

## TESTIMONY.

*John Christopher vs. The United States. For fifty acres of land.*

Isaac Carter sworn:

Question. Do you know the tract claimed by Mr. Christopher?

Answer. I do. Mr. Tucker sold the said land to the present claimant, who has had possession of the



same and made several crops thereon. Witness had in his possession a note of hand given by the said Christopher to Tucker for the said tract.

ISAAC CARTER.

Before the board in session May 18, 1825.

No. 86.—See REPORT No. 1.

*Zephaniah Kingsley vs. The United States. For one hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Zephaniah Kingsley, by his attorney, George Gibbs, sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated on the south side of St. John's river, commonly called St. John's Bluff; on the north by St. John's river, on the east by lands formerly of Francisco Stacholy, on the south by vacant land, on the west by a ship yard creek, as will more fully appear by the marked A, and other documents herewith submitted; which title your memorialist derives from a grant made to Manuel Romero March 17, 1817, by Governor Coppinger, in virtue of the royal order of October 29, 1790, who sold the same to your memorialist, as per deed marked B, and dated March 27, 1817. And your memorialist further sheweth that he was, at the exchange of flags, and now is, in actual possession of said lands; that he is a citizen of the Territory of Florida and resident of said Territory. All of which is respectfully submitted.

ZEPH. KINGSLEY,

By his attorney in fact, GEORGE GIBBS.

[Here follows translation of a royal title made by Governor Coppinger to Don Manuel Romero, dated March 17, 1817.]

[Here follows translation of a certificate of survey and plat by George J. F. Clarke, dated April 15, 1817.]

[Here follows translation of a conveyance from Don Manuel Romero to Don Zephaniah Kingsley, dated March 27, 1817.]

DECREE.

*Zephaniah Kingsley vs. The United States. For one hundred acres of land.*

The board having ascertained the above to be a valid Spanish title, and the deraignment to claimant being regular, it is therefore confirmed. June 16, 1825.

No. 87.—See REPORT No. 1.

*Hannah Nobles vs. The United States. For one hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Hannah Nobles respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres, situated on Wills' swamp, on the south side of the river St. John's, bounded on all sides by government lands; the first line runs north 75° east, 25 chains; the second line running east 40 chains; the third running west 75°, 25 chains; the fourth running north 15° west, 40 chains, as by reference to the archives of the Territory will more fully appear; which title your memorialist derives from a royal title made to your memorialist by Governor Coppinger, in virtue of the royal order of October 29, 1790, as per the said royal title herewith submitted, and dated March 26, 1819; which land was granted her April 23, 1816, by the said Governor Coppinger, as therein set forth, marked G. And your memorialist further sheweth that she is in actual possession of said lands; that she is now a citizen of the United States and resident of the Territory of Florida.

HANNAH <sup>her</sup> × NOBLES.  
mark.

Witness to the mark of Hannah Nobles: GEORGE GIBBS.

[Here follows translation of a concession by Governor Coppinger, dated April 23, 1816.]

[Here follows translation of a certificate of survey and plat by George J. F. Clarke, dated May 13, 1817.]

DECREE.

*Hannah Nobles' heirs vs. The United States. For one hundred acres of land.*

The board having ascertained the above to be a valid Spanish concession to claimant, do confirm it accordingly. June 16, 1825.

No. 88.—See REPORT No. 1.

*Lorenzo Capo's heirs vs. The United States. For one hundred and seventy-five acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The heirs of Lorenzo Capo, deceased, respectfully show: That your memorialists claim title to a tract of land consisting of one hundred and seventy-five acres, situated in the Twelve-mile swamp adjoining the lands of Lewis Scholfield, but has never been surveyed. In 1819 Governor Coppinger made an

order for the survey of said tract by Andrew Burgevin, but the said Burgevin never complied with the said order, which is herewith presented; which title your memorialists derive from a grant made to the said Lorenzo Capó by Governor White, in virtue of the royal order of 1790, as appears by the *secretary's* certificate *herewith* presented, dated February 24, 1808. And your memorialists further show that the said Lorenzo Capó was in actual possession of said lands from the grant till 1812, when one of his sons was taken prisoner by the revolutionists and detained about six months, and the plantation broken up, and has not been resumed, owing to the poverty of the claimants; that they are citizens of the United States and residents of East Florida. St. Augustine, October 10, 1823.

JOHN B. STRONG, *Attorney for Claimants.*

[Here follows translation of a concession by Governor White, dated February 24, 1808.]

[Here follows the affidavit of Anthony Hindsman before the presiding judge of the county court, dated April 21, 1825, proving compliance with the conditions.]

DECREE.

*Lorenzo Capó's heirs vs. The United States. For one hundred and seventy-five acres of land.*

The above being a valid Spanish concession, with conditions which were complied with, dated previous to January 24, 1818, it is therefore confirmed. June 16, 1825.

No. 89.—See REPORT No. 1.

*John Frazer's executors vs. The United States. For five hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Philip R. Yonge and Zephaniah Kingsley, as executors of John Frazer, respectfully sheweth: That your memorialists claim title to a tract of land consisting of five hundred acres, situated on the St. Mary's river, about twelve — from the island of Amelia, by the same on all sides, being an island, and called the Roundabout, or Cut-off; which title your memorialists derive from a concession, dated May 2, 1810, to said John Frazer, deceased, by Governor White, in virtue of the royal order of —, as by reference to the documents in the office of the public archives will more fully appear, copies not being procurable in time, and the originals mislaid. And your memorialists further show that said executors of the said John (the same having been by virtue of said concession taken possession of, improved, and cultivated) died a subject of Spain; that one of the said executors is a resident of —; that said Frazer is a citizen of Great Britain; the other a resident of the Territory of Florida.

PHILIP R. YONGE,  
ZEPH. KINGSLEY,

*Executors of John Frazer, deceased,*  
By GEORGE GIBBS, *Attorney in fact.*

[Here follows the translation of a concession by Governor White, dated May 2, 1810, to John Frazer, deceased.]

DECREE.

*Executors of John Frazer, deceased, vs. The United States. For five hundred acres of land.*

This being a valid Spanish concession without conditions, made previous to January 24, 1818, it is therefore confirmed. June 22, 1825.

No. 90.—See REPORT No. 1.

*John Bellamy vs. The United States. For fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Bellamy sheweth: That your memorialist claims title to a tract of land consisting of fifty acres, situated at Jacksonville, on the St. John's river, south by the river St. John's, east and north by a creek making out of said river, and west by land granted to Z. Hogans; which title your memorialist derives from a royal grant made to John Mestre December 3, 1816, by Governor Coppinger, in virtue of the royal order of 1815, who sold the same to John Brady, and the said John Brady has since sold and conveyed the said lands to your memorialist. And your memorialist further sheweth that he is in actual possession of said lands, and was so at the time of the cession; that he is a citizen of the United States and resident of the Territory of Florida.

A. BELLAMY, *Memorialist's Attorney.*

[Here follows the translation of a concession by Governor Coppinger, dated November 18, 1816, to John Mestre, and a plat by G. J. F. Clarke, dated February 21, 1817.]

[Here follows a conveyance from John Mestre to John Brady, dated June 1, 1822.]

[Here follows a conveyance from John Brady to John Bellamy, dated January 29, 1823.]

DECREE.

*John Bellamy vs. The United States. For fifty acres of land.*

This being a valid Spanish concession made to John Mestre previous to January 24, 1818, and being regularly conveyed to claimant, it is therefore confirmed to him. July 12, 1825.

## No. 91.—See REPORT No. 1.

*Heirs of Matthias Pons vs. The United States. For four hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the heirs of Matthias Pons, deceased, by Francis Marin, administrator, respectfully sheweth: That your memorialists claim title to a tract of land consisting of four hundred acres, situated on the river Matanzas, known by the name of Casapula, to the south of St. Augustine, bounded on the north by lands of Fernando Falany, on the east by Matanzas river, on the south by lands of Pedro Chovet, and on the west by vacant lands, as will be seen by a plat and certificate of survey made by John Purcell, which is attached to the proceedings relating to this grant in the archives office; which title your memorialists derive from a royal title made to Matthias Pons September 17, 1814, by Governor Kindelan, in virtue of the royal order of October 29, 1790, a copy of which royal title is herewith presented; and the said Matthias Pons since that time departed this life, leaving Antonia Pons, wife of Francis Marin, Agathy Pons, Francis Pons, and Peter Pons, his children and heirs. And your memorialists further show that they are in actual possession of the said lands, and that they and their ancestors for many years have been; that they are citizens of the United States and residents of East Florida. They pray confirmation of title, &c.

FRANCIS MARIN, *Administrator of said deceased.*

[Here follows translation of a royal title made by Governor Kindelan, dated September 17, 1814.]

## DECREE.

*Matthias Pons' heirs vs. The United States. For four hundred acres of land.*

The board having ascertained the above to be a valid Spanish title, do confirm the same accordingly. August 9, 1825.

## No. 92.—See REPORT No. 1.

*Susannah Cashen vs. The United States. For two hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Susannah Cashen, widow of James Cashen, respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and fifty acres, situated on Amelia island, near those formerly granted to him by the Spanish government, bounded on the north and east by lands belonging to Mr. Jordine, and on the south and west by vacant lands, as will be seen by a plat and certificate made by Juan Purcell in favor of James Cashen, deceased, dated November 30, 1807, and marked No. 2; which title your memorialist derives from a concession made to James Cashen by Governor White, in virtue of the royal order of 1790, as will appear by the same herewith presented, dated October 7, 1805, and marked No. 2. And your memorialist further sheweth that she is legally in possession of said lands, and was so before the cession of this Territory to the United States; that she is a native of the United States and resident of St. Augustine. All of which is respectfully submitted, &c.

SUSANNAH CASHEN.

[Here follows a translation of a memorial to Governor White, dated September 27, 1805, soliciting a concession of the above, and a decree of the governor dated October 7, 1805.] •

[Here follows translation of a survey and plat by John Purcell, dated November 30, 1807.]

[Here follows translation of a resurvey of the said land by George J. F. Clarke, dated February 2, 1816.]

*Susannah Cashen vs. The United States. For two hundred and fifty acres of land.*

The board having ascertained the above to be a valid Spanish concession, do confirm the same accordingly. August 9, 1825.

## No. 93.—See REPORT No. 1.

*Pedro Pons vs. The United States. For eight hundred and seventy-five acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

Your memorialist claims title to a tract of land consisting of eight hundred and seventy-five acres, situated in Mills' swamp, on the river Nassau: the first of survey beginning at a pine and running south 25° east, ninety-seven chains, to a pine; second line, south 70° west, ninety chains, to a pine; third line, north 25° west, ninety-seven chains, to a pine; fourth line, north 70° east, ninety chains, to the pine at the beginning; which title your memorialist derives from an absolute title made to him by Governor Coppinger, in virtue of the royal order of 1815, and bearing date July 4, 1817, a certified copy of which



accompanies this petition; and the plat and certificate of survey by George J. F. Clarke will be filed when required. And your memorialist further sheweth that he is a native of East Florida and resident of the same. Your memorialist will, as in duty bound, pray, &c.

GEORGE J. F. CLARKE,  
For PEDRO PONS.

[Here follows the translation of a royal title made by Governor Coppinger, dated June 4, 1817.]

DECREE.

*Pedro Pons vs. The United States. For eight hundred and seventy-five acres of land.*

The board having ascertained the above to be a valid Spanish title, do confirm the same accordingly. August 9, 1825.

No. 94.—See REPORT No. 1.

*Thomas Suarez vs. The United States. For five hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Thomas Suarez, administrator of Antonio Suarez, deceased, respectfully sheweth: That your memorialist claims title to a tract of land consisting of five hundred acres, situated on the island of Amelia, at a place called Black Point, bounded as will be seen by the royal grant made to Antonio Suarez, which is herewith presented; which title your memorialist derives from a royal grant made to Antonio Suarez, July 17, 1809, by Governor White, in virtue of the royal order of 1790. And your memorialist further sheweth that he is in actual possession of said lands, and was so at the cession; that he is a citizen of the Territory and a resident of Duval county.

A. BELLAMY, Claimant's Attorney.

[Here follows the translation of a royal grant from Governor White to Antonio Suarez, dated July 27, 1809.]

DECREE.

*Thomas Suarez, administrator of Antonio Suarez, vs. The United States. For five hundred acres of land.*

The board having ascertained the above to be a valid Spanish title, do confirm the same accordingly. August 9, 1825.

No. 95.—See REPORT No. 1.

*Domingo Fernandez vs. The United States. For three hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Domingo Fernandez, by his attorney, Farquhar Bethune, respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated on Amelia island, and contained within the following lines and boundaries: the first line runs north 80° east, is in measure 37 chains, and is bounded by lands of said Fernandez; the second line runs south 11° east, measures 49 chains, and is bounded by lands of said Fernandez; the third line runs north 80° east, measures 30 chains; the fourth line runs south 11° east, is in measure 26 chains, bounded by the sand hills of the sea-beach; the fifth line runs west, measures 76 chains, bounded by vacant land; the sixth line runs north 11° west, is in length 64 chains, bounded by lands of John Bashlott; which title your memorialist derives from a grant made to James Adamson by Governor White, June 1, 1802, in virtue of the royal order of 1790, which tract was purchased from said Adamson from your memorialist. Your memorialist further sheweth that he obtained from Governor Coppinger the full or royal title, dated April 11, 1817; that he is now and has been in actual possession of the said land for the last eighteen years; that he is an inhabitant of Florida and resident of Amelia island. The grant above alluded to is annexed. All of which is respectfully submitted, &c.

DOMINGO FERNANDEZ,  
Per his attorney, FARQUHAR BETHUNE.

[Here follows the translation of a royal title made by Governor Coppinger, dated April 11, 1817.]

DECREE.

*Domingo Fernandez vs. The United States. For three hundred acres of land.*

The board having ascertained the above to be a valid Spanish grant, do confirm the same accordingly. August 16, 1825.

No. 96.—See REPORT No. 1.

*Heirs of Cornelius Griffith vs. The United States. For three hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Downs, David Turner, Zachariah Haddock, and Abraham Simmons, husbands of Winney, Elizabeth, Sarah, and Eliza, heirs of Cornelius Griffith, respectfully sheweth: That your

memorialists claim title to a tract of land consisting of three hundred acres, situated on the banks of the River St. Mary's; bounded on the east by a creek known by the name of Mill creek, distant about a mile from said creek, and bounded on all other sides by vacant lands; which title your memorialists claim from a concession made to Cornelius Griffith on December 4, 1802, by Governor White, by virtue of a royal order of 1790, as by a more particular reference to the archives of the province of East Florida, and by a certified copy of said concession, filed herewith, will more fully and at large appear. And your memorialists further show that they are in legal possession of the said lands, and that they are citizens of the United States, and are, with the exception of said Downs, residents of this Territory. And your memorialists will ever pray, &c.

WM. DOWNS,  
DAVID TURNER,  
ZACH. HADDOCK, and  
ABRAM. SIMMONS,

By their attorney, DAVID B. MACOMB.

Certified copy of concession filed herewith, marked B.

[Here follows translation of a concession made to Cornelius Griffith by Governor White, dated December 9, 1802.]

#### DEGREE.

*Heirs of Cornelius Griffith vs. The United States. For three hundred acres of land.*

The board having ascertained the above to be a valid Spanish concession, and that the claimants are lawful heirs to the grantee, do confirm the same accordingly. August 16, 1825.

#### TESTIMONY.

*C. Griffith's heirs vs. The United States. For three hundred acres of land.*

Joseph Summerall sworn:

*Question.* How long was the claimant in possession of the land on Nassau?

*Answer.* About five years.

*Question.* How long since claimant obtained possession of this land?

*Answer.* Many years since; the land was surveyed by Pedro Marrot and Samuel Eastlake. The claimant was ordered off the land by the Spanish governor during the revolution of the year 1794, and is since dead; has three legal heirs in this Territory, and one out of it.

JOSEPH SUMMERALL.

Daniel Hogans sworn in the claim of 100 acres:

*Question.* When did claimant settle the land now claimed by him on Trout creek?

*Answer.* In the year 1808.

*Question.* How long did he remain there?

*Answer.* From 1808 to 1813, when he died. The land has since been occupied by his son-in-law.

*Question.* Has he any heirs within the Territory?

*Answer.* He has three heirs living within the Territory, and one without.

DANIEL HOGANS.

Before the board in session May 16, 1825.

No. 97.—See REPORT No. 1.

*George J. F. Clarke vs. The United States. For one thousand acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George J. F. Clarke respectfully sheweth: That your memorialist claims title to a tract of land consisting of one thousand acres, situated, five hundred acres thereof on the head of the north branch of Durbin's swamp, to the west of the part of said swamp called the Big Bend; the first line of the survey of the same beginning at a pine, and running south 40° east, 60 chains, to a pine; second line runs north 50° east, 83½ chains, to a pine; third line runs north 40° west, 60 chains, west to a pine; fourth line, south 50° west, 83½ chains, to the pine at the beginning; and five hundred acres in Picolata swamp, on the west side of St. John's river: the first line beginning at a cypress, and running north 67° west, 69 chains, to a pine; fourth line, east 45 chains, to a cypress; and the fifth, north 45° east, to the cypress at the beginning; and this last bounded by St. John's river; which title your memorialist derives from a grant made to him for headrights by Governor Kindelan, in virtue of the royal order of 1790; a certified copy thereof is herewith annexed, and which grant was made to him on May 9, 1815. The two aforesaid surveys were made by Andres Burgevin, and the plats and certificates of them will be filed whenever required. And your memorialist further sheweth that he is in actual possession of said lands; that he is a native of East Florida and resident of the same. Your memorialist will, as in duty bound, pray, &c.

GEO. J. F. CLARKE.

[Here follows translation of a concession made by Governor Kindelan, dated May 9, 1815.]

*George J. F. Clarke vs. The United States. For one thousand acres of land.*

The board having ascertained the above to be a valid Spanish concession, do confirm the same accordingly. August 17, 1825.

## No. 98.—See REPORT No. 1.

*Domingo Fernandez vs. The United States. For one hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Domingo Fernandez, by his attorney, Farquhar Bethune, respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and fifty acres, situated on Amelia island, bounded on the north by a creek which forms the point of said tract, on the south by other lands of your memorialist, on the east by lands granted to Andrew Atkinson, and on the west by the harbor of Fernandina; which title your memorialist derives from a grant made to him by Governor White, in virtue of the royal order of October 29, 1790. After cultivating said tract more than ten years, your memorialist obtained from Governor White a title in fee simple for the same, dated August 19, 1807; which title accompanies this memorial, marked A. The survey of this tract will be produced when required. Your memorialist further sheweth that he is now in actual possession of said land, and was so at the time of the cession; that he is an inhabitant of Florida and a resident of Amelia island. All of which is respectfully submitted.

DOMINGO FERNANDEZ,

By his attorney, FARQUHAR BETHUNE.

[Here follows the translation of a royal title by Governor White, dated August 19, 1807.]

## DECREE.

*Domingo Fernandez vs. The United States. For one hundred and fifty acres of land.*

The board having ascertained the above to be a valid Spanish title, do confirm the same accordingly. August 17, 1825.

## No. 99.—See REPORT No. 1.

*Susannah Cashen vs. The United States. For two hundred and thirty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Susannah Cashen respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and thirty acres, situated on the banks of the river St. Mary's, at a place known by the name of Old Township, bounded on the north by the lands of Spicer Christopher, and on the south with Brant's lands; which title your memorialist derives from a concession made to Joseph Ried July 13, 1804, by Governor White, in virtue of the royal order of October 29, 1790, who sold the same to Moses Harrell by deed of conveyance dated February 8, 1811, and signed by Joseph Ried and Nancy Ried, and herewith presented, and marked A; also a memorandum of agreement between Harrell for said lands and improvements thereon, dated November 12, 1811, and signed by James Cashen and Moses Harrell, and marked B. And your memorialist further sheweth that she is legally in possession of said lands, and that her said husband was so before the cession of this Territory to the United States; that she is a native of the United States and a resident of St. Augustine. All of which is respectfully submitted.

SUSANNAH CASHEN.

[Here follows the translation of a concession made by Governor White, dated July 13, 1804.]

[Here follows a transfer from Joseph Ried and Nancy Ried to Moses Harrell, dated February 5, 1811.]

[Here follows a transfer from Moses Harrell to James Cashen, dated November 12, 1811.]

[Here follows the deposition of William Braddock, before Charles Seaton, justice of the peace, proving occupation and possession of the above, dated June 10, 1825.]

## DECREE.

*Susannah Cashen vs. The United States. For two hundred and thirty acres of land.*

The board having ascertained the above to be a valid Spanish concession, and that it was occupied and possessed according to the terms thereof, and also that the deraignment is clear to the claimant, do confirm it accordingly. August 17, 1825.

## No. 100.—See REPORT No. 1.

*Francis Richard vs. The United States. For four hundred and sixty-six acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Francis Richard respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred and sixty-six acres, situated at a place called Branchester, St. John's river; the first line beginning at a bay, north 70° east, 70 chains, to a pine; third line, south 70° west, to a gum; fourth line formed and bounded by said river; which title your memorialist—from an absolute title made to him by Kindelan, in virtue of the royal order of 1790, a certified copy of which accompanies this petition, bearing date March 20, 1815, the plat of which, by Samuel Eastlake, will be filed when required. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been a resident of this province. Your memorialist will, as in duty bound, pray, &c.

GEO. J. F. CLARKE,

For FRANCIS RICHARD.



[Here follows the translation of a royal title from Governor Kindelan, dated March 20, 1815.]

DECREE.

*Francis Richard vs. The United States. For four hundred and sixty-six acres of land.*

The board having ascertained the above to be a valid Spanish grant, do confirm it accordingly. August 17, 1825.

No. 101.—See REPORT No. 1.

*Francis Richard vs. The United States. Claim for two hundred and thirty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Francis Richard respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and thirty acres, situated at a place called Parque, on St. John's river; the first line beginning at a gum, north 70° east, 23 chains, and to a pine; second, south 100 chains, to a pine; third, west 25 chains, to a cherry tree; fourth line formed and bounded by the said river; which title your memorialist derives from an absolute grant made to him by Governor Kindelan, in virtue of the royal order of 1790, a certified copy of which, dated March 20, 1815, accompanies this petition. The plat and certificate of survey by Samuel Eastlake will be filed when required. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been an inhabitant and resident of this country. Your memorialist will, as in duty bound, pray, &c.

GEO. J. F. CLARKE,  
For FRANCIS RICHARD.

[Here follows the translation of a royal title by Governor Kindelan, dated March 20, 1815.]

DECREE.

*Francis Richard vs. The United States. For two hundred and thirty acres of land.*

The board having ascertained the above to be a valid Spanish title, do confirm the same accordingly. August 17, 1825.

No. 102.—See REPORT No. 1.

*Domingo Fernandez vs. The United States. For one hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Domingo Fernandez, by his attorney, Farquhar Bethune, respectfully sheweth: That your memorialist claims title to a tract of land containing one hundred acres, situated on Amelia island, bounded on the north by other lands of your memorialist, on the east by John McClure's land, on the south by Isabella Jardine's land, and on the west by Amelia river; which title your memorialist derives from a grant made to him by Governor White August 21, 1803, in virtue of the royal order of October 29, 1790; for which tract, after cultivating it more than ten years, your memorialist obtained a title in fee simple from Governor Kindelan, dated September 1, 1813, which title is hereunto annexed, marked A. The plat and survey of this tract is in the archives. Your memorialist further sheweth that he is now in actual possession of said land, and was so at the time of the cession, and for many years previous; that he is an inhabitant and resident of East Florida. All of which is respectfully submitted, &c.

DOMINGO FERNANDEZ,  
By his attorney, FARQUHAR BETHUNE.

[Here follows translation of the royal title by Governor Kindelan, dated September 1, 1813.]

DECREE.

*Domingo Fernandez vs. The United States. For one hundred acres of land.*

The board having ascertained the above to be a valid Spanish title, do confirm the same accordingly. August 17, 1825.

No. 103.—See REPORT No. 1.

*Jane Murray vs. The United States. For six hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Jane Murray respectfully sheweth: That your memorialist claims title to a tract of land containing six hundred acres, situate, lying, and being at Mosquito, at the place known as the plantation of McDougal, about eight miles from the wharf of Turnbull, and fronting on the river Hillsborough; which title your memorialist derives from a grant made by Governor White July 28, 1803, as will appear by the decree on file in the office of the archives, and a certificate by Don Juan Pierra, herewith filed.

JANE MURRAY,  
By her attorney, B. A. PUTNAM.

[Here follows translation of the certificate of concession made by Governor White July 28, 1803.]

[Here follows a letter from John Addison to George Murray, dated New Smyrna, February 9, 1807, stating his being about to plant the land of the latter.]

[Here follows the deposition of Dr. James Hall, proving the occupation and cultivation of the above by George Murray, before Elias B. Gould, J. P., July 18, 1825.]

DECREE.

*Jane Murray vs. The United States. For six hundred acres of land.*

The board having ascertained the above to be a valid Spanish concession, the conditions of which have been complied with, and that the claimant is legal representative of the grantee, do confirm the same accordingly. August 23, 1825.

TESTIMONY.

*Jane Murray vs. The United States. For six hundred acres of land.*

Farquhar Bethune, being sworn, states that he was acquainted with George Murray, the original claimant; that witness went on the tract claimed the latter end of the year 1803, or beginning of 1804, and found claimant in possession; claimant had a house built on said land, and planted and improved the land.

FARQUHAR BETHUNE.

Before the board in session June 13, 1825.

No. 104.—See REPORT No. 1.

*John Christopher vs. The United States. For five hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Christopher respectfully sheweth: That your memorialist claims title to a tract of land consisting of five hundred acres, situated on and near the mouth of the river Nassau, at a place called St. Maria, bounded as will be seen by the royal grant herewith presented; which title your memorialist derives from a royal grant made to Spicer Christopher April 8, 1809, by Governor White, in virtue of the royal order of 1790; the same fell to your memorialist by the will of the said Spicer Christopher, deceased. And your memorialist further sheweth that he is in actual possession of said lands, and was so at the cession; that he is a citizen of the United States and resident of East Florida.

BELLAMY, *Memorialist's Attorney.*

[Here follows translation of a royal title made to Spicer Christopher, dated April 8, 1809, by Governor White.]

DECREE.

*John Christopher vs. The United States. For five hundred acres of land.*

The board having ascertained the above to be a valid Spanish title, and that it was by the will of the grantee left to claimant, do confirm the same accordingly. August 23, 1825.

No. 105.—See REPORT No. 1.

*Domingo Fernandez vs. The United States. For two hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Domingo Fernandez, by his attorney, Farquhar Bethune, respectfully sheweth: That he claims title to a tract of land consisting of six caballerias, or about two hundred acres, situated on the main land opposite Amelia island, and known by the name of the Orange Grove, contained within the following lines: the first line runs south 10° east, beginning at the bank of the creek and terminating at a water oak marked with a cross on the margin of a marsh, and is in length 80 chains; the second line runs south 80° west, beginning at said crossed tree and terminates with a stake with the same mark, and is in length 20 chains; the third line runs north 20° west, beginning at said stake and terminating with a pine tree marked with a cross, on the margin of a marsh, and is in length 80 chains; its front runs on the bank of a creek which comes from the river St. Mary's, and forms an irregular figure; which title your memorialist derives from a grant made to Maria Mattair by Governor Quesada February 20, 1792, in virtue of the royal order of October 29, 1790; the said Maria Mattair dying, said tract descended to her children and heirs, Lewis Mattair and his sister, wife of your memorialist—one-half to each; which heirs obtained from Governor White a title in fee simple for said tract, dated April 25, 1807; one-half of said tract in right of his wife, one of the co-heirs of said Maria Mattair, deceased; the other half in virtue of a purchase made from Lewis Mattair of his half, as will appear from his deed of conveyance, dated April 11, 1820. The title in fee simple to the heirs of Maria Mattair, marked A, and the deed from Lewis Mattair, marked B, are annexed to this memorial. Your memorialist further sheweth that he is now, and was in actual possession of said land at the cession; that he is an inhabitant of East Florida and a resident of Amelia island. All of which is respectfully submitted, &c.

DOMINGO FERNANDEZ,

By his attorney, FARQUHAR BETHUNE.

[Here follows a translation of a royal title from Governor White, dated April 25, 1807.]

[Here follows a translation of a conveyance from Lewis Mattair to Domingo Fernandez of one-half of the above, dated April 11, 1820.]

DECREE.

*Domingo Fernandez vs. The United States. For two hundred acres of land.*

The board having ascertained the above to be a valid Spanish title, and the deraignment being clear, do confirm it accordingly to claimant. August 23, 1825.

No. 106.—See REPORT No. 1.

*John Houston vs. The United States. For six hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Houston respectfully sheweth: That your memorialist claims title to a tract of land consisting of six hundred acres, situated at the north end of the island of Talbot, bounded north by Nassau sound, south by lands of your memorialist, east and west by marshes, which will be seen by reference to the decree in the keeper of the archives' office; which title your memorialist derives from a decree made to Spicer Christopher December 4, 1795, in virtue of the royal order of 1790; the same fell to Lewis Christopher at the distribution, according to the will of the late Spicer Christopher, who sold the same to your memorialist; and your memorialist further sheweth that he is in actual possession of said lands, and was so at the time of the cession; that he is a citizen of the United States and resident of the Territory of Florida.

A. BELLAMY, *Memorialist's Attorney.*

[Here follows translation of the concession to Spicer Christopher, dated December 2, 1795, made by Governor Quesada.]

[Here follows translation of a royal title for the same, dated November 6, 1819, by Governor Coppinger, in favor of the heirs of grantee.]

DECREE.

*John Houston vs. The United States. For six hundred acres of land.*

The board having ascertained this to be a valid Spanish grant, made to Spicer Christopher, deceased, by Governor Quesada, and it also appearing of record that said John Houston is one of the heirs of said Christopher, the same is therefore confirmed to claimant. August 25, 1825.

TESTIMONY.

*John Houston vs. The United States. For six hundred acres of land.*

Francis J. Fatio, being sworn, says that he knows that Spicer Christopher resided for a number of years on Talbot island, in the Territory of Florida, and that the land above claimed is a part of the land on which he resided.

F. J. FATIO.

Before the board in session August 24, 1825.

No. 107.—See REPORT No. 1.

*Domingo Fernandez vs. The United States. For two hundred and twenty-eight acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Domingo Fernandez, by his attorney, Farquhar Bethune, respectfully sheweth: That he claims title to a tract of land consisting of two hundred and twenty-eight acres, situated on the west side of Amelia river, with the following lines and boundaries: the first line runs west, and measures forty-eight chains, bounded by Andrew Tucker's land; the second line runs north 36° east, is in length sixty-four chains, and bounded by William Berry's land; the fourth line runs south 73° west, is in length sixty-six chains, and bounded by the lands of Lewis Mattair; which title your memorialist derives from a grant made to him by Governor Coppinger April 10, 1817, in virtue of the royal order of March 29, 1815, which grant is hereunto annexed, marked A. The survey by the surveyor general is in the archives and will be furnished when required. Your memorialist further shows that he is now in actual possession of said land, and was so at the time of the cession; that he is an inhabitant of Florida and a resident of Amelia island. All of which is respectfully submitted.

DOMINGO FERNANDEZ,

By his attorney, FARQUHAR BETHUNE.

[Here follows translation of a royal title made by Governor Coppinger, dated April 10, 1817.]

DECREE.

*Domingo Fernandez vs. The United States. For two hundred and twenty-eight acres of land.*

The board having ascertained the above to be a valid Spanish title, do confirm the same accordingly. August 27, 1825.



## No. 108.—See REPORT No. 1.

*Henry Yonge vs. The United States. For one hundred and ninety acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Henry Yonge sheweth: That your memorialist claims title to one hundred and ninety acres of land, situated in Lofton's swamp, and that the same is bounded as set forth in the original survey and plat thereof, made by George J. F. Clarke, surveyor, dated June 8, 1817, and herewith filed, and marked exhibit A. That the said tract of land was surveyed and set off to your memorialist in virtue of a grant made by Governor Coppinger March 15, 1817, to your memorialist; and that the said grant is on file amongst the public archives of the Territory.

HENRY YONGE,

By his agent, PETER MITCHEL.

[Here follows the translation of a concession made by Governor Coppinger, dated March 15, 1817.]

[Here follows translation of a certificate of survey and a plat by George J. F. Clarke, dated June 8, 1817.]

## DECREE.

*Henry Yonge vs. The United States. For one hundred and ninety acres of land.*

The board having ascertained the above to be a valid Spanish concession, do confirm the same accordingly. August 27, 1825.

## No. 109.—See REPORT No. 1.

*Henry Yonge vs. The United States. For four hundred and eighty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Henry Yonge sheweth: That your memorialist claims title to four hundred and eighty acres of land on St. Mary's river, and that the same is bounded as set forth in the original survey and plat hereof, made by George J. F. Clarke, surveyor, and dated April 1, 1816, and herewith filed, and marked exhibit A. That the said land was granted to Henry Yonge, and is part of a grant of nine hundred and eighty acres made by Governor Estrada December 22, 1815, in virtue of a royal order of 1815; and that the said grant is of record amongst the public archives.

[Here follows translation of a royal title by Governor Estrada, dated December 22, 1815, for nine hundred and eighty acres of land.]

[Here follows translation of a certificate of survey and a plat by George J. F. Clarke, dated April 1, 1816.]

## DECREE.

*Henry Yonge vs. The United States. For four hundred and eighty acres of land.*

The board having ascertained the above to be a valid Spanish royal title for nine hundred and eighty acres of land, in two tracts, the one of five hundred and the other of four hundred and eighty acres, and this claim being one of them, the same is confirmed accordingly. August 27, 1825.

## No. 110.—See REPORT No. 1.

*[Henry Yonge vs. The United States. For five hundred acres of land.]*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Henry Yonge sheweth: That your memorialist claims title to five hundred acres of land, situated on St. Mary's and Little St. Mary's river, and that the same is bounded as set forth in the original survey and plat thereof, made by George J. F. Clarke, surveyor, and dated April 3, 1816, and herewith filed, and marked exhibit B.

That the said land was granted to Henry Yonge, and is part of a grant of nine hundred and eighty acres made by Governor Estrada December 22, 1815, in virtue of a royal order of 1815; and that the said grant is of record among the public archives.

HENRY YONGE.

[Here follows translation of a royal title by Governor Estrada, dated December 22, 1815, for 980 acres of land.]

[Here follows translation of a certificate of survey and a plat by George J. F. Clarke, dated April 3, 1816.]

## DECREE.

*Henry Yonge vs. The United States. For five hundred acres of land.*

The board having ascertained the above to be a valid Spanish royal title for 980 acres of land, divided into two tracts, one of 500 acres and the other of 480 acres, and this claim being one of them, the same is confirmed accordingly. August 27, 1825.

## No. 111.—See REPORT No. 1.

*Francis Richard vs. The United States. For one hundred and ten acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Francis Richard respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred and ten acres, situated on St. John's river, at Point Santa Isabella; the first line runs north 85° west, 58 chains, and bounding on George Atkinson's land; the second, south 40° east, 52 chains, and bounded by lands of Philip F. Fatio; which title your memorialist derives from an absolute title made to him by Governor Coppinger, in virtue of the royal order of 1790, a certified copy of which your memorialist presents herewith, dated, first grant, January 8, 1801, surveyed by George J. F. Clarke March 1, 1812, carried into absolute title January 27, 1818. The plat and certificate of survey will be filed when required. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been an inhabitant and resident of East Florida. Your memorialist will, as in duty bound, pray, &c.

GEO. J. F. CLARKE,  
For FRANCIS RICHARD.

[Here follows the translation of a concession made by Governor White, dated January 9, 1801.]  
[Here follows translation of a royal title by Governor Coppinger, dated January 27, 1818, in confirmation of the above concession.]

[Here follows translation of a certificate of survey and a plat by George J. F. Clarke, dated March 1, 1812.]

## DECREE.

*Francis Richard vs. The United States. For one hundred and ten acres of land.*

The board having ascertained this to be a valid Spanish concession, do confirm it accordingly. September 2, 1825.

## No. 112.—See REPORT No. 1.

*Joseph Simeon Sanchez vs. The United States. For one thousand acres of land.*

## MEMORIAL.

*TERRITORY OF FLORIDA, East Florida:*

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Joseph Simeon Sanchez, for himself and the other heirs of Francisco Xavier Sanchez, deceased, respectfully sheweth: That your memorialist, for himself and the other heirs of the said Francisco Xavier Sanchez, deceased, claims title to a certain tract of land situated and being in East Florida aforesaid; that the said tract of land was originally granted to the said Francisco X. Sanchez by the British government while East Florida was a province and dependency of the crown of Great Britain; that after the acquisition of said province by the Spanish government, to wit: March 4, 1793, the said tract of land was conceded and confirmed to the said Francisco X. Sanchez by the Spanish government, as will fully appear by a reference to the original decree, of record in the office of the keeper of the public archives of East Florida, confirming the said land to the said Francisco X. Sanchez; that the said Francisco X. Sanchez departed this life some time about the year 1808, leaving your memorialist and those for whose benefit this claim is made; that he died in the actual occupancy and possession of the said land; was surveyed by one Robert McHardy, as surveyor appointed by the government for that purpose, about April 26, 1819, as will appear by a reference to the certified copy of the plat and certificate of survey of that date herewith filed, and marked exhibit A; that the said one thousand acres were surveyed in four different tracts of unequal quantities near each other, and are situated in Diego plains, at a place in the said plains called "Montes de San Diego" in the Spanish language. Your memorialist begs leave to refer to the plat of the said survey as setting forth the lines of the said different tracts. Your memorialist further shows that the heirs of the said Francisco X. Sanchez obtained a royal title or grant in absolute property for the said tract of land, June 5, 1821, from Don José Coppinger, then the governor of East Florida, as will appear by a certified copy of the said grant herewith filed, marked exhibit B. Your memorialist further represents and shows that the said Francisco X. Sanchez became and was a Spanish subject when the Spanish decree herein first mentioned was made to him for the said land, and also an inhabitant and settler of East Florida, and so continued to the time of his death; that the heirs of the said Francisco X. Sanchez were all, at the time of the death of the said Francisco X. Sanchez, inhabitants and settlers of East Florida and Spanish subjects, and have ever since continued to be, and are now, inhabitants and settlers thereof. Wherefore they pray a confirmation of this title to the said tract of land and its appurtenances.

JOSEPH S. SANCHEZ,

By his attorney, JOHN DRYSDALE.

[Here follows the translation of a memorial of Francisco X. Sanchez, dated March 3, 1793, and a decree ordering the survey to be made by Don Pedro Marrot, dated March 4, 1793.]

[Here follows the translation of a memorial requesting that the above survey should be made by Robert McHardy, in consequence of the certificate of the former having been mislaid, dated October 30, 1818, and a decree granting the same, dated October 31, 1818.]

[Here follows plat and survey by Robert McHardy, dated April 26, 1819.]

[Here follows the translation of a royal title by Governor Coppinger to the children and heirs of Don Francisco X. Sanchez, dated June 5, 1821.]

## DECREE.

*José Simeon Sanchez and other heirs of Francisco X. Sanchez, deceased, vs. The United States. For one thousand acres of land.*

The board having ascertained that the title of claimant is a valid Spanish title, do confirm the same accordingly. September 14, 1825.

## No. 113.—See REPORT No. 1.

*Joseph Simeon Sanchez, for himself and the other heirs of Frances X. Sanchez, deceased, vs. The United States. For one hundred acres of land.*

## MEMORIAL.

TERRITORY OF FLORIDA, *East Florida*:

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of José Simeon Sanchez respectfully sheweth: That in behalf of himself and the other heirs of the said Francisco X. Sanchez, deceased, he claims title to a certain tract of land containing one hundred acres, situated and being in the county of St. John's, in East Florida aforesaid; that the said tract of land was conceded originally to the said Francisco X. Sanchez August 4, 1801, by Governor White, then the governor of East Florida, and while it was a dependency of the Spanish crown, under and in virtue of the royal order of the King of Spain of October 29, 1790, as will appear by a certified copy of the said concession herewith filed, marked exhibit A; that the said tract of land was surveyed, by authority, by Andres Burgevin, as appears by the certified copy of the original plat and certificate of survey herewith filed, marked exhibit B; that the said land is situated at a place called in the Spanish language "Montes de Puercos," in Diego plains; that it has the following lines and dimensions, that is to say: the first line begins at a palmetto tree marked with a X, and runs south 75° east, 50 chains, to a pine marked with a X; the second line runs north 15° east, 20 chains, to a pine marked X; the third line runs north 75° west, 50 chains, to a palmetto marked X; and the fourth line runs thence to the place of beginning, as will distinctly appear by a reference to the copy of the said plat herewith filed. Your memorialist further shows that the said Francisco X. Sanchez departed this life some time about the year 1808, upon which the said land devolved upon your memorialist and those for whose benefit this claim is made; that the heirs of the said Francisco X. Sanchez obtained a title in absolute property to the said tract of land, June 5, 1821, from Don José Coppinger, then the governor of East Florida, as will appear by a certified copy of a royal title of that date herewith submitted and filed, and marked exhibit C. And your memorialist avers that the said Francisco X. Sanchez was, at the time of the original concession as aforesaid and at the time of his death, an inhabitant and settler of East Florida and a subject of the King of Spain; that your memorialist and the other heirs of the said Francisco X. Sanchez were, at the time of the death of the said Francisco X. Sanchez, and at the time of the cession of this Territory to the United States, Spanish subjects and inhabitants and settlers of East Florida, and have ever since been and now are settlers of the same. Wherefore your memorialist prays confirmation of the title of the heirs of the said Francisco X. Sanchez to the said land and appurtenances.

JOSEPH SIMEON SANCHEZ,

By his attorney, JOHN DRYSDALE.

[Here follows a translation of a concession by Governor White, dated August 4, 1801.]

[Here follows the plat and translation of the certificate of survey by Andres Burgevin, dated March 30, 1819.]

[Here follows the translation of a royal title by Governor Coppinger, dated June 5, 1821.]

## DECREE.

*Heirs of Francis X. Sanchez vs. The United States. For one hundred acres of land.*

The board having ascertained the above to be a valid Spanish concession, complied with, do confirm the same accordingly. September 14, 1825.

## No. 114.—See REPORT No. 1.

*Daniel Hulbert vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Daniel Hulbert respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated four miles north of the city of St. Augustine, bounded north by lands of memorialist, south by the ford called Navaro and plantation called Chebre, on the east by vacant lands, and on the west by vacant pine barren; which title your memorialist derives from a grant made to John Tatton by Governor Quesada, in virtue of the judicial sale made December 15, 1792, who sold to José Antonio Iguinez, by his agent, Michael O'Reilly, December 3, 1794, and, as the property of said Iguinez, the said tract was sold at public sale, under execution, at the suit of John Baptiste Collins, issued March 28, 1814, when the said tract was afterwards sold, June 8, 1818, and memorialist became the purchaser; all of which will be seen by documents made by Governor Coppinger, dated July 23, 1818, a certified copy of which is herewith presented. And your memorialist further sheweth that he is in actual possession of the said lands, and was so at the time of the cession of this province to the United States; that he is a citizen of the United States and resident of East Florida. He prays confirmation of his title, &c.

DANIEL HULBERT.

[Here follows a judicial sale made to John Tatton by Governor Quesada, dated December 15, 1792.]

[Here follows a power of attorney from John Tatton to the Rev. Michael O'Reilly, dated Havana, January 28, 1793.]

[Here follows a conveyance from the Rev. Michael O'Reilly to Thomas Travers, dated St. Augustine, August 18, 1794.]

[Here follows a conveyance from Thomas Travers to José de Antonio Iguinez, dated St. Augustine, December 3, 1794.]



[Here follows a judicial sale made of the aforesaid two hundred of acres land by Governor Coppinger to Daniel Hulbert, dated St. Augustine, July 23, 1818.]

## DECREE.

*Daniel Hulbert vs. The United States. For two hundred acres of land.*

The board having ascertained this to be a valid Spanish grant made previous to January 24, 1818, to John Tatton, and afterwards sold by order of the Spanish tribunal to the claimant, they therefore confirm the same. September 14, 1825.

No. 115.—See REPORT No. 1.

*Heirs of Jesse Fish vs. The United States. For five hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of the heirs of Jesse Fish respectfully sheweth: That your memorialists claim title to a tract or parcel of land containing five hundred acres, situated at the head of Matanzas river, at a place known, during the time the British held this province, by the name of Tod's fields; which tract of land was granted by the Spanish government to the deceased Don Jesse Fish, April 1, 1791, for headrights, as will more fully appear by a memorial and decree exhibited, and marked A. And your memorialists further show that the said tract of land has continued in the possession and has been cultivated by the deceased Jesse Fish and his heirs since April 1, 1791, to the present day. Your memorialists further show that they are at present residents of the Territory of Florida, &c.

G. W. PERPALL, for the heirs of Jesse Fish

[Here follows translation of a concession made by Governor Quesada to Jesse Fish, dated April 1, 1791.]

[Here follows translation of a royal title for the same, dated April 24, 1819, by Governor Coppinger to the heirs of Jesse Fish.]

## DECREE.

*Heirs of Jesse Fish vs. The United States. For five hundred acres of land.*

The board having ascertained the above to be a valid Spanish concession, do confirm the same accordingly.

## TESTIMONY.

*Sarah Fish vs. The United States. For five hundred acres of land.*

G. W. Perpall, being sworn, states that he came to East Florida in 1803, and that Mr. Fish was then in possession of said tract and cultivated it ever since to his death, and that his heirs have also cultivated it, except in the year 1812. It was surveyed by Charles W. Clarke, who has lands to the south of said tract; and as Mr. Clark took into his tract the lands which Mr. Fish asked for, for which reason witness believes that the plat was laid aside.

*Heirs of Jesse Fish vs. The United States. For five hundred acres of land.*

G. W. Perpall, being sworn, states that Jesse Fish cultivated the said tract of land in the year 1803, and continued to do so until his death, when his heirs have done so up to the present period.

G. W. PERPALL.

Before the board in session September 14, 1825.

No. 116.—See REPORT No. 1.

*Heirs of Andrew Dewees vs. The United States. For two thousand two hundred and ninety acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the heirs of Andrew Dewees, by their attorney, George Gibbs, respectfully sheweth: That your memorialists claim title to a tract of land consisting of two thousand two hundred and ninety acres, or sixty-nine caballerias, situated on the south side of St. John's river, and on the east side by Pablo creek, and bounded by the same as follows: the first line runs south on the edge of a marsh of the river St. John, to a stake on the beach marked with a cross, one hundred and ninety-five chains; the second line runs west from the said stake to a pine marked with a cross at the edge of a marsh on Pablo creek, adjoining the land of John McQueen, one hundred and thirty chains; and the third line runs to the north of Pablo creek; and the fourth line runs to the marsh on St. John's river, according to a certificate given by Don Pedro Marrot, dated February 8, 1792—reference to which in the office of archives; which title your memorialists derive from a royal grant made to Andrew Dewees, the father of your memorialists, by Governor White, in virtue of the royal order of October 29, 1790, as by reference to the royal title herewith exhibited, dated May 4, 1804, marked D, will more fully appear. And your memorialists further show that they are in actual possession of said lands; and that they are citizens of the United States, and part of them residents of the said plantation, in the Territory of Florida.

MARY DEWEES,  
By GEORGE GIBBS, &c.

[Here follows the translation of a royal title by Governor White, dated May 4, 1804.]

## DECREE.

*Heirs of Andrew Deweese vs. The United States For two thousand two hundred and ninety acres of land.*

The board having ascertained the above to be a valid Spanish grant, and that the heirs of Andrew Deweese are now, and have been previous to the cession of this province, in the actual occupancy and cultivation of the same, do confirm it accordingly. September 26, 1825.

## TESTIMONY.

*The heirs of Andrew Deweese vs. The United States. For two thousand two hundred and ninety acres of land.*

George Gibbs, being sworn, says that some of the heirs are actually in possession of the whole or some part of the said tract, and do now cultivate the same.

GEORGE GIBBS.

Before the board in session September 26, 1825.

No. 117.—See REPORT No. 1.

*Seymour Pickett vs. The United States. Claim for two hundred and fifty acres.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Seymour Pickett respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and fifty acres, situated at a place called Hodgkin's Plantation; first line runs south 55° east, 55 chains, to a stake; second line runs north 35° east, 55 chains, to a pine; third line runs north 55° west 55 chains; the fourth line runs south 35° west, 55 chains, to a gum, as appears by the royal title hereunto annexed, dated May 26, 1815; which title your memorialist derives from a grant made to Reuben Hogan by Governor Kindelan, in virtue of the royal order of 1790, who sold the same to your memorialist, as appears by the instrument herewith presented, annexed to the royal title. And your memorialist further sheweth that he is in actual possession of said lands, and has been since the cession; that he is a citizen of the United States and resident of Florida. St. Augustine, November 28, 1823.

JOHN B. STRONG, *Attorney for Claimant.*

[Here follows the translation of a royal title made to Reuben Hogan by Governor Kindelan, dated May 25, 1815.]

[Here follows a conveyance from Reuben Hogan to Seymour Pickett, in presence of D. S. H. Miller, acting judge of St. John's district, without a date.]

## DECREE.

*Seymour Pickett vs. The United States. For four hundred and fifty acres of land.*

The board having ascertained that the above is a valid Spanish grant, and that the deraignment to the claimant is proved, do confirm the same accordingly. September 26, 1825.

No. 118.—See REPORT No. 1.

*Heirs of Constance McFee vs. The United States. For four hundred and forty-six acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of the heirs of Constance McFee respectfully sheweth: That your memorialists claim title to a tract of land consisting of four hundred and forty-six acres, situated on the river St. John's, on Julington and Cunningham creeks, and beginning with an oak tree marked X, and concludes with a pine tree marked X, joining the plantation of Hannah Moore; which title your memorialists derive from a grant in 1791 made to their ancestor, Angus Clark, by Governor Quesada, in virtue of the royal order of 1790, who inherited the same December 12, 1804. And your memorialists further show that they are, and have been, by their agent, in actual possession of said lands; that they are natives of Georgia and residents of the West Indies. St. Augustine, December 1, 1823.

GABRIEL G. PERPALL,  
*Attorney for heirs of Constance McFee.*

[Here follows translation of a concession from Governor Quesada to Angus Clark, dated December 10, 1791.]

[Here follows translation of a judicial decree by Governor White, with the assistance of his assessor general, declaring the validity of Angus Clark's testamentary settlement in favor of his only daughter, Constance McFee, dated December 12, 1804.]

## DECREE.

*Heirs of Constance McFee vs. The United States. For four hundred and forty-six acres.*

The board having ascertained the above to be a valid Spanish concession, and the inheritance of claimants established, do confirm the same accordingly. September 30, 1825.

## TESTIMONY.

*The heirs of Constance McFee vs. The United States. For four hundred and forty-six acres of land.*

G. W. Perpall, being sworn on the part of claimants, states that he has heretofore been acting as attorney in fact for Mrs. Constance McFee, and that he has been in possession of the above-named tract of land for more than twelve years, and has kept possession of and cultivated said tract for her use and benefit.

G. W. PERPALL.

Before the board in session September 30, 1825.

## No. 119.—See REPORT No. 1.

*Archibald Clarke and Elihu Atwater vs. The United States. Claim for two hundred acres.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

That your memorialists claim title to a tract of land consisting of two hundred acres, situated on the St. John's river, at or near a place called Jolly's old field, and also near the place called Cowford; which title your memorialists derive from a concession made to William Lee by Governor Quesada, in virtue of the royal order of October 29, 1790, who sold the same to Samuel Betts, by deed dated September 5, 1803, who subsequently, on the 20th day of June, 1806, conveyed the said land to James Hall, esq., of St. John's county, who, on the eleventh of September instant, conveyed the same to your memorialists. And your memorialists further show that the said William Lee, the original grantee, was in actual possession of said land, and improved the same for years, as they have been informed and believe; that they are citizens of the United States and residents of Georgia.

ARCHIBALD CLARKE, for self and  
ELIHU ATWATER.

[Here follows a translation of a concession made to James William Lee by Governor Quesada, dated November 11, 1794.]

[Here follows a conveyance from James W. Lee to Samuel Betts, dated September 5, 1803.]

[Here follows a conveyance from Samuel Betts to James Hall, dated June 20, 1806.]

[Here follows a conveyance from James Hall to Archibald Clarke and Elihu Atwater, dated September 11, 1823.]

[Here follows the deposition of Joseph Summerall, taken before Samuel Fairbanks, justice of the peace, May 11, 1824, proving occupation and cultivation of the above land by James W. Lee.]

[Here follows the deposition of Eleanor Hall to the same effect as the foregoing, dated May 12, 1824.]

## DECREE.

*Archibald Clarke and Elihu Atwater vs. The United States. For two hundred acres of land.*

The board having ascertained the above to be a valid Spanish concession, and the occupation and cultivation by the grantee, with the derangement to the claimants, being duly proved, they confirm the same accordingly. September 30, 1825.

## No. 120.—See REPORT No. 1.

*Elihu Woodruff and others vs. The United States. For three hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the subscribers respectfully sheweth: That your memorialists claim title to a tract of land consisting of three hundred and fifty acres, situated on the river St. John's, in the vicinity of a place called Rollestown, about six miles southward of the post of Buena Vista, bounded on the west by lands granted to a certain Clarkworthy; which title your memorialists derive from a title made to John Moore, a free colored man, by Governor White, in virtue of the royal order of October 29, 1790, who sold the same to your memorialists. They would state that the title to Moore bears date November 9, 1805, as appears by a certified copy thereof, herewith filed, marked A, and that he conveyed the same to your memorialists by his certain deed dated upon the third day of May, 1823; which said deed is herewith exhibited, marked B. And your memorialists further show that they are in actual possession of the said lands; that they are citizens of the United States and residents of East Florida. All of which is respectfully submitted, &c.

ELIHU WOODRUFF.  
SIDNEY P. HARRIS.  
JAMES MAVER.

[Here follows the translation of a royal title from Governor White to John Moore, dated November 9, 1805.]

[Here follows a conveyance from John Moore to claimants, dated May 3, 1823.]

## DECREE.

*Elihu Woodruff and others vs. The United States. For three hundred and fifty acres of land.*

The board having ascertained the above to be a valid Spanish title, and the derangement to claimants being regular, do confirm the same accordingly. October 26, 1825.



## No. 121.—See REPORT No. 1.

*Philip and Mary Dewees vs. The United States. Claim for one hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of Philip Dewees and Mary Dewees, his wife, respectfully sheweth: That your memorialists claim title to a tract of land consisting of one hundred acres, situated on Guana river, bounded by St. Diego plains to the west, the lands late the property of John M. Sanchez to the north, the Guana marsh to the east, and the lands of the late Nicholas Sanchez to the south; the first line running north 5° west, 44 chains, to a stake; the second line, south 72° west, 29 chains, to a laurel; the third line, south 5° east, to a laurel, 35 chains; the fourth line running east 29 chains to the first corner; which title your memorialists derive from a royal title made to the late Francis X. Sanchez by Governor White, in virtue of the royal order of October 29, 1790, from whose estate Mary Sanchez, the wife of Philip Dewees, inherited the same as one of the heirs of the said Francis X. Sanchez, deceased, upon a division of the same, as per royal title marked A, dated February 6, 1811. And your memorialists further show that they are in actual possession of said lands; that they are now citizens of the United States and residents of the Territory of Florida.

PHILIP DEWEES.  
MARY DEWEES.

[Here follows the translation of a royal title for the above one hundred acres of land in favor of the children and heirs of Francisco Xavier Sanchez, deceased, made by Governor White February 6, 1811.]

## DECREE.

*Philip and Mary Dewees vs. The United States. For one hundred acres of land.*

The board having ascertained that the above is a valid Spanish grant, and that the claimants are heirs to the grantee, do confirm it accordingly. October 7, 1825.

## No. 122.—See REPORT No. 1.

*Thomas Moy vs. The United States. For three hundred and fifty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of Thomas Moy respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred and fifty acres, situated at Row's Bluff, on Bell's river; first line, north 39° east, 107 chains, from a stake to a pine; second line, 50° west, 42 chains, to a gum; third, north 39° east, 83 chains, to a pine; fourth line formed and bounded by Bell's river; the first line bounded by James Smith, the second by Josiah Smith; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790; the plat and certificate of which, signed by G. J. F. Clarke, are herewith presented. And your memorialist further sheweth that he is in actual possession of said lands; that he has been a long time a resident of Florida. Your memorialist will, as in duty bound, ever pray, &c.

G. J. F. CLARKE,  
For THOMAS MOY.

[Here follows translation of a certificate of survey and plat, dated September 21, 1819, by George J. F. Clarke.]

## DECREE.

*Thomas Moy vs. The United States. For three hundred and fifty acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and that the surveyor general surveyed to claimant said tract by the order of Governor Coppinger made in the year 1817, do confirm the same to claimant. November 4, 1825.

## TESTIMONY.

*Thomas Moy vs. The United States. For three hundred and fifty acres of land.*

Charles W. Clarke, being duly sworn, doth depose and say that, at the time the survey in this case bears date, the claimant was actually residing on the land embraced by the survey; had been for many years before, but does not know whether he resides there at present or not.

CHARLES W. CLARKE.

Before me September 21, 1825.

D. FLOYD.

## No. 123.—See REPORT No. 1.

*John Wingate vs. The United States. For two hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of John Wingate respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated on Lofton's swamp, Nassau river; the first line south 65°

east, 40 chains, from a pine to a pine; second, north 25° east, 50 chains, to a pine; third, north 65° west, 40 chains, to a pine; fourth, south 25° west, 50 chains, to the pine tree at the beginning—the first line bounded by Eleazer Waterman, and the fourth by the same; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790, as — by the accompanying plat and certificate by George J. F. Clarke. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been a resident of East Florida. Your memorialist will, as in duty bound, ever pray, &c.

GEO. J. F. CLARKE,  
For JOHN WINGATE.

[Here follows the certificate of survey and plat by George J. F. Clarke, dated October 4, 1818.]

DECREE.

*John Wingate vs. The United States. For two hundred acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and that the surveyor general surveyed to claimant said tract by order of Governor Coppinger made in the year 1817, do confirm the same to claimant. November 4, 1825.

TESTIMONY.

*John Wingate vs. The United States. For two hundred acres of land.*

Charles W. Clarke, being duly sworn, doth depose and say that at the time this survey bears date the claimant was residing on the land embraced by this survey; that is, he had a house on the place, and a small piece of ground cleared, that is, three or four acres. And further this deponent saith not.

CHARLES W. CLARKE.

Before me September 21, 1825.

D. FLOYD.

No. 124.—See REPORT No. 1.

*Thomas Prevatt vs. The United States. For five hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Thomas Prevatt respectfully sheweth: That your memorialist claims title to a tract of land consisting of five hundred and fifty acres, situated on St. Mary's river; first line south 30° east, 114 chains, from a stake to a pine; second line south 60° west, 60 chains, to a pine; third line north 30° west, to a pine, 30 chains; fourth line north 60° east, 15 chains, to a pine; fifth line north 30° west, 84 chains, to a pine; sixth line north 60° east, 45 chains, to a stake, at the beginning; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790, as appears by the accompanying document signed by George J. F. Clarke. And your memorialist further sheweth that he is in actual possession of said lands, and that he has long been an inhabitant and resident of East Florida. He will, as in duty bound, ever pray, &c.

GEO. J. F. CLARKE,  
For THOMAS PREVATT.

[Here follows translation of a certificate of survey and a plat by George J. F. Clarke, dated May 14, 1818.]

DECREE.

*Thomas Prevatt vs. The United States. For five hundred and fifty acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and that the surveyor general surveyed it to him by the order of Governor Coppinger made in the year 1817, do confirm the same accordingly.

TESTIMONY.

*Thomas Prevatt vs. The United States. For five hundred and fifty acres of land.*

E. Stafford, being sworn, says he is acquainted with Thomas Prevatt; that the said Prevatt was living where he now resides ever since about the year 1810, on St. Mary's river.

E. STAFFORD.

No. 125.—See REPORT No. 1.

*Frederick Hartley vs. The United States. For six hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Frederick Hartley respectfully sheweth: That your memorialist claims title to a tract of land consisting of six hundred acres, situated on Old Field branch, Julington creek, St. John's river;

first line, north 34° west, 80 chains, from a pine to a pine; second, north 40° east, 75 chains, to a pine; third, south 34° east, 80 chains, to a pine; fourth, south 40° west, 75 chains, to a pine at the beginning—the first line bounded by George Hartley; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790, as by the plat and certificate of George J. F. Clarke presented herewith. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been a resident of East Florida. Your memorialist will, as in duty bound, ever pray, &c.

GEORGE J. F. CLARKE,  
For F. HARTLEY.

[Here follows the translation of certificate of survey and plat by George J. F. Clarke, dated July 8, 1819.]

DECREE.

*Frederick Hartley vs. The United States. For six hundred acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and the surveyor general surveyed it to claimant by order of Governor Coppinger made in the year 1817, do confirm the same to claimant. November 4, 1825.

*Frederick Hartley vs. The United States. For six hundred acres of land.*

Charles W. Clarke, being duly sworn, doth depose and say that, at the time the survey in this case bears date, Frederick Hartley, the claimant, lived on the land embraced by the survey, and had done so several years before, and still continues to reside there, or did so last year.

CHARLES W. CLARKE.

Before me September 21, 1825.

D. FLOYD.

No. 126.—See REPORT No. 1.

*Peter Sevilly vs. The United States. For six hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Peter Sevilly respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred and fifty acres, situated on Long bay, about seven miles to the northwest of St. Augustine; first line, north 30° west, 32 chains, from a pine to a pine; second, north 75° west, 32 chains, to a pine; third, south 15° west, 25 chains, to a pine; fourth, south 75° east, 25 chains, to a pine; fifth, south 30° east, 18 chains, to a pine; sixth, north 80° east, 25 chains, to a pine at the beginning; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790, as per the copy and certificate of survey by G. J. F. Clarke, herewith presented. And your memorialist further sheweth that he is in actual possession of said lands; that he is a native of East Florida and resident of the same. Your memorialist will, as in duty bound, ever pray, &c.

GEORGE J. F. CLARKE,  
For PETER SEVILLY.

[Here follows translation of a certificate of survey and plat by George J. F. Clarke, dated July 8, 1819.]

DECREE.

*Peter Sevilly vs. The United States. For one hundred and fifty acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and that the surveyor general surveyed to claimant said tract by order of Governor Coppinger made in the year 1817, do confirm the same to claimant. November 4, 1825.

TESTIMONY.

*Peter Sevilly vs. The United States. For one hundred and fifty acres of land.*

Charles W. Clarke, being duly sworn, doth depose and say that, at the time this survey bears date, and for two years or more before, the claimant had a cultivated improvement on the land embraced by the survey, and still has to this time.

CHARLES W. CLARKE.

Before me September 21, 1825.

D. FLOYD.

No. 127.—See REPORT No. 1.

*George Henning vs. The United States. For two hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George Henning respectfully sheweth: That your memorialist claims title to a tract of land consisting of two hundred acres, situated on Bell's river near Row's bluff; the first line of survey



beginning at a stake, south 39° west, 40 chains, to a pine; second, south 50° east, to a pine, 50 chains; third, north 39° east, 40 chains, to a live-oak; fourth, formed and bounded by Bell's river; which title your memorialist derives from a grant made to him by Governor White, in virtue of the royal order of 1790, as will appear by the accompanying certificate of said grant, dated October 2, 1805. The certificate and plat of survey will be filed when required. And your memorialist further sheweth that he is in actual possession of the said lands; that he has long been an inhabitant and resident of East Florida. Your memorialist, as in duty bound, will pray, &c.

GEO. J. F. CLARKE,  
For GEORGE HENNING.

[Here follows translation of a certified copy of a decree made by Governor White, dated October 2, 1805.]

DECREE.

*George Henning vs. The United States. For two hundred acres of land.*

The board having ascertained the above to be a valid Spanish concession, and the cultivation and occupation thereof being proved, the board do confirm the same accordingly. November 4, 1825.

TESTIMONY.

*George Henning vs. The United States. For two hundred acres of land.*

Charles W. Clarke, being duly sworn, doth depose and say that he has known this place to be occupied by claimant for twenty years or upwards, and was still occupied in the year 1823 to the knowledge of this deponent.

CHARLES W. CLARKE.

Before me September 21, 1825.

D. FLOYD.

No. 128.—See REPORT No. 1.

*George Hartley vs. The United States. For four hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George Hartley respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred acres, situated on Old Field branch, Julington creek, St. John's river; first line, north 34° west, 80 chains, from a pine to a pine; second, south 75° west, 50 chains, to a cypress; third, south 34° east, 80 chains, to a pine; fourth, north 75° east, 50 chains, to the pine at the beginning; bounded on the first line by Frederick Hartley, and on the fourth by Joseph Summerall; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790, as per the accompanying plat and certificate by George J. F. Clarke. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been a resident of this province. Your memorialist will, as in duty bound, ever pray, &c.

GEO. J. F. CLARKE,  
For GEORGE HARTLEY.

[Here follows the translation of a certificate of survey and plat by George J. F. Clarke, dated July 4, 1819.]

DECREE.

*George Hartley vs. The United States. For four hundred acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and that the surveyor general surveyed it to him by the order of Governor Coppinger made in the year 1817, do confirm the same accordingly. November 4, 1825.

TESTIMONY.

*George Hartley vs. The United States. For four hundred acres of land.*

Charles W. Clarke, being duly sworn, doth depose and say that, at the time the survey bears date in this case, the claimant, George Hartley, was residing on the land contained in said survey, and, from appearances, had raised a crop there the year before. He still resides there, or did last year.

CHARLES W. CLARKE.

Before me September 21, 1825.

D. FLOYD.

No. 129.—See REPORT No. 1.

*Martha Dell vs. The United States. For four hundred and fifty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Martha Dell respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred and fifty acres, situated on St. Mary's river; the first line of which runs south 32° west, 50 chains, from a poplar to a pine; second line formed and bounded by St. Mary's river; fourth line formed and bounded by the swamp of Brushy creek; which title your memorialist derives from a grant made to her by Governor Coppinger, in virtue of the royal order of 1790, according to the plat

and certificate by George J. F. Clarke, presented with this petition. And your memorialist further sheweth that she is in actual possession of said lands; that she has long been a resident of East Florida. Your memorialist will ever, as in duty bound, pray, &c.

G. J. F. CLARKE,  
For MARTHA DELL.

[Here follows a translation of a certificate of survey and a plat by George J. F. Clarke, dated May 26, 1818.]

DECREE.

*Martha Dell vs. The United States. For four hundred and fifty acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and that the surveyor general surveyed to claimant said tract by order of Governor Coppinger made in the year 1817, do confirm the same to claimant. November 4, 1825.

TESTIMONY.

*Martha Dell vs. The United States. For four hundred and fifty acres of land.*

Ellis Stafford, being sworn, says that he is acquainted with Martha Dell; that she settled on St. Mary's river in the year 1814 or 1815, and resided there until the year 1817 or 1818, when the place was taken possession of by Maxey Dell, and held under her until now.

E. STAFFORD.

No. 130.—See REPORT No. 1.

*William McCulley vs. The United States. For three hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William McCulley respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres, situated on St. Mary's river, high up; the first line, south 74° east, 50 chains, from a pine to a pine; second line, south 16° west, 60 chains, to a pine; third line, north 74° west, 50 chains, to a pine; fourth line, north 16° east, 60 chains, to the pine at the beginning; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790, as will appear by the accompanying documents, signed by George J. F. Clarke. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been a resident of East Florida. Your memorialist will, as in duty bound, every pray, &c.

GEORGE J. F. CLARKE,  
For WILLIAM McCULLEY.

[Here follows translation of a certificate of survey and plat by George J. F. Clarke, dated September 8, 1818.]

DECREE.

*William McCulley vs. The United States. For three hundred acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and that the surveyor general surveyed it to him by the order of Governor Coppinger made in the year 1817, do confirm the same accordingly. November 4, 1825.

TESTIMONY.

*William McCulley vs. The United States. For three hundred acres of land.*

E. Stafford, being sworn, says that he knows William McCulley; says he settled on St. Mary's river, high up the river, in the year 1807, and continued to reside there until the insurrection, when he was broke up; afterwards he went back and stayed one year, and made a crop in 1813; since that time a person has held possession and cultivated under him up to the present time.

ELLIS STAFFORD.

No 131.—See REPORT No. 1.

*Edward Dixon vs. The United States. For one hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Edward Dixon respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres situated on Pigeon creek, St. Mary's river; first line, south 71° east, 35 chains, from a stake to a pine; second, south 19° west, 29 chains, to a pine; third, north 71° west, 35 chains, to a pine; fourth line, formed and bounded by Pigeon creek; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790, as per accompanying plat and certificate by George J. F. Clarke. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been a resident of East Florida. Your memorialist will, as in duty bound, pray, &c.

GEO. J. F. CLARKE,  
For EDWARD DIXON.

[Here follows the translation of a certificate of survey and a plat by George J. F. Clarke, dated May 14, 1818.]

## DECREE.

*Edward Dixon vs. The United States. For one hundred acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and the surveyor general surveyed it to him by order of Governor Coppinger made in the year 1817, do confirm the same accordingly.

## TESTIMONY.

*Edward Dixon vs. The United States. For one hundred acres of land.*

E. Stafford, being sworn, says that he is acquainted with Edward Dixon; that the said Dixon settled on Pigeon creek, St. Mary's river, about the year 1814, and has resided there ever since the last year; since which time he has a man residing there.

ELLIS STAFFORD.

No. 132.—See REPORT No. 1.

*William and John Lofton vs. The United States. For three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William and John Lofton respectfully sheweth: That your memorialists claim title to a tract of land consisting of three hundred acres, situated on north of Julington creek, St. John's river; first line, north 25° west, 62 chains, from a cypress to a pine; second, south 65° west, 50 chains, to a pine; third, south 45° degrees east, 84 chains, to a cypress; fourth line formed and bounded by Julington creek; which title your memorialists derived from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790, as will appear by the accompanying document, signed by George J. F. Clarke. And your memorialists further show that they have long been in actual possession of said lands; that they are natives of this province, and residents of the same. Your memorialists will, as in duty bound, ever pray, &c.

GEO. J. F. CLARKE, *for the Petitioners.*

[Here follows the translation of a certificate of survey and plat by George J. F. Clarke, dated July 6, 1819.]

## DECREE.

*William and John Lofton vs. The United States. For three hundred acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and that the surveyor general surveyed to claimant said tract by order of Governor Coppinger made in the year 1817, do confirm the same to claimant. November 4, 1825.

No. 133.—See REPORT No. 1.

*Joseph Prevatt vs. The United States. For four hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Joseph Prevatt respectfully sheweth: That your memorialist claims title to a tract of land consisting of four hundred acres, situated on Turner's swamp, St. Mary's river; first line, north 27° west, 47 chains, from a pine to a pine; second line, north 63° east, 75 chains, to a pine; third, south 27° east, 54 chains, to a stake; fourth, south 63° west, 65 chains, to a stake; fifth, north 30° west, 10 chains, to a stake; sixth, south 60° west, 29 chains, to the pine at the beginning; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790, as will appear by the annexed documents signed by George J. F. Clarke. And your memorialist further sheweth that he is, and for many years has been, in actual possession of said lands; that he has long been a resident of East Florida. Your petitioner will, as in duty bound, pray, &c.

GEORGE J. F. CLARKE,  
FOR JOSEPH PREVATT.

[Here follows translation of a certificate of conveyance and plat made by George J. F. Clarke, dated October 10, 1818.]

## DECREE.

*Joseph Prevatt vs. The United States. For four hundred acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and that the surveyor general surveyed it to him by the order of Governor Coppinger made in the year 1817, do confirm the same accordingly. November 4, 1825.

## TESTIMONY.

*Joseph Prevatt vs. The United States. For four hundred acres of land.*

E. Stafford, being sworn, says he is acquainted with Joseph Prevatt; that said Prevatt settled where he now resides about nine years ago, and has continued to reside there ever since. His place is on St. Mary's river.

E. STAFFORD.



No. 134.—See REPORT No. 1.

*James Plummer vs. The United States. For three hundred acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of James Plummer respectfully sheweth: That your memorialist claims title to a tract of land consisting of three hundred acres of land, situated on the north of Julington creek, St. John's river; first line, north 15° west, 40 chains, from a live-oak to a pine; second, north 75° east, 77 chains, to a pine; third, south 15° east, 40 chains, to a gum; fourth line formed and bounded by Julington creek; bounded on the second and third sides by Robert Pritchard; which title your memorialist derives from a grant made to him by Governor Coppinger, in virtue of the royal order of 1790, as per document of survey by George J. F. Clarke herewith presented. And your memorialist further sheweth that he is in actual possession of said lands; that he has long been a resident of East Florida. Your petitioner will, as in duty bound, ever pray, &c.

GEO. J. F. CLARKE,  
For JAMES PLUMMER.

[Here follows the translation of a certificate of survey and plat by George J. F. Clarke, dated July 18, 1819.]

## DECREE.

*James Plummer vs. The United States. For three hundred acres of land.*

The board having ascertained by the evidence adduced that the claimant occupied and cultivated the above tract, and that the surveyor general surveyed to claimant said tract by order of Governor Coppinger made in the year 1817, do confirm the same to claimant. November 4, 1825.

## TESTIMONY.

*James Plummer vs. The United States. For three hundred acres of land.*

Charles W. Clarke, being duly sworn, doth depose and say that at the time of the survey, and for two years before, the claimant in this case was residing on the land embraced by his survey, but whether he still resides there this deponent cannot say.

CHARLES W. CLARKE.

Before me September 21, 1825.

D. FLOYD.

[Nos. 135 to 173, inclusive, were not returned to the General Land Office by the commissioners.]

No. 1.—See REPORT No. 2.

*Charles Seton vs. The United States. For one thousand four hundred acres.*

*To Messrs. Alex. Hamilton, W. W. Blair, and D. Floyd, commissioners now sitting in St. Augustine, East Florida:*

Memorial of Charles Seton, merchant and planter, residing in the town of Fernandina, stating his right to the following land, granted by authority of his Catholic Majesty Ferdinand VII.

## GRANT NO. 1.

A grant for 1,400 acres of land on the river Nassau, as per plat annexed; the first line commencing at the river Nassau, below the juncture with Thomas' creek, running due south, 100 chains, to a pine tree; second line running due west, 118 chains, to a pine tree; third line, due north, 95 chains, to a pine tree, and through the marsh to Thomas' creek, down Thomas' creek to the river Nassau, up the river Nassau until it joins plat No. 2; vacant land on the south and west line granted by Governor Kindelan March 1, 1815, being a full tract for my headright, which has been settled, and buildings are now on it; 1,251 acres in one plot, and 149 acres in the plot of 520. Terms complied with in full. Fernandina, October 15, 1823.

CHARLES SETON.

## [Translation.]

Don Charles Seton, inhabitant and merchant of Fernandina, in the island of Amelia, with due respect, states to your excellency that he is one of the first who established themselves on that island, from the prosecution of whose commerce and usefulness much advantage has accrued to the royal treasury; he has complied with all the obligations of a good citizen subject, and is grateful for the benefits which this government bestows through the hands of your excellency on those individuals who have the honor and satisfaction of being subject to it. Through all which, and having a family, and having some slaves, subsistence for whom is at present precarious from the change of circumstances in the commerce of said island, and for the purpose of employing them in agriculture, thereby to insure their subsistence and that of his family: Wherefore he prays your excellency that, taking into consideration the proofs which he has offered of his good faith and true allegiance, and also his said family, consisting, with your memorialist, of five white persons and twenty slaves, property in which he will prove, if required, your excellency will have the goodness to grant 1,400 acres of land in full property, or by concession, under the circumstances with which this government has formerly made such, appointing said concession to be made on

the river Nassau, in the vacant places which he shall point out, and give an account of for its confirmation. Which favor he hopes to obtain from the justice of your excellency.

CHARLES SETON.

Señor GOVERNOR.

DECREE.

St. Augustine, March 1, 1815.

Taking into consideration what Don Carlos Seton sets forth in this memorial, let there be granted to him the 1,400 acres of land which he solicits, without injury to a third person, and in a vacant place, with the understanding that as soon as he expressly points out those which suit him, and presents the survey and plat, with the proof of his having improved them in a suitable manner, there shall be delivered to him a title in absolute property without occasion for passing more time. This decree serving in the meantime to prove the grant which is made him of said lands, which, authenticated in a copy with the preceding memorial, shall be granted him by the present notary, in whose office the proceedings will be deposited.

KINDELAN.

Before me—

JUAN DE ENTRALGO, *Notary of Government pro tem.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don George Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor, appointed by the government of the said place and province: I certify that, by concession of the government in favor of Carlos Seton, I have surveyed and laid off twelve hundred and fifty-one acres of land on the river Nassau, at a place known by the name of Houston's swamp, which in locality, class, and survey, agrees with the following plat and its copy kept in the book of surveys in my charge. Fernandina, May 16, 1816.

G. J. F. CLARKE.

[Here follows the plat.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don George Clarke, lieutenant of the local militia of St. Augustine, Florida, and surveyor general, appointed by the government of said place and province: I certify that this government having granted to Don Carlos Seton a portion of lands on the river Nassau, I have measured and laid off, in a part, five hundred and twenty acres on the said river, and at a place named Roundabout, which is equal in its situation and survey to the following plat, and agreeable to its copy preserved in the book of surveys in my charge. Amelia Island, May 16, 1816.

G. J. F. CLARKE.

[Here follows the plat.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

DECREE BY THE BOARD.

The board having ascertained that this was a valid grant under the late Spanish government, they therefore recommend it to Congress for confirmation. April 12.

No. 2.—See REPORT No. 2.

*James A. Hutchinson's heirs vs. The United States. For two thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of James A. Hutchinson, for himself and the other heirs of James Hutchinson, late a Spanish subject, residing in East Florida, deceased, respectfully sheweth: That your memorialist, for himself and the said heirs, claims title to a tract of land consisting of two thousand acres, situated on an island in the lagoon, which runs south from the mouth of Indian river to Jupiter inlet; which title your memorialists derive from a grant or concession made to the said James Hutchinson, deceased, by Henry White, governor of the province of East Florida, in virtue of the royal order of October 29, 1790, as well as in consideration that the said James Hutchinson had abandoned two thousand acres of land that had been previously granted to him on the first hammock south of Indian river, all of which will appear in the accompanying document marked A, bearing date April 17, 1807. Your memorialist further shows that the said James Hutchinson took actual possession of the said island and made improvements thereon; and that at the time of his death, which happened in August, 1808, before he could have the lands surveyed, his family, twelve in number, (see documents marked C and B,) resided on the tract of two thousand acres. In consequence of the death of the said James Hutchinson, and the helpless condition of his family, they were compelled to leave the island and return to their friends in the United States. This they did with the approbation of Governor White. The situation of the lands claimed being so remote from the inhabited part of the province, and surrounded by Indians, your memorialists have not been able to reoccupy the said lands. They therefore pray that their title to the said two thousand acres, as granted to the said James Hutchinson, may be confirmed; and, as in duty bound, they will ever pray.

GEORGE MURRAY, *Attorney for Petitioners.*

The petitioners are residing now in the State of Mississippi.

## A.

[Translation.]

St. AUGUSTINE, *East Florida*, April 13, 1807.*To the governor:*

Don James Hutchinson, the only inhabitant in the vicinity of the river Ys, (Indian river,) respectfully sheweth: That your excellency was pleased to grant him two thousand acres of land in the first hammock to the south of said river; but finding that said hammock, on the main, was very much exposed to the incursions of the Indians, and with little hopes of being protected by other immediate settlements, he has therefore established himself on an island extending from said river to the entrance of Jove, and is formed by the creek named Santa Lucia on the west and the ocean on the east, consisting of a narrow strip of land, the greatest part sand hills, with only a piece of hammock, where your memorialist has established himself, and contains about three hundred and fifty acres, there being no other spot that admits of cultivation, as the rest consists of said sand hills, mangroves, and palmettos, and some spots of low land which experience has taught your memorialist are suitable for raising swine, to which he intends particularly to dedicate himself. Agreeable, therefore, to the reasons above stated, he begs your excellency will be pleased to grant him the said island in place of the former grant of the two thousand acres of land, where he considers himself rather more protected from the Indians, who commit acts of depredation and violence when they find a single family, and he can, without being molested, attend to the raising of cattle.

J. HUTCHINSON.

St. AUGUSTINE, *April 14*, 1807.

Admit from the memorialist the return he makes of the two thousand acres of land granted him on the river Ys, and, in place thereof, he is permitted to reside on the island where he has established himself, for the reasons he sets forth, until the land be measured according to the number of his family and working hands he may have.

A certificate was given.

WHITE.

PIERRA.

NOTE.—The certificate of the two thousand acres of land granted him on the river Ys, he said, was lost with the rest of his papers in the gale which took place in September of the preceding year.

PIERRA.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F J. FATIO, *S. B. L. C.*

## C.

## STATEMENT.

In the summer of the year 1808 I saw my brother (now deceased) James Hutchinson, who was then settled on an island at the mouth of Indian river, in East Florida, then and since called "Hutchinson's island." I then understood from him that, in consequence of his relinquishing a settlement he had made previously, he was to receive the whole of the island where he then was located; that the number of his family, and others with him, would entitle him thereto, and that Governor White had been pleased so to decree. He had lived in Florida a number of years, but how long I do not now recollect. In the month of September, 1808, and not many weeks after I had the above-mentioned interview, I received an account of his death, which happened about the last of August preceding. I immediately wrote on and made arrangements to bring his wife and young children to this State, first making application to Governor White to obtain leave for them to *visit the United States during pleasure*. This I had always believed, and do still believe, was granted by Governor White to answer the purpose intended by him, as well as the friends of the widow and her family, *that such absence should not operate as an abandonment of their lands*; and, under this express understanding, the family came to Georgia, leaving, however, a young man, who had for some time composed one of the household, in charge of the settlement, to look after it for them or in their behalf. The widow and children arrived in Savannah some time in the month of November, 1808. Some time after this, (the particular time I do not recollect,) the eldest son of my deceased brother was, by his mother and myself, fitted out to go and look after and take charge of the said island property. I heard of him in Florida, but have not heard from him for several years, and he is now believed to be dead. In all this lapse of time it never was, as I believe, the intention of the widow or her children to give up or abandon their just and equitable claim to the property, for the attainment and safe-keeping of which my brother lost his life, leaving a large and helpless family.

JOSEPH HUTCHINSON.

STATE OF GEORGIA, }  
City of Augusta, } *Notary Public's Office.*

I, John G. Cowling, notary public for the city of Augusta aforesaid, duly admitted, lawfully appointed and sworn, do hereby certify that, on the date of the day hereof, personally came and appeared before me Colonel Joseph Hutchinson, who, being duly sworn, deposeth and saith that the facts set forth in the above statement, within his own knowledge, are true, and such as relate to the knowledge of others he believes to be true; and he further swears that he is no ways interested in the above-mentioned claim, nor will be gainer or loser by the issue or event.

Given under my hand and seal of office, at Augusta aforesaid, April 24, 1823.

JOHN G. COWLING, *N. P.* [L. S.]



B.

## ADDITIONAL STATEMENT.

Colonel Joseph Hutchinson, of the city of Augusta, in the State of Georgia, further states, on oath, and in addition to the statement made by him of this date, viz: That the number of his late brother's family, when he brought them from Florida, as mentioned in his other statement, were twelve, consisting of the widow and seven children, and four negroes; besides which, the deponent understood, and so believes, that one child died on the island, and that a number of negroes had been stolen or carried off by pirates or wreckers. The deponent further states that the reasons which induced him to cause the said family to be brought away were, that the husband and father being dead, they had no protector, and were exposed to the marandings of wreckers and Indians, and that it was always the intention of the family to return when they could do so with safety. The deponent further saith that he was possessed of a large parcel of paper and written documents belonging to said family, which they brought with them from Florida, among which he thinks it very probable there were some which would have been material in the final adjustment of their claim to said land, but that the whole of them were consumed by the fire which destroyed this deponent's property in Augusta in the year 1817.

JOSEPH HUTCHINSON.

Subscribed and sworn to before me April 24, 1823.

JOHN G. COWLING, *Notary Public.*

B.

[Translation.]

St. AUGUSTINE, August 22, 1803.

SEÑOR GOVERNOR: Don James Hutchinson, a new settler admitted under the protection of his Catholic Majesty, with due respect, presents himself to your excellency, and states that it is his intention to establish himself in this province, applying himself to agriculture, with his slaves, twenty in number, and his family, consisting of his wife and seven children; and he also intends to procure more slaves with the value of the lands he possesses in Georgia; and in order to carry his intentions into effect, he prays your excellency to be pleased to grant him two thousand acres of planting land in the territory of Indian river, on the south side of the bar, on the bank of the said bar to the south, said lands beginning at the first hammock on said bank; which land he promises to cultivate within the term which the government grants to the other inhabitants, and possibly in less.

J. HUTCHINSON.

St. AUGUSTINE, August 23, 1803.

Let there be granted to this party the land which he solicits, without injury to a third person, and until, according to the number of workers he may have for its cultivation, the corresponding quantity shall be assigned him, it being well understood that he shall take possession of said land within the term of six months, counted from the date.

WHITE.

A certificate issued.

PIERRA.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

TERRITORY OF FLORIDA, *County of Mosquito*:

Personally appeared before me, Horatio S. Dexter, a justice of the peace for said county, Andreas Roach, and, being duly sworn, deposeth and saith that about the year 1807 he was employed by James Hutchinson to assist in forming a settlement on Hillsborough island, near Jupiter inlet; that while in the employ of said Hutchinson, the deponent, with several slaves, the property of said Hutchinson, erected three buildings, and cleared and planted on said island about thirty-five acres of land; that the deponent was employed about eight months the first time, and six months the second, and five months the third time; the two latter periods the employment of the deponent was principally in that of fishing and wrecking. And deponent further says that the family of the said Hutchinson consisted of nine white persons and five slaves; and the said Hutchinson continued to occupy and plant the land of said island about six years, when said Hutchinson was drowned on his passage from St. Augustine to Indian river. And the deponent further saith that the family of said Hutchinson removed to the State of Georgia after his said decease.

ANDREAS <sup>his</sup> ROACH.  
mark.

Sworn to before me August 4, 1825.

HORATIO S. DEXTER, J. P.

DECREE.

*Heirs of James Hutchinson vs. The United States. For two thousand acres of land.*

The board having ascertained the above to be a valid Spanish concession, the conditions of which were complied with, do recommend the same to Congress for confirmation. September 20, 1825.

No. 3.—See REPORT No. 2.

*Catalina de Tesus Hijuelos vs. The United States. For two thousand acres of land.*

MEMORIAL.

To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida.

The petition of Catalina de Tesus Hijuelos respectfully sheweth: That your memorialist claims title to a tract of land consisting of two thousand acres, situated about forty miles west from Buena Vista, in

the part called the Big Grove, bounded as follows: beginning at a stake and running south fifty-five degrees west, one hundred chains, to a stake; thence north thirty-five degrees west, two hundred chains, to a stake; thence north fifty-five degrees east, one hundred chains, to a stake; thence south thirty-five degrees east, two hundred chains, to the beginning. (see plat by Burgevin, marked B;) which title your memorialist derives from a grant made to her by Governor Coppinger, in virtue of the royal order of 1815, as the legal representative of her son, Francisco de Entralgo, of the third battalion of Cuba, and who died in consequence of wounds received in the service of his country in 1812, (see document marked I.) And your memorialist further sheweth that she has legal possession of said lands; that she is a Spanish subject now in Cuba, and that on July 10, 1821, she was an inhabitant of St. Augustine. She prays that her title to the said two thousand acres of land may be confirmed; and, as in duty bound, &c.

CATALINA T. HIJUELOS,  
By GEORGE MURRAY.

[Translation.]

Don José Coppinger, colonel of the royal armies, political and military governor *pro tem.*, and chief of the royal domain of this city of St. Augustine, Florida, and its province, for his Majesty:

Whereas, by a royal order of March 29, 1815, his Majesty has deigned to approve the favor and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, both regulars and militia, who assisted in its defence at the time of the rebellion, one of the said favors being the distribution of lands in proportion to the number of the family each one may have; that on the 30th May of the present year, Donna Catalina de Tesus Hijuelos, widow, and the mother of Don Francisco de Entralgo, formerly a volunteer in the third battalion of Cuba, presented herself, making mention of the merit and services of her said son, who died in consequence of wounds received from individuals of the said rebellion, soliciting the concession of two thousand acres of land; they were granted to her at a place known by the name of the Big Hammock, distant forty miles, a little more or less, from the port of Buena Vista, on the west side of the river St. John's, its survey beginning on the north side of said place, and following the boundaries of those granted to Don Antonio Alvarez and Don Tomas de Aguilar, as my decree of the same date accredits, made to the proceedings moved for by the said Donna Catalina, which exist in the archives of the notary of government: Wherefore, I have granted, as in the name of his Majesty I do grant, to the said Donna Catalina de Tesus Hijuelos the said two thousand acres of land at the place expressed, for herself, her heirs and successors, in absolute property, and to expedite to her, as by these presents I do, the correspondent title, by which I separate the royal domain from the right and dominion it had to said lands; and I cede and transfer it to the said Donna Catalina de Tesus Hijuelos, her heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance, with all its entrances, outlets, uses, customs, rights, and services, which it has had, and in fact can belong and appertain to it; and, at their will, sell, cede, transfer, and alienate it as may best suit them. To all which I interpose my authority, as I can and of right ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned secretary of this government, brevet lieutenant of the army, Don Tomas de Aguilar, and by the officer of the secretary's office, Don Antonio Alvarez, whom I have named for assistant witnesses for the purpose, on account of the interested being mother to the said notary of government and royal domain. St. Augustine, Florida, December 7, 1817.

JOSÉ COPPINGER.

By command of his excellency:

TOMAS DE AGUILAR.  
ANTONIO ALVAREZ.

This is conformable to the original which exists in the archives of the notary of government and the royal domain; and at the desire of the party, I sign and seal these presents, with the assistant witnesses, on common paper, the stamped not being in use. St. Augustine, Florida, December 7, 1817.

JOSÉ COPPINGER.

TOMAS DE AGUILAR.  
ANTONIO ALVAREZ.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, S. B. L. C.

[Translation.]

Don Andres Burgevin, as surveyor, named by a decree of this government on the 11th June of this present year, in favor of the interested: I certify that I have measured and laid off for Donna Catalina de Tesus Hijuelos a piece of land which contains two thousand acres, situated on the great hammock which goes from the river Oke Coka, and runs towards the Indian villages named Alachua; said land is distant five miles from said river of Oke Coka, and bounded on the south by lands of Don Tomas de Aguilar, and on the north side by lands of Don Gabriel G. Perpall, and being in its other circumstances conformable to the accompanying plat; for the confirmation of which I give these presents, and sign in St. Augustine, Florida, September 9, 1819.

ANDRES BURGEVIN.

ANDRES BURGEVIN.

This copy is taken from the original.

[The plat is annexed.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, S. B. L. C.

DECREE.

The board having ascertained the foregoing to be a valid Spanish grant for the two thousand acres made previous to January 24, 1818, do therefore recommend it to Congress for confirmation. December 14, 1825.

## No. 4.—See REPORT No. 2.

*Zephaniah Kingsley vs. The United States. For two thousand six hundred and eleven acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain certain claims and titles to lands in East Florida:*

The petition of Zephaniah Kingsley, by George Gibbs, sheweth: That your memorialist claims title to a tract of land consisting of two thousand six hundred and eleven acres, more or less, situated on the west side of St. John's river, and on the south by Doctor's lake or creek, called Laurel Grove, on the south by Doctor's lake, on the east by the river St. John's, on the north by land now or late the property of John Arnold, and on the west by a marked line; which line commences on the west line of the said Arnold, beginning on the river St. John's, running west 35 chains, thence north 18 chains, thence west 30 chains, thence south 35 chains; another line, beginning on the St. John's river, running south 80° west, 95 chains; thence south 10° east, 46 chains; thence south 80° west, 55 chains; thence south 10° east, 80 chains; thence south 65° east, 28 chains, to the aforesaid; thence, from the last corner, south 60° west, 105 chains; thence south 20° west, 63½ chains, to crook; thence south 3° west, 26 chains, to the Doctor's lake; thence north 33 chains, thence west 33 chains, thence south 33 chains, to the Doctor's lake; which title your memorialist derives from a grant made to William Pengree by Governor Estrada, in virtue of the royal order of October 29, 1790, whose widow, Rebecca Pengree, duly authorized by the Spanish tribunal for that purpose, as reference to the documents in the office of the archives will more fully appear, to sell the said lands and plantation, and did accordingly sell the same to your memorialist November 26, 1803, as per deed of sale herewith exhibited, marked Z. K. And your memorialist further sheweth that he is in actual legal possession of said lands; that he is a citizen of the United States and resident of the Territory of Florida.

ZEPHANIAH KINGSLEY,

By GEORGE GIBBS, *Attorney in fact.*

## [Translation.]

Don Pedro Marrot, captain of the third battalion of the infantry regiment of Cuba, and judge commissioned by his excellency the governor and commander-in-chief of this province of East Florida for the survey and laying off of lands ordered to be distributed by command of his Majesty: I certify that at the plantation called Laurel Grove there have been measured for the inhabitant Don William Pengree, whose family consists, under the oath which he has taken, of fifty-one persons, in the following form: husband, wife, and one son, with forty-eight negro slaves; for which family there have been delivered to him fifty-two caballerias and twenty acres of land, which is part of what corresponds to him. The first line runs south 80° west; begins by a red oak, on the bank of the river, with a cross and ends with a pine tree of the same mark; it measures 95 chains. The second line runs south 10° east; begins by said pine tree and ends by another with the same mark; it measures 46 chains. The third runs south 80° west; begins by said pine tree and ends with another; it measures 55 chains. The fourth, south 10° east; begins by said pine tree and ends with a stake marked with a cross; it measures 80 chains. The fifth runs south 65° east; begins by said stake and ends with an ash on the bank of Doctor's creek; it measures 28 chains: its front runs part on the bank of said creek and part on the bank of the river St. John—all according to the orders which I have. The interested signed it with the surveyor, Don Samuel Eastlake. In proof of which, and that it may serve for the information of the secretary of this government, to whom the interested have to apply for their respective titles, I give the present copy of the original, which remains in my possession. River St. John's, December 7, 1791.

PEDRO MARROT.

SAMUEL EASTLAKE.

[Here follows the plat.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives.

F. J. FATIO, *S. B. L. C.*

## [Translation.]

Don Pedro Marrot, captain of the third battalion of the infantry regiment of Cuba, and judge commissioned by the government and commander-in-chief of this province of East Florida for the survey of lands commanded to be distributed by order of his Majesty: I certify that at the plantation called Cok there have been measured and delivered three caballerias of land to the inhabitant Don William Pengree, on account of what corresponds to him. The first line runs north; begins by a pine tree marked with a cross and ends with a stake with the same mark; it measures 33 chains. The second runs west; begins by said stake and ends with another with the same mark; it measures 33 chains. The third runs south; begins by said stake and ends with a pine tree with the same mark; it measures 33 chains: this line bounds the land of the said Pengree, known as Pengree. The fourth runs east; begins by the said pine tree and ends by another marked with the same mark of a cross; it measures 33 chains—all according to the orders which I have. The interested signed jointly with me and the surveyor, Don Josiah Dupont. In proof whereof, and that it may serve for information at the office of the secretary of this government, to whom the parties have to apply for their respective titles, I give these presents in book. River St. John's, February 18, 1793.

PEDRO MARROT.

JOSIAH DUPONT.

[Here follows the plat.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of public archives.

F. J. FATIO, *S. B. L. C.*



[Translation.]

Don Pedro Marrot, captain of the third battalion of the infantry regiment, &c., &c.: I certify that at the plantation called Laurel Spring there have been surveyed and delivered eighteen caballerias, and twenty-six acres of land (on account of what corresponds to him) to the inhabitant Don William Pengree. The first line runs south  $75^{\circ}$  east; begins with an ash marked with a cross on the bank of Doctor's creek, and ends with a stake of the same mark; this line bounds the lands of said Pengree known as Laurel Grove; it measures 28 chains. The second runs south  $60^{\circ}$  west; begins by said stake and ends with a pine tree with the same mark; it measures 105 chains. The third runs south  $20^{\circ}$  west; begins by the said pine tree and ends by a stake with the same mark; it measures 63 chains and 50 lipks. The fourth runs north  $87^{\circ}$  west; begins by said stake and ends with another marked with the same mark of a cross, on the bank of the said Doctor's creek; it measures 26 chains; its front runs on the bank of the said creek—all according to the orders I have. The interested signed this jointly with me and the surveyor, Don Josiah Dupont. In proof whereof, and that it may serve for information at the office of the secretary of this government, to whom the parties have to apply for their respective titles, I give these presents at Laurel Spring, river St. John's, and Doctor's creek, February 16, 1793.

PEDRO MARROT.

[Here follows the plat.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don Pedro Marrot, &c., &c.: I certify that in the plantation called Good-fortune there have been measured and delivered three caballerias and twenty-one acres of land (which completes what he is entitled to) to the inhabitant William Pengree. The first line runs west; begins by a maple marked with a cross on the bank of the river St. John's and ends by a pine tree with the same mark, bounding the lands by Jona. Arnold; it measures 35 chains. The second runs north; begins by said pine and ends by another with the same mark, bounding also the lands of the said Arnold; it measures 18 chains. The third line runs west; begins by said pine tree and ends by another with the same mark; it measures 30 chains. The fourth runs south; begins by said pine tree and ends with a live-oak of the same mark; it measures 35 chains. The fifth runs south  $80^{\circ}$  west; begins by said live-oak and ends with a red oak marked with the same mark of a cross, on the bank of the river St. John's; it measures 65 chains; this line bounds the lands of the said Pengree known as Laurel Grove; its front runs on the bank of the said river—all according to the orders which I have. The interested signed this jointly with me and the surveyor, Don Josiah Dupont. In proof whereof, and that it may serve for information at the office of the secretary of government, where the parties are to apply for their respective titles, I give these presents at Good-fortune, river St. John's, February 19, 1793.

PEDRO MARROT

[Here follows the plat.]

JOSIAH DUPONT.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the public archives.

F. J. FATIO, *S. B. L. C.*

[Here follows the translation of a conveyance from the widow of William Pengree to claimant, dated November 26, 1803.]

DECREE.

The board having ascertained the above to be a valid Spanish grant made to William Pengree, whose widow sold and conveyed it to claimant, do therefore recommend it to Congress for confirmation. December 15.

No. 5.—See REPORT No. 2.

*Zephaniah Kingsley vs. The United States. For two thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Z. Kingsley, by his attorney, George Gibbs, sheweth: That your memorialist claims title to a tract of land consisting of two thousand acres, situated in Twelve-mile swamp; bounded on the south by lands of George Clarke, on the north by lands of Philip R. Yonge, on the east by a line running north  $22^{\circ}$  west, 199 chains, and on the west by a line running south  $22^{\circ}$  east, 199 chains, as per plat marked 6; which title your memorialist derives from a grant made to your memorialist January 18, 1816, by Governor Coppinger, in virtue of the royal order of October 29, 1790, herewith submitted; and further reference is made to the documents in the office of the public archives of the Territory. And your memorialist further sheweth that he was, at the exchange of flags, and is now, in legal possession of said lands; that he is a citizen of the Territory of Florida and resident of said Territory. All of which is respectfully submitted.

ZEPH. KINGSLEY,  
By GEORGE GIBBS, *Attorney in fact.*

[Translation.]

*Title of property.*

Don José Coppinger, lieutenant colonel, &amp;c., &amp;c., &amp;c.:

Whereas, in a royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, amongst other things, that lands should be surveyed gratis to those foreigners who, of their own free will, present themselves to swear allegiance to our sovereign, in proportion to the workers which each family have; that Don Zeph. Kingsley having presented himself as one of them, he solicited from the government, and there were granted to him, two thousand acres of land, situated at a place known by the name of Twelve-mile swamp, which land is known and distinguished under the following dimensions and boundaries: the first line runs east; its measurement consists of 110 chains; its measurement begins by an oak marked with a cross, on the western edge of a swamp, which ends with a pine tree marked with a cross on the opposite side. The second line runs north  $22\frac{1}{2}^{\circ}$  west; its measurement consists of 199 chains; begins with said pine tree and ends with another of the same kind marked with a cross. The third line runs west; its measurement consists of 110 chains; begins by said pine tree and ends with another marked with a cross. The fourth line runs south  $22\frac{1}{2}^{\circ}$  east; its measurement consists of 199 chains; begins by said pine tree and ends with the oak aforesaid, where the first line began, as results from the certificate given by the surveyor general appointed by this government, Don George Clarke, dated October 20, 1815, with the corresponding plat, which he has attested in continuation of it; and as no title has been issued for the security and proof of his dominion to the said lands, that he has made buildings on them, cultivated them, and finally complied with all the other conditions which the government has established for grants and concessions of this nature, existing in the titles delivered to other settlers, as is set forth in the proceedings moved by the interested, soliciting that the corresponding title should be issued to him for the land which he has already measured and laid off, and of which he is in possession: Wherefore, and in consideration of everything, I have granted, as in the name of his Majesty I do grant, unto the said Don Zeph. Kingsley the said two thousand acres of land in absolute property, for himself, his heirs and successors, and despatch to him, as by these presents I do, the corresponding title by which I separate the royal domain from the right and dominion it had to said land; and I cede and transfer it unto the said Kingsley, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatsoever, with all its entrances, outlets, usés, customs, rights, and services, which it has had, has, and of custom and by law belong or may appertain unto it; and, at their will, sell, cede, transfer, and alienate it as may best suit them. To all which I give the sanction of my authority, as I can and of right ought to do, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary *pro tem.* of government and the royal domain, in this city of St. Augustine, Florida, January 18, 1816.

JOSE COPPINGER.

By command of his excellency:

JUAN DE ENTRALGO, *Notary of Government and the Royal Domain pro tem.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives.

F. J. FATIO, *S. B. L. C.*

## DECREE.

The board having ascertained that the above is a valid Spanish grant for the two thousand acres made to the claimant, do therefore recommend it to Congress for confirmation. December 15.

No. 6.—See REPORT No. 2.

*Zephaniah Kingsley vs. The United States. For two thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Zephaniah Kingsley, by his attorney George Gibbs, respectfully sheweth: That your memorialist claims title to a tract of land consisting of two thousand acres, more or less, situated on the island called Drayton island, at the entrance of Lake George, bounded on all sides by the river St. John's and Lake George, it being an island, as per royal title certified by Juan de Entralgo, government notary, dated July 27, 1821, per exhibit K; to which and to other documents in the office of the archives of the Territory, will more fully appear by reference to the same; which title your memorialist derives from a royal title made to George Sibbald for part by Governor Kindelan, in virtue of the royal order of October 29, 1790, who sold your memorialist fifteen hundred acres of the said island, being all his interest and right in the same; and the rest and residue of the said island was granted to your memorialist by the same Governor Kindelan, as per the aforementioned title, reference to the documents in the office of the public archives, will more fully appear. And your memorialist further sheweth that he is in actual possession of said lands; that he is now a citizen of the United States and resident of St. Augustine.

ZEPHANIAH KINGSLEY,

By GEORGE GIBBS, *Attorney in fact.*

[Translation.]

*Title of property in favor of Don Zephaniah Kingsley, of Drayton island.*

Don Sebastian Kindelan and O'Regan, knight of the order of St. James, brigadier of the royal armies, political and military governor of this city of St. Augustine, Florida, and its province:

Whereas, in a royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, amongst other things, that lands should be

granted and surveyed gratis to those foreigners who, of their own free will, offer themselves to swear allegiance to our sovereign, in proportion to the number of workers each family may have; that Don George Sibbald having presented himself as one of them, he solicited from the government, and had granted unto him, fifteen hundred acres of land on October 6, 1804, in the island called Drayton, at the entrance of Lake George, in the river St. John's, which he ceded to Don Zeph. Kingsley, with all its improvements, to whom it was adjudged in *solutum*, in virtue of the agreement of the parties authorized by a decree of this said government of July 18, 1811; and afterwards, by a decree of the 4th of September of the same year, there was granted to the aforesaid Kingsley five hundred acres more, which were vacant in the said island, which, in all, might contain about two thousand acres, more or less, as appears more at length from the documents and certificates which are annexed to the proceeding moved by the said Kingsley, soliciting that there should be issued in his favor the corresponding title for the lands which the said island of Drayton contains: Wherefore, and considering that he has already passed more than ten years of an uninterrupted possession to obtain the useful and directed dominion to the said island of Drayton, made buildings on it, cultivated it, and finally complied with all the other conditions established by the government for grants and concessions of this nature, existing in the titles delivered to other settlers, as is set forth and proved in the said proceeding, I have granted, as in the name of his Majesty I do grant, unto the aforesaid Don Zephaniah Kingsley the said Drayton island, for himself, his heirs and successors, in absolute property; and in despatching to him, as by these presents I do, the corresponding title by which I separate the royal domain from the right and dominion it had to said land; and I cede and transfer it unto the said Kingsley, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatsoever, with all its entrances, outlets, uses, customs, rights, and services, which it has had, has, and of custom and by law belong and may appertain unto it; and, at their will, sell, cede, transfer, and alienate it as may best suit them. To all which I give the sanction of my authority as I can, and of right ought to do, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and the royal domain, in this said city of St. Augustine, Florida, January 7, 1815.

SEBASTIAN KINDELAN.

By command of his excellency:

JUAN DE ENTRAIGO, Notary of Government *pro tem*.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives.

FRANCIS J. FATIO, S. B. L. C.

#### DECREE.

The board having ascertained that this claim is covered by a British grant, they therefore order that it be reported to Congress for their determination. December 15.

No. 7.—See REPORT No. 2.

*Domingo Fernandez vs. The United States. For one thousand one hundred and fifty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Domingo Fernandez, by his attorney, Farquhar Bethune, respectfully sheweth: That your memorialist claims title to a tract of land consisting of one thousand one hundred and fifty acres, situated on Big Dun's creek, St. John's river, and contained within the following lines: the first line runs north 20° east, is in length 130 chains, bounded by vacant land; the second line runs south 70° east, is in length 70 chains, and also bounded by vacant land; the third line runs south 25° east, is in length 29 chains, bounded by Lewis Christopher's land; the fourth line runs south 20° west, and measures 110 chains, bounded by John Houston's land; which title your memorialist derives from a grant made to him by Governor Coppinger April 10, 1817, in virtue of the royal order of March 29, 1815. Your memorialist further sheweth that he is now in actual possession of said land, and was so at the time of the cession; that he is an inhabitant of Florida and resident of Amelia island. The title, marked A, is annexed; the survey will be produced when required. All of which is respectfully submitted.

DOMINGO FERNANDEZ,

By his attorney, FARQUHAR BETHUNE.

[Translation.]

*Title of property of one thousand one hundred and fifty acres of land on Big Dun's creek, in favor of Don Domingo Fernandez.*

Don José Coppinger, colonel of the royal armies, political and military governor *pro tem*., and chief of the royal domain in this city of St. Augustine, Florida, and its province:

Whereas, in a royal order of March 29, 1815, his Majesty has deigned to approve of the favor and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, both regulars and militia, of this province, who assisted in its defence in the time of the rebellion, one of the said favors being the distribution of lands in proportion to the number of family each individual may have; that Don Domingo Fernandez, an inhabitant of Amelia island, of this province, having presented himself, showing the concession of one thousand seven hundred acres of land made him by this government by decree of August 19, 1814, in consideration of his tried services performed in said defence in person, by his slaves and in implements, as appears more at length from the certificate of the proceedings given by the secretary of said government, and soliciting that, according to the royal order, there should be issued a title of property of one thousand one hundred and fifty acres on account of the said one thousand seven hundred, on the creek called Big Dun's creek, on the south side of the river St. John's, which land is known and distinguished under the following dimensions and boundaries: the first line runs north twenty degrees east, measures one hundred and thirty chains, bounding public lands; the second runs



south seventy degrees east, measures seventy chains, bounding also public lands; the third line runs south twenty-five degrees east, measures twenty-nine chains, bounding the lands of Lewis Christopher; the fourth line runs south twenty-nine degrees west, measures one hundred and ten chains, bounding the land of John Houston, as appears from the certificate of the surveyor, Don George Clarke, dated November 28, 1816, which, with the corresponding authenticated plat, is annexed to the proceedings on the matter which exist in the archives of the present notary, with my decree of this date, in which I have thought proper to grant said petition: Wherefore, I have granted, as in the name of his Majesty I do grant, unto the said Don Domingo Fernandez the said one thousand one hundred and fifty acres of land at the place already pointed out, without injury to a third person, for himself, his heirs and successors, in absolute property; and in despatching to him, as by these presents I do, the corresponding title by which I separate the royal domain from the right and dominion it had to said land; and I cede and transfer it unto the aforesaid Don Domingo Fernandez, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatsoever, with all its entrances, outlets, uses, customs, rights, and services, which it has had, has, and of custom and by law belong and may appertain unto it; and, at their will, sell, cede, transfer, and alienate it as may best suit them. To all which I give the sanction of my authority, as I can and of right ought to do, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of Government and the royal domain, in this city of St. Augustine, April 10, 1817.

JOSÉ COPPINGER.

By command of his excellency:

JUAN DE ENTRALGO, *Notary of Government, &c.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives.

THOMAS MURPHY, *Ad. Clerk B. L. C.*

#### DECREE.

The board having ascertained the above to be a valid Spanish grant for the one thousand one hundred and fifty acres made to claimant, do therefore recommend it to Congress for confirmation. December 16.

[Nos. 8, 9, and 10, were not returned by the commissioners to the General Land Office.]

No. 1.—See REPORT No. 3.

*Juan Blas Entralgo vs. The United States. For four thousand acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Juan Blas Entralgo respectfully sheweth: That your memorialist claims title to a tract of land consisting of four thousand acres, situated about five miles east of Spring Garden, and bounded as follows: beginning at the head of a mountain, and running south 60° west, 100 chains, to a stake; thence south 30° east, 105 chains, to a stake; thence north 60° east, 235 chains 20 links, to a pine marked =; thence north 30° west, 220 chains, to a pine marked +; thence south 60° west, 135 chains 20 links, to a stake; thence south 30° east, 115 chains, to the beginning; which title your memorialist derives from a grant made to F. M. Arredondo by Governor Coppinger, in virtue of the royal order of 1815, who sold the same to your memorialist, as will appear by document A, which, together with the grant to Arredondo, marked B, is herewith filed. And your memorialist further sheweth that he has legal possession of said lands, and that he was a Spanish subject, living in St. Augustine, at the change of government in 1821, and that he now resides in Havana. In consideration of what is herein set forth, he prays his title to the said 4,000 acres may be confirmed.

J. B. ENTRALGO,

By GEORGE MURRAY. *Attorney for Memorialist.*

[Translation.]

SEÑOR GOVERNOR: Don Fernando de la Maza Arredondo, jr., an inhabitant of this city, with due respect, states to your excellency that, from the beginning of the insurrection of the year 1812, he took up arms and acted as commandant of a party of cavalry to reconnoitre the enemy, one of whom he took prisoner afterwards when they presented themselves in sight of this city; and afterwards the memorialist continued performing service in the militia, and patrolling at night, when necessary, for the guard and defence of this city, without pay, rations, or any emolument; at which time he performed other important services for the Government, among others, provision of meat and victuals for the support of the garrison; all of which is known to your excellency. And as his Majesty, in his royal order of March 29, 1815, has deigned to reward with a distribution of lands the faithful inhabitants who contributed to the defence of this province, the memorialist being one of them, and, as is more fully expressed, one of those whom the laws and royal dispositions regard with attention, distinguishing the merit and quality of the services; as, besides all the other circumstances which concur, it is also a very powerful one that he is a native of the country, established in it with more than eighty negroes of his property: Wherefore, he prays your excellency to be pleased to grant him, in absolute property, ten thousand acres of land situated, to wit: five thousand acres of them on a hammock, which is about five or six miles to the east of Spring Garden, and the other five thousand to the west of the river St John's, in the neighborhood of a creek known as Black creek, near Flemings' island, and the lake near Doctor's lake; titles of dominion to which to be made out and delivered as soon as the surveyor accomplishes the survey and laying off of both tracts of land, and that the corresponding plats are formed, which shall designate and mark out perfectly the situation and boundaries. A favor which he hopes for from the justice of your excellency. St. Augustine, Florida, March 18, 1817.

FERNANDO DE LA MAZA ARREDONDO.

ST AUGUSTINE, *March 20, 1817.*

In virtue of the services which Don Fernando de la Maza Arredondo has performed and alleges, which are certain and notorious, and using the authority which I exercise agreeably to the intentions and desires of his Majesty to reward his faithful subjects, which the laws recommend in similar cases, and considering the large number of slaves he possesses, I have granted, as in the name of his Majesty and his royal justice which I administer, I do grant, in absolute property, and with a title of dominion from this day and henceforward, to the said Don Fernando de la Maza Arredondo, the ten thousand acres of land in the places he solicits, without injury to a third person, for which the corresponding titles of property shall be issued as soon as the survey and laying off are performed by the surveyor. This decree, in the meanwhile, serving for an equivalent with which the proceedings shall be filed in the notary's office, giving to the interested an authenticated copy for his security.

COPPINGER.

Before me—

JUAN DE ENTRALGO, *Notary of Government.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

CONVEYANCE.

Be it known that I, Don Fernando de la Maza Arredondo, jr, an inhabitant of this province, declare that I really sell to Don Juan de Entralgo, notary of government and the royal domain in this city, four thousand acres of land, which I hold as my property in this province, situated about five miles to the east of Spring Gardens, known under the following dimensions: the first line begins at the head of a hammock and runs south 60° west, measures 100 chains, and ends with a stake; the second runs south 30° east, contains 105 chains, and ends also with a stake; the third line runs north 60° east, measures 235 chains 20 links, and ends with a pine marked ==; the fourth line runs north 30° west, measures 220 chains, and ends with a pine marked × ×; the fifth line runs south 60° west, measures 135 chains 20 links, and ends with a stake; the sixth line runs south 30° east, measures 115 chains, and ends at the head of the said hammock; which 4,000 acres of land, with a portion more, this Government granted me, in absolute property and dominion, as a reward for services, March 20, 1817, and the corresponding title was issued to me on the 9th of August of the year last, as all appears in the archives of the said notary. And I sell the said 4,000 acres of land under the dimensions and other things, which are explained, with all its entrances, outlets, uses, customs, rights, and services, which it has had, has, and belong, or may appertain to it, free of all encumbrance, at the price of \$4,000, which the purchaser has paid me in cash; which sum I acknowledge as delivered to my will. I renounce proof, laws of delivery, exception to money not counted, fraud, and everything else in the case, for which I grant a receipt in form; in virtue of which I separate myself from the right of property, possession, use, seignior, and other rights, real and personal, which I had or held to said lands; and I cede, renounce, and transfer them to the purchaser, and whoever shall represent his right, that they may possess, sell, and alienate them at their will, in virtue of this deed which I deliver in his favor as a mark of real delivery; from which it is seen that he has acquired the possession without occasion for other proof, from which I release him. And I oblige myself to the eviction and guarantee of this sale in sufficient form, and as may best suit, in favor of the purchaser, with my goods, present and future, power and submission to the tribunals of his Majesty, that they may force me to compliance as by sentence consented to and passed in authority of an adjudged case, on which I renounce all the laws, customs, rights and privileges in my favor, and formal exceptions which prohibit it. And I, the said Juan de Entralgo, being present, accept in my favor this deed, and by it receive as purchased the aforesaid 4,000 acres of land at the price and agreement upon which they were sold to me, and I acknowledge them as delivered to my will. I renounce proof, laws of delivery, those of a thing not seen or received, fraud, and everything else in the case; for which I grant a receipt in form. In testimony of which, this is dated in the city of St. Augustine, Florida, January 5, 1821.

FERNANDO M. ARREDONDO.

JUAN DE ENTRALGO.

I, Don José Coppinger, colonel of the royal armies, military governor, political chief, and sub-delegate of ultramarine possessions for this said city and province, certify that I know the parties who have granted, delivered, and signed in my presence, and in that of the assistant witnesses, whom I have chosen for this act, Don Tomas de Aguilar and Don Antonio Alvarez, there being no other notary in the entire province. There being witnesses to this deed, Don José Mariano Hernandez, Don Bernardo Sequi, and Don José Bernardo Reyes, residents present.

COPPINGER.

TOMAS DE AGUILAR.

ANTONIO ALVAREZ.

This is conformable to the original which exists in the archives of the said government notary, to which I refer; and at the desire of the parties, sign the present copy, with the assistant witnesses, on two leaves of common paper, the stamped not being in use. St. Augustine, Florida, January 5, 1821.

JOSE COPPINGER.

ANTONIO ALVAREZ.

TOMAS DE AGUILAR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don Andres Burgevin, of this place, and private surveyor: I certify that, by an order of this governor, made August 20, 1819, I have measured, in favor of Don Fernando de la Maza Arredondo, jr., a piece of land which contains 4,000 acres of land, which is five miles to the east of Spring Gardens, being part of a greater quantity which was granted to him March 20, 1817. In proof of which I give these presents, which I sign at St. Augustine, Florida, July 25, 1820.

ANDRES BURGEVIN.

[Here follows the plat.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

DECREE.

*Juan B. Entralgo vs. The United States. For four thousand acres of land.*

The board having ascertained the above to be a valid Spanish concession made to F. M. Arredondo previous to January 24, 1818, who conveyed the above 4,000 acres to claimant, do therefore recommend it to Congress for confirmation. July 12, 1824.

No. 2.—See REPORT No. 3.

*Juan B. Entralgo vs. The United States. For ten thousand four hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Juan B. Entralgo respectfully sheweth: That your memorialist claims title to a tract of land consisting of ten thousand and four hundred acres, situated on the St. John's river to the west, and about twelve miles south of Lake George, bounded as follows: commencing at a pine marked thus =, running south 20° east, 322 chains, to a pine tree marked as the first; thence north 70° west, 323 chains, to a pine, same mark; thence north 20° east, 322 chains, to a pine with same mark; thence south 70° east, 323 chains, to the beginning; this tract is nearly equally divided by a stream running from the west into St. John's river; which title your memorialist derives from a grant made to Antonio Huertas by Governor Coppinger, in virtue of the royal order of March 29, 1815, who sold the same to your memorialist December 4, 1821. The concession was made September 15, 1817, (see a certified copy of the document filed herewith, as is also a plat of the land.) And your memorialist further sheweth that he is in possession of said lands; that he resides in Cuba, but at the change of flags was in St. Augustine.

JUAN B. ENTRALGO,  
By GEORGE MURRAY.

[Translation.]

ST. AUGUSTINE, Florida, September 15, 1817.

SEÑOR GOVERNOR: Don Antonio Huertas, an inhabitant of this city, with due respect, states to your excellency that, although he has obtained a concession of ten thousand acres of land on March 27, 1813, for the pasture of cattle, in the rearing of which this party has employed himself for many years; as the said land is almost all composed of pine land and very little arable, and the memorialist being one of the individuals who, by his well known and constant good services in defence of this province, and by his having been one of the first settlers of it, is entitled by every claim to be rewarded with a greater number of acres, as the laws so provide which treat in the matter, as from the character of his services, which he omits stating, as they are well known to your excellency, not only those which he has performed in the service of his Majesty, in which he has been employed since the age of 18 years, but the extraordinary ones of succoring the garrison of this city in calamitous times, and in the insurrection, making a sacrifice of his interests, and encountering perils, by the help of which he can say he has preserved the said garrison: Wherefore, he prays your excellency to be pleased to grant him 15,000 acres of land more, in absolute property and dominion, on a creek which comes from the west, and joins the river St. John's about 12 miles to the south of Lake St. George; its survey to commence about four or five miles to the west of the river St. John's, and dividing the said lands in two parts by said creek, reserving the delivery of the title in form until the memorialist finds it convenient to proceed to the survey and demarcation of said land, by an intelligent person, during the difficulties which exist at this day, and from the absence of the surveyor, Don George Clarke, who is named by the Governor. A favor which he hopes for from the justice of your excellency.

ANTONIO HUERTAS.

ST. AUGUSTINE, September 15, 1817.

In attention to what this party represents, and the services which he sets forth being certain, I grant him, in the name of his Majesty, and of his royal justice, which I administer, the fifteen thousand acres of land which he solicits, that he may possess and enjoy it in absolute property and dominion; and, in order to make this grant secure, let a certified copy be furnished him of this proceeding, which shall be lodged in the archives of the notary, where titles in form shall be issued when the survey and plats are accomplished, as is expressed by the interested.

COPPINGER.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*



[Translation.]

ST. AUGUSTINE, *Florida*, April 5, 1821.

Don Andres Burgevin, of this city, and private surveyor: I certify that, in virtue of authority conferred on me by a decree of December 13, 1820, made at the instance of Don Antonio Huertas, I have surveyed for this individual several pieces of land, which, to the number of fifteen thousand acres, were granted him as a reward for services, on a creek which comes from the west and joins the river St. John's about twelve miles to the south of said Lake St. George—the land divided by said creek—one of said tracts being ten thousand four hundred acres, which are bounded on the east by another of six hundred, and on the other sides by vacant lands, whose figure and demarcation the foregoing plat points out; and for its confirmation, and the purposes convenient to the interested, I sign these presents.

ANDRES BURGEVIN.

[The plat follows.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

ST. AUGUSTINE, *Florida*, December 4, 1821.

I cede and renounce in favor of Don Juan Blas de Entralgo, all the right, title, and dominion which I have to the ten thousand four hundred acres of land contained in this document of property, on account of having sold him the same for the sum of *five thousand* ———, for which I deliver him a formal receipt.

ANTONIO HUERTAS.

Witness: DOMINGO REYES.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

## DECREE

The board having ascertained the above to be a valid Spanish concession made previous to January 24, 1818, do therefore recommend it to Congress for confirmation. June 30, 1824.

[Translation.]

*John B. de Entralgo vs. The United States. For ten thousand four hundred acres of land.*

B. Segui, being duly sworn, states that he has seen Antonio Huertas write, and believes the name attached to the conveyance from said Huertas to Entralgo to be his own handwriting, but is not positive. Witness states that, after the cession of this Territory, and the archives taken away from the Spanish notary, it was customary for some person to have conveyances drawn out in the manner of the one presented in the above case.

B. SEGUI.

Before the board in session June 29, 1824.

José B. Reyes, being duly sworn, states that the signature of Antonio Huertas in the deed to John B. Entralgo is the genuine one of said party.

JOSÉ B. REYES.

Before the board in session June 30, 1824..

No. 3.—See REPORT No. 3.

*Wm. Travers vs. The United States. For eight thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Travers respectfully sheweth: That your memorialist claims title to a tract of land consisting of eight thousand acres, situated on the west side of Long lake, on the west side of St. John's river, about forty miles south of Lake George, bounded as follows: first line runs south, and is bounded by lands of Felipe R. Yonge; thence west one hundred and forty chains; thence south eight chains; thence west two hundred and fifteen chains, and terminates at a pine tree; thence north, two hundred and forty chains, to a cypress tree; which title your memorialist derives from an absolute grant made to Felipe Robert Yonge by Governor Coppinger, in virtue of the royal order of March 29, 1815, who sold the same to your memorialist; a certified copy of the grant, which was made February 22, 1817, is filed herewith. And your memorialist further sheweth that he has possession of said lands; that he resided in St. Augustine at the change of flags, and still does so; that he is a citizen of the United States and resident of St. Augustine.

WM. TRAVERS.

[Translation of a royal title to P. R. Yonge for 25,000 acres is filed in claim of William Travers for 12,000 acres, recommended for confirmation July 12, 1824.]

[Power of attorney from Philip R. Yonge to Juan B. Entralgo is filed in the aforesaid claim.]

[Translation.]

CONVEYANCE.

Be it known that I, Don Juan B. Entralgo, notary of government and of the public domain in this city, as attorney of Don Philip Robert Yonge, citizen of this province, now absent, which power he has conferred on me in this office, May 29, 1819, before Señor Don José Coppinger, colonel of the national armies, military governor and political chief of this province, and before witnesses, assisting for the want of another notary in the province, which power is not revoked, and is ample for what shall be said; in virtue of which I also have an order or instruction in writing from the said principal, and of the same date for the purpose. I declare that I really sell to Don William Travers, an inhabitant and merchant of this city, eight thousand acres of land, the property of my said principal, situated on the west side of the Long lake, distant about forty-five miles to the south of Lake George, to the west of the river St. John's, which are a part of 13,000 acres which, under date of February 11, 1817, were granted by this government to the said Don Philip Robert Yonge, in absolute property and dominion, as a reward for his services, and for which a corresponding title was issued on the 23d of the same month, the plat and survey of which, made by the private surveyor, Don Andrew Burgevin, August 2, 1819, with the other documents referred to, and which form the proceedings existing in my archives; the said dimensions being known under the following form: the first line runs south, bounding the 5,000 acres remaining to the person who empowers me; the second line, west, measures 140 chains; the third line, south, eight chains; the fourth line, west, 215 chains, and terminates with a pine tree; the fifth line north, 240 chains, beginning with said pine and terminating with a cypress, as appears by another plat made by said surveyor on the 20th of May last in consequence of superior order; all which is added to the said proceeding. And I sell him the said 8,000 acres of land at the place, under the dimensions, and on the terms set forth, with all its entrances, outlets, uses, customs, rights, and services, which it has and belong to it, free of all encumbrance, (as I, the seller, certify, as appears from the book of mortgages in my charge, which I have searched for the purpose,) at the price of eight thousand dollars, which the purchaser has paid me in cash, which sum I acknowledge as delivered to my will. I renounce proof, laws of delivery, exception to money not counted, fraud, and everything else in the case, for which I grant a formal receipt, in virtue of which I separate the said Don Philip R. Yonge from the right of property, possession, use, seignior, and other rights, real or personal, which he had or held to the said 8,000 acres of land, and that I cede, renounce, and transfer them to the said Don William Travers, and whoever represents his rights, that they may, as their own, possess, sell, and alienate them at their will, in virtue of this writing, which I deliver in his favor as a mark of real delivery, by which it may be seen that he has acquired the possession, without occasion for further proof, from which I relieve him. And I oblige the said Don Philip R. Yonge to the eviction and guarantee of this sale in sufficient form, and as may best suit, in favor of the purchaser, with all his property, present and future, power and submission to the tribunals of his Majesty, that they may compel me to compliance with it, as by sentence consented to and passed in authority of an adjudged case; moreover, I renounce all the laws, customs, rights, and privileges in his favor, and everything in form which prohibits it. And I, the aforesaid Don William Travers, being present, accept in my favor this writing, and by it receive as purchased the said 8,000 acres at the price and terms they were sold to me on, and I acknowledge them as delivered to my will. I renounce proof, laws of delivery, those of a thing not seen or received, fraud, and all other things in the case, for which I deliver a formal receipt. In testimony of which, this is dated in the city of St. Augustine, Florida, December 22, 1820. I, the notary, as the only one in this city, and as the seller, sign this writing for myself, and before me, with the purchaser and the witnesses, who are Don Pedro Miranda, Don Jose Mariano Hernandez, and Don Fernando M. Arredondo, jr., inhabitants present. By me and for myself.

JUAN B. ENTRALGO.  
WILM TRAVERS.

This is conformable to the original which exists in the archives in my charge, to which I refer; and, at the desire of the party, sign and seal these presents, in St. Augustine, Florida, the day of the date.

JUAN DE ENTRALGO, *Notary of Government.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

DECREE.

*William Travers vs. The United States. For eight thousand acres of land.*

The board having ascertained the above to be a valid title made previous to January 24, 1818, and this claim being part thereof, regularly conveyed to claimant, it is therefore recommended to Congress for confirmation. June 29, 1824.

No. 4.—See REPORT No. 3.

*William Travers vs. The United States. For twelve thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Travers respectfully sheweth: That your memorialist claims title to a tract of land consisting of twelve thousand acres, situated at the lagoon called south of Lake George, in St. John's river, bounded as follows: first line, south 65° west, 320 chains, beginning at a palmetto tree marked to a pine tree with the same mark; thence north 25° west, 400 chains, to a stake; thence north 65° east, 320 chains, to a stake on the bank of said lagoon; which title your memorialist derives from an absolute grant to Felipe Roberto Yonge by Governor Coppinger, in virtue of the royal order of March 29, 1815, who sold the same to your memorialist; a certified copy of the grant, which was made February 22,

1817, is herewith filed. And your memorialist further sheweth that he has possession of said lands; that he resided in St. Augustine at the change of flags, and still does so; that he is a citizen of the United States and resident of St. Augustine.

WILLIAM TRAVERS.

*Title of property for twenty-five thousand acres of land in favor of Don Felipe R. Yonge.*

Don José Coppinger, lieutenant colonel of the royal armies, &c., &c.:

Whereas, by a royal order of March 29, 1815, his Majesty has deigned to approve the gifts and favors proposed by my predecessor, Don Sebastian Kindelan, for the officers and soldiers, both regular and militia, of this province, who assisted in its defence at the time of the rebellion, one of the said favors being the distribution of royal lands; and considering that Don P. Robt. Yonge has made evident to me the distinguished and extraordinary services by which he has contributed personally and with his money to the defence of this said province at different times, and principally during the insurrection which took place in the year 1812, with the sacrifice of his property, and saving to the royal treasury, as the memorial which he has presented me of the date of the 5th December of the last year more fully shows; in consideration of which, and in virtue of the authority which I exercise, I have judged fit, by my decree of the 11th instant, to accede to his solicitations as set forth, and that, in remuneration, there shall be granted him twenty-five thousand acres of land, with a title in absolute property, to the south of the place known as Spring Garden, in this form: twelve thousand acres of them in the neighborhood of the lake or lagoon called and known as Valdes', and the thirteen thousand remaining at the lake higher up, known as Long lake, all on the west of the river St. John's, with the reserve of establishing the boundaries and dimensions when he proceeds to the survey of both tracts of land, as is shown by the said memorial and decree, which exist in the archives of the notary: Wherefore, and in consideration of the said commendable services, agreeably with the will of the sovereign, and with what the laws recommend for distinguished rewards to those who are deserving, attending to the quality of said services, and of the persons who have performed them, I have granted, and in the name of his Majesty, whose royal justice I administer, I do grant, unto the said Don Philip R. Yonge the said twenty-five thousand acres of land in the places pointed out, without prejudice to a third person, for himself, his heirs and successors, in absolute property; and, in expediting to him, as by these presents I do, the corresponding title of property by which I separate from the royal domain in the right of dominion it had to said lands; and I cede and transfer it to the said Don Philip R. Yonge, and his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatsoever, with all its entrances, outlets, uses, customs, rights, and services, which it has had, has, and in fact and law belong or appertain to it; and, at their will, sell, cede, transfer, and alienate it as may best suit them. In all which I interpose my judicial authority as I can, and of right ought, in virtue of the sovereign will and what has been set forth.

Given under my hand, and countersigned by the notary of government and the royal domain, in this said city of St. Augustine, Florida, February 22, 1816.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, *Notary of Government and Royal Domain.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

POWER.

Be it known that I, Don Philip R. Yonge, an inhabitant and merchant of this province, resident in this city, declare that I give all my full, ample, and sufficient power, which is required, and may be necessary in law, unto Don Juan de Entralgo, notary of government and the royal domain in this said city, especially that he may in my name, and representing my proper person, rights, and actions, administer, and do administer, all and every my property, both landed and movable and immovable, sell some and purchase for me others, rent or mortgage them for the prices and terms which he shall adjust and agree to, delivering the deeds, receipts, and letters of payment which may be necessary, which from now I approve and ratify, as if I were present at their delivery; for which sale of lands, houses, or any my property whatsoever which I may have in this said province, he shall govern himself precisely by the instructions which I have given and shall give him on the subject, since with them I confer on him sufficient power, without any other limitation, free, open, and general administration, incidences and dependencies, power to prepare causes for judgment, to swear and substitute, revoke substitutes, and name others with substitution in form; and for the fulfilment of what he shall perform in virtue of this power, I bind myself, with my property, present and future power, and submission to the tribunals of his Majesty, that they may compel me to its performance, as by sentence consented to and passed in authority of an adjudged case, on which I renounce all laws, customs, rights, and privileges, in my favor, and the general in form which prohibits it. In testimony of which this is dated in the city of St. Augustine, Florida, May 29, 1819.

PH. R. YONGE.

I, Don José Coppinger, colonel of the royal armies, political and military governor of this city and its province, for his Majesty, certify, for the want of another notary, that I know the grantor, who acknowledged the same, and signed with me, and the assistant witnesses I have chosen for this act, Don Tomas de Aguilar and Don Antonio Alvarez, there being also witnesses to this power present Domingo Reyes, Don Manuel Fuertes, and Don Nicholas Garrido.

COPPINGER.

ANTONIO ALVAREZ.

TOMAS DE AGUILAR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*



## CONVEYANCE.

Be it known that I, Don Juan de Entralgo, notary of government and the public domain in this city, as attorney for Don Philip Robert Yonge, citizen of this province, now absent, which power he has conferred on me in this office, May 29, 1819, before Señor Don José Coppinger, colonel of the national armies, military governor and political chief of this said city and its province, and before witnesses assisting for want of another notary in the province, which power is not revoked, and will be sufficient for what shall be said; in virtue of which I also have written orders and instructions of the same principal and of the same date for the purpose. I declare that I really sell to Don William Travers, inhabitant of this city, twelve thousand acres of land of the property of my said principal, situated on the lake named "Second," on the west side of said lake, which were granted him by this government as a reward for services February 11, 1817; and on the 22d of the same a complete title of absolute property and dominion was issued to him, the dimensions of which are distinguished under the following form: the first line runs south 65° west, measures three hundred and twenty chains, beginning with a palmetto marked  $\equiv$ , and finishing with a pine of the same mark; the second line begins with said pine, running north 25° west, measures four hundred chains, and ends with a stake; the third line begins with said stake, north 75° east, measures three hundred and twenty chains, and terminates with another stake in the neighborhood of Second lake, as appears from the plat formed by the surveyor, Don Andrew Burgevin, August 2, 1819, agreeable to superior order, which, with the other documents I refer to, are added to the proceedings in the business, which are in the archives in my charge; and I sell him the said twelve thousand acres of land at the place, and under the dimensions and terms expressed, with all its entrances, outlets, uses, customs, rights, and services, which they have and belong to them, free of all encumbrance, (as I, the seller, certify, from the result of the book of mortgages, which I have searched for the purpose,) at the price of twelve thousand dollars, which the purchaser has paid me in cash, which sum I acknowledge as delivered to my will. I renounce proof, laws of delivery, exception to money not counted, fraud, and everything besides in the case, for which I deliver a formal receipt; in virtue of which I separate from him who empowered me the right of property, possession, use, seignior, and other actions, real and personal, which he had or held to the said twelve thousand acres of land, which I cede, renounce, and transfer to the purchaser, and whoever shall represent his right, that they may possess, sell, and alienate them at their will, in virtue of this writing which I deliver in his favor as a mark of real delivery, with which it is seen that he has acquired its possession, without occasion for any other proof, from which I deliver him. And I oblige myself to the eviction and guarantee of this sale in due form, and as may be most favorable to the purchaser, with the property of my principal, present and future power, and submission to the tribunal of his Majesty, that they may compel him to its compliance, as by sentence consented to and passed in authority as a thing adjudged, on which I renounce all laws, customs, rights, and privileges in his favor, and everything in form which prohibits it. And being present, I, the said purchaser, accept in my favor this writing, and by it receive as purchased the said twelve thousand acres of land at the price and agreement which they were sold to me; and I acknowledge them as delivered to my disposal, with a renunciation of proof, laws of delivery, those of a thing not seen or received, fraud, and everything else in the case, for which I deliver a formal receipt. In testimony of which, this is dated in the city of St. Augustine, Florida, December 22, 1820. I, the notary, as the only one in this city, and as the seller, sign this writing for myself, and before me, with the purchaser and the witnesses, who are Don Pedro Miranda, Don José Mariano Hernandez, and Don Fernando de la Maza Arredondo, jr., witnesses present for me and before me.

JUAN DE ENTRALGO.  
WILLIAM TRAVERS.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, S. B. L. C.

## DECREE.

The board having ascertained that the foregoing is a valid Spanish grant made previous to January 24, 1818, do therefore recommend it to Congress for confirmation. July 12, 1824.

No. 5.—See REPORT No. 3.

*John B. Entralgo vs. The United States. For four thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Juan B. Entralgo respectfully sheweth: That your memorialist claims title to a tract of land consisting of four thousand acres, situated at a place called Big Spring, on the river St. John's, and about twenty-five miles south of Lake George, on the west bank, bounded as follows: on the east by St. John's river, on the north by lands of Pedro Miranda, on the south by vacant lands, on the west by lands also belonging to Pedro Miranda, (see description in the grant filed herewith;) which title your memorialist derives from a grant made to Pedro Miranda by Governor Coppinger, in virtue of the royal order of March 29, 1815, who sold the same to your memorialist, (see document A,) the said four thousand acres being part of a grant made, as above stated, to Pedro Miranda for ten thousand acres, dated April 11; and this title is founded upon a memorial and concession made September 16, 1817, by Governor Coppinger. And your memorialist further sheweth that he has possession of said lands, and was, at the exchange of flags, living in St. Augustine; at present he resides in Cuba.

JUAN B. ENTRALGO,  
By GEORGE MURRAY.

[Translation.]

St. AUGUSTINE, Florida, September 16, 1817.

SEÑOR GOBERNADOR: Don Pedro Miranda, first pilot of the bar, and captain of the port, with due respect, states to your excellency that the government is well aware of the services which the memorialist has

performed, from the insurrection in this province in the year 1812, contributing with his person and property to its defence, besides there having been, and now being in his charge, several extraordinary commissions, for which he has never had any recompense. It is also certain and well known that, in the insurrection of the year 1794, he was likewise engaged in an extraordinary manner, and employed in other commissions for the royal service, having contributed, on all occasions, with his greatest exertions, to the economy of the royal treasury. For these considerations, and that of having served his Majesty from his youth, and being of the first families that came on the occupation of this province, which circumstance of being a settler makes him entitled to the favor of a grant of lands, as has been given to others, since those which your excellency has been pleased to grant him do not equal your liberality to those: Wherefore, he prays your excellency to be pleased to grant him, in absolute property and dominion, ten thousand acres of land on a creek which runs from the west, and joins the river St. John's, called in English Big spring, about twenty-miles to the south of Lake St. George; the said land to be divided in two parts by said creek, and to have one of its fronts on the river St. John's, leaving free the concession of two thousand acres which were made to him on the first of July last, reserving the titles of property until he can complete the survey and plat, it being out of his power at present to pay the expenses. A favor he hopes from the justice of your excellency.

PEDRO MIRANDA.

St. AUGUSTINE, *Florida*, September 16, 1817.

In attention to what Don Pedro Miranda represents in the foregoing memorial, and as the services he mentions are certain, agreeing at the same time with what the laws and royal orders direct for the encouragement of population, I grant him, in the name of his Majesty, and of his royal justice, which I administer, the ten thousand acres of land in the places which he points out, that he may enjoy them in absolute property and dominion; for which end, and that he may prove this grant, let a certified copy of the *proceeding* be furnished him, which shall be lodged in the notary's archives, from whence titles in form shall be given him speedily, or whenever required by the interested.

COPPINGER.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Don Andres Burgevin, inhabitant of this city and private surveyor: I certify that, in consequence of power conferred upon me by a decree of December 12, 1820, made at the instance of Don Pedro Miranda, I have surveyed for this individual *various pieces of land, to the number of ten thousand acres were granted* him as a reward for services, on a creek which comes from the west and joins the river St. John's, called in English Big spring, about twenty-five miles to the south of Lake St. George; the land divided in two parts by said creek, having one of its fronts on said river St. John's; one of the said pieces being the following four thousand acres, which are bounded on the east by said river St. John's, on the north by lands of the interested, on the south by lands *also* vacant, and on the west by another piece of three thousand four hundred acres of the said interested; and, for its confirmation, I sign these presents at St. Augustine, Florida, April 5, 1821.

ANDRES BURGEVIN.

[Plat is annexed.]

Royal title to P. Miranda for 4,000 acres, part of a concession of 10,000 acres to him, is not translated. The following translation is at foot of it.

[Translation.]

St. AUGUSTINE, *Florida*, December 5, 1821.

I cede and renounce in favor of Don Juan Blas de Entralgo all the right, title, and dominion which I have to the four thousand acres of land which this document of property contains, for having sold them at the rate of one thousand five hundred dollars, for which I deliver a formal receipt.

PEDRO MIRANDA.

Witnesses present:

FRANCIS J. FATIO.

RUPERTO SAAVEDRA.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

FRANCIS J. FATIO, *S. B. L. C.*

DECREE.

*J. B. Entralgo vs. The United States. For four thousand acres of land.*

The board having ascertained the above to be a valid Spanish concession made previous to January 24, 1818, and this claim being part thereof, and conveyed to claimant, it is therefore recommended to Congress for confirmation. June 29, 1824.

No. 6.—See REPORT No. 3.

*Antonio Huertas vs. The United States. For ten thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Antonio Huertas, late of St. Augustine, in East Florida aforesaid, now residing at Havana, in the Island of Cuba, respectfully sheweth: That your memorialist claims title to ten thousand

acres of land, situated on Six-mile creek, bounded westward by the said creek, eastward by the large mount, southward by the road of Picolata, running northward to its termination, being the same land formerly granted to Pantón, Leslie & Co., and afterwards relinquished by them. The grant to your memorialist of the said land was made March 27, 1813, in virtue of the royal order of October 29, 1790, and an absolute title granted to your memorialist by Governor Coppinger July 20, 1816. The original grant, absolute title, and survey, are in the office of public records in the city of St. Augustine, kept by Wm. Reynolds, esq. And your memorialist further sheweth that he was a resident inhabitant of East Florida at the time of its cession to the United States, and in possession of the said land; that he had for about thirty-six years previous to said cession resided in the city of St. Augustine, whence he removed to the Havana in the year 1822. All of which is respectfully submitted. St. Augustine, February 25, 1823.

ANTONIO HUERTAS.

By his attorney, JOHN RODMAN.

[Translation.]

*Title of property in favor of Don Antonio Huertas for ten thousand acres of land in the place known as Six-mile creek.*

Don José Coppinger, lieutenant colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of this city of St. Augustine, of Florida, and its province:

Whereas, by a royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and two Floridas, it is provided, among other things, that to those foreigners who, of their free will, present themselves to swear allegiance to our sovereign, lands should be measured them gratis in proportion to the laborers each family may have; that Don Antonio Huertas, of this place, having presented himself, he solicited of the government, and there were granted him, March 27, 1813, ten thousand acres of land for the raising of stock, in consideration of his faithful and constant services to the country, and for the injuries which he suffered by the insurrection of this province; which lands are known by the name of the Six-mile creek, and are distinguished under the following boundaries: commencing on the west by said creek, on the east by the Big wood, on the south by the Picolata road, and following north to where it corresponds; and the said lands being the same which the house of Pantón, Leslie & Co. ———, to whom they were granted; and as the said Don Antonio Huertas has solicited, there should be expedited to him the title of absolute property, as he has established a cowpen on said lands where he rears stock, as he has made appear by evidence; in virtue of which, and in attention to his said good services, I have granted him by my decree of the 17th of the present month, placed on the proceedings moved by the aforesaid Don Antonio Huertas, where all appears more in detail, and is filed in the office of the present notary: Wherefore, and in consideration of all, I have thought proper to grant, as in the name of his Majesty I do grant, to the said Don Antonio Huertas the said ten thousand acres of land, for himself, his heirs and successors, in absolute property, and in granting to him, as by these presents I do, the corresponding title by which I separate the royal domain from the right and dominion which it had in said land; and I cede and transfer it to the aforesaid Don Antonio Huertas, his heirs and successors, that, in consequence thereof, they may possess it as their own, use and enjoy without any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and services, which it has had, has, or by fact and law may belong or appertain to it; and, being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority as far as I can, and by right ought, in virtue of what has been set forth and of the sovereign will.

Given under my hand, and countersigned by the undersigned notary *pro tem.* of government and royal finance, in this city of St. Augustine, Florida, July 20, 1816.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, *Notary of Government and Royal Finance.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

FRANCO. J. FATIO, *S. B. L. C.*

#### DECREE.

*Antonio Huertas vs. The United States. For ten thousand acres of land.*

The board having ascertained this to be a valid Spanish title made previous to January 24, 1818, it is therefore recommended to Congress for confirmation. September 1, 1824.

No. 7.—See REPORT No. 3.

*Juan B. Entralgo vs. The United States. For twenty thousand acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Juan B. Entralgo respectfully sheweth: That your memorialist claims title to a tract of land consisting of 20,000 acres, situated at Chacala, in the district of Alachua, and 45 miles west of St. John's river, embracing the residence of the late Indian chief Payne, and bounded as follows: beginning at a pine tree and running east, 625 chains, to a pine; thence north, 320 chains, to a stake; thence west, 625 chains, to a stake; thence south, 320 chains, to the beginning, (see survey and plat made by Burgevin and filed herewith, marked C;) which title your memorialist derives from a grant made to George J. F. Clarke by Governor Coppinger, in virtue of the royal order of March 29, 1815, who sold to your memorialist the said 20,000 acres, being part of a grant of 22,000 acres made December 17, 1817, which is filed herewith, marked A, as is also the deed from Clarke to your memorialist,



marked B. And your memorialist further sheweth that he has legal possession of said lands, and that he is a Spanish subject residing in Cuba, but at the cession in 1821 was an inhabitant of St. Augustine. He prays his title to the said 20,000 acres may be confirmed.

JUAN B. ENTRALGO,  
By GEORGE MURRAY.

A.

CONVEYANCE.

*Title of property of 22,000 acres of land in favor of Don Jorge Clarke, in the hammocks of Cuscowillo and Chacala.*

Don José Coppinger, colonel of the royal armies, governor, political and military, *pro tem.*, and chief of the royal domain of this city of St. Augustine, Florida, and its province, for his Majesty:

Whereas, in a royal order of March 29, 1815, his Majesty has deigned to approve of the favors and rewards proposed by my predecessor, Brigadier Don Sebastian Kindelan, for the officers and soldiers, both veterans and militia, of this province, who assisted in its defence at the time of the rebellion, one of the said favors being the distribution of public lands; and as Don Jorge Clarke, lieutenant of local militia, has represented to me the distinguished services which he has rendered, both personally and in a pecuniary manner, in the defence of this said province at several periods of invasion, with the sacrifice and abandonment of his interest and property, like a faithful subject as he has been, worthy of every recompense for his zeal, love, and fidelity to the sovereign; which extraordinary services, which are well known to me, are set forth by his memorial of the 13th instant: in virtue of which I have thought proper, by my decree of this day, to accede to his request relative to the grant of twenty-two thousand acres of land, with a title in absolute property, in the hammocks known by the name of Cuscowillo and Chacala, situated on the west of the part of the river St. John's where there was a store of the house of Pantón, Leslie & Company, and about 45 miles distant from it; all of which appears more at large from the said memorial and decree which exist in the archives of the present notary: Wherefore, and in attention to the said recommendable services, agreeably to the sovereign will, and what the laws enjoin for the rewarding, with distinction to those who may be entitled, attending to the quality of the services and that of the persons who may perform them, I have granted, as in the name of his Majesty and of his royal justice, which I administer, I do grant, unto the aforesaid Don Jorge Clarke the said twenty-two thousand acres of land in the place pointed out, without injury to a third person, for himself, his heirs and successors, in absolute property, and despatch to him, as by these presents I do, the corresponding title by which I separate the royal domain from the right and dominion it had to said land; and I cede and transfer it to the aforesaid Don Jorge Clarke, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatsoever, with all its entrances, outlets, uses, customs, rights, and services, which it has had, and of custom and by law belong and may appertain to it; and, at their will, sell, cede, transfer, and alienate it as may best suit them. To all which I give the sanction of my authority, as I can and of right ought to do, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and the royal domain, in this city of St. Augustine, Florida, December 17, 1817.

JOSÉ COPPINGER.

By command of his excellency:

JUAN DE ENTRALGO, *Notary of Government and the Royal Domain.*

I certify the foregoing to be a true and correct translation of a document in the Spanish language on file in the office of the public archives.

F. J. FATIO, S. B. L. C.

[Translation.]

B.

CONVEYANCE.

Be it known that I, Don George Clarke, an inhabitant of this province, residing in the town of Fernandina, but at present in this city, covenant that I really sell unto Don Juan de Entralgo, notary of government and the royal domain, in it twenty thousand acres of land, which I hold as my property, in the territory of Alachua, and a place named Chacala hammock, on the west side of the river St. John's, where there was a store of the house of Pantón, Leslie & Company, and distant from it about 45 miles: the first line, east, measures 625 chains; the second line, north, measures 320 chains; the third line, west, measures 625 chains; and the fourth line, south, measures 320 chains; which twenty thousand acres of land belong to the twenty-two thousand granted me by this government, as a reward for services, December 17, 1817, and for which the corresponding title of property was made me on the same day, having proceeded to the survey by the private surveyor, Don Andrew Burgevin, who made the necessary plat August 2, 1819, which is added to the original proceeding of said concession, and is in the archives of the said notary; and I sell the said twenty thousand acres of land in the place and under the dimensions marked out, and with all their entrances, outlets, uses, customs, rights, and services, which it has, or of right belong to it, free of all encumbrance, (as appears from the book of mortgages which is in charge of the said notary,) at the price of \$20,000, which the purchaser has paid to my entire satisfaction, which I acknowledge as delivered to my will. I renounce proof, laws of delivery, exception to money not counted, fraud, and every other thing in the case, for which I deliver a formal receipt; in virtue of which I separate myself from the right of property, possession, use, seignior, and other rights, real and personal, which belong or appertain to the twenty thousand acres of land above mentioned, as I cede, renounce, and transfer it to the purchaser, and whoever shall represent his right, that he may possess, sell, and alienate it at his will, in virtue of this deed which I grant in his favor as a mark of real delivery, by which it is seen that he has acquired possession of it without occasion for other proof, from which I release him as I remain released from the eviction and guarantee of this sale to which I do not bind

myself. And I, the said Don Juan de Entralgo, being present, do accept in my favor this deed, and by it receive as purchased the said twenty thousand acres of land at the price and agreement at which they have been sold to me, and I acknowledge them as delivered to my will. I renounce proof, laws of delivery, those of a thing not seen or received, fraud, and everything else in the case, for which I deliver a formal receipt in form. In testimony of which, this is dated in the city of St. Augustine, Florida, February 7, 1820.

GEORGE J. F. CLARKE.  
JUAN DE ENTRALGO.

I, Don José Coppinger, colonel of the royal armies, political and military governor of this city and province, certify that I know the parties, who also have delivered and signed it in my presence, and that of the assistant witnesses, whom I have chosen for the purpose, Don Tomas de Aguilar and Don Antonio Alvarez, for want of another notary in all the province. There being witnesses to this deed Don Domingo Reyes, Don Pedro Miranda, and Don Fernando Arredondo, jr., inhabitants present.

JOSÉ COPPINGER.

TOMAS DE AGUILAR.  
ANTONIO ALVAREZ.

This is conformable to the original which exists in the archives of the said notary of government, to which I refer; and at the request of the party, sign this present copy, with the assistant witnesses, on two leaves of common paper, the stamped not being in use. St. Augustine, Florida, February 7, 1820.

JOSÉ COPPINGER.

TOMAS DE AGUILAR.  
ANTONIO ALVAREZ.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, S. B. L. C.

[Translation.]

SURVEY.

Don Andres Burgevin, an inhabitant of this city, and surveyor, appointed by Don George Clarke and authorized by the government, under date of April 20, 1819, for the survey of his land: I certify that I have measured and laid off for the said Don George Clarke twenty thousand acres of land in the territory of Alachua, and a place named Chachala, on the west of the river St. John's, and distant from it about forty-five miles, in part of a greater quantity which were granted him by a title of property December 17, 1817, and appears in its circumstances, conformable to the following plat and its original delivered into the archives of the notary of this government. In proof of which I give these presents, which I sign at St. Augustine, Florida, August 2, 1819.

ANDRES BURGEVIN.

[Here follows the plat.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, S. B. L. C.

DECREE.

*Juan B. Entralgo vs. The United States. For twenty thousand acres of land.*

The board having ascertained the above to be a valid Spanish title made to G. J. F. Clarke previous to January 24, 1818, and this claim for twenty thousand acres thereof being regularly conveyed to claimant, it is therefore recommended to Congress for confirmation. June 29, 1824.

No. 8.—See REPORT No. 3.

*Francis J. Avice vs. The United States. For six thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francis J. Avice respectfully sheweth: That your memorialist claims title to a tract of land consisting of six thousand acres, situated on the river St. John's, bounded north by lands granted to Juan Huertas, and south by land of John Moore, east by vacant lands, and west by the river St. John's, which were granted to John Huertas by the Spanish government August 26, 1814, in virtue of the royal order of October 29, 1790, and for which lands the said Huertas received a title from Governor Coppinger, by virtue of authority in the said Coppinger for that purpose reposed by the Spanish government, December 24, 1817; which title and a plat of the survey of said tract of land are herewith filed, and marked C and D. And your memorialist further sheweth that he became the proprietor of said tract of land by virtue of a bill of sale from the said John Huertas to your memorialist, dated September 12, 1821, which is also herewith exhibited, and marked L; your memorialist further sheweth that he is actually legally seized and possessed of said land; that he is a citizen of the United States and resident of the city of St. Augustine. All of which is respectfully submitted, &c.

FRANCIS J. AVICE.

[Translation.]

*Title of property in favor of Don Juan Huertas of fifteen thousand acres of land.*

Don José Coppinger, colonel of the royal armies, civil and military governor *pro tem.*, and chief of the royal finance of this city and province, by his Majesty:

Whereas, by royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, among other things, it was provided that to strangers who, of their own

free will, shall present themselves to swear allegiance to our sovereign, lands shall be laid out for them free of expense, in proportion to the number of laborers each family may have; that Don Juan Huertas having presented himself, he solicited of this government the concession of fifteen thousand acres of land as a compensation for his well-known services, and for the purpose of establishing a cowpen and the raising of black cattle, which was granted him August 26, 1814, in consideration of the truth of his petition, according to the following boundaries: five thousand acres at a place called Tocoy, five miles above Picolata, bounded on the north by the lands of Don Manuel Solana, on the southwest by vacant lands, and on the west by the river St. John's; and the remaining ten thousand acres on the banks of the river, about twelve miles above a place called the Ferry, below John B. Rayant, bounded on the south by the — of *John Mure*; and from thence east to the head of Deep creek, taking in the east and west banks of said creek, and bounded on the north by the southwest line of Tocoy, and on the west by the river St. John's, as results from a certificate given by the secretary of this said government, with the said date of August 26, 1814, which is found attached to the proceedings instituted by the above-mentioned Don Juan Huertas, praying that the corresponding title of the said lands be given him: Therefore, and in consideration that the above-mentioned Don Juan Huertas has fully proved his having established said cowpen, and that he employs himself with the object of said concession, as is seen by the said proceedings filed in the archives of the present notary, and according to my decree of the 22d of the present month, I have granted, and by these presents do grant, in the name of his Majesty, to the said Don Juan Huertas, his heirs and successors, the said fifteen thousand acres of land in absolute property; and I hereby, and by these presents, deliver him the corresponding title by which I separate it from the royal domain, from the right and dominion it held in said land; and I cede and transfer it to the aforesaid Don Juan Huertas, his heirs and successors, that, in consequence thereof, they may possess it as their own, make use of and enjoy it, free from any claim whatever, with all its entrances, outlets, uses, customs, rights, appurtenances, and all and in general which hath, doth, or may belong or pertain thereto; and, it being their wish, they may sell, cede, transfer, barter, and alienate it at their will and pleasure. To all which I interpose my authority, as far as possible, and according to law, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal finance, in the city of St. Augustine, Florida, December 24, 1817.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRAIGÓ, *éc.*, *éc.*

Conformable to the original on file in the archives under my charge, to which I refer; and at the request of the party, do seal and sign the present copy in St. Augustine, September 18, 1821.

JUAN DE ENTRAIGÓ. [L.s.]

Don Andres Burgevin, of this city, and private surveyor: I certify that I have measured and laid off for Don Juan Huertas a tract of land containing six thousand acres, being part of one of ten thousand acres, situated at Buena Vista, which I measured by order of this government for the said Don Juan Huertas; and, being conformable in all its parts to the following plat, I sign in St. Augustine, Florida, May 30, 1820.

ANDRES BURGEVIN.

A copy.

A. BURGEVIN.

[Here follows the plat.]

I certify the foregoing to be a correct translation from two documents in the Spanish language.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Know ye that I, Don Juan Huertas, resident of this city, do really sell to Don Francisco Julian Avice 6,000 acres of land, situated between the old fort of Buena Vista and a place where the military post is stationed or properly known by the name of Moore; which 6,000 acres of land are part of 15,000 conceded to me by this government, giving me for the same a title of absolute property December 24, 1817, which are known and distinguished under the following dimensions and boundaries: bounded on the north by the lands of Don Pedro Cocifacio, near the old fort of Buena Vista; on the east by vacant lands; on the south by those of Moore; and on the west by the river St. John's; and I sell him the boundaries and dimensions already explained in the place pointed out, with all its entrances, outlets, uses, customs, rights, and appurtenances, which it has, or may belong to it, free from any claim whatever, in the sum of \$3,075, which the purchaser has paid me in cash. In virtue of all which I separate myself from the right of property and possession I had to said land, which I cede, renounce, and transfer in favor of the purchaser, and in whomsoever may represent his right, that he may, as his own, dispose of it at his will, binding myself to the *eviction* and goodness of this sale in favor of the purchaser with my present and future property, with power to the tribunals that they may compel me to the compliance thereof. And I, the said Don Francisco J. Avice, being present, do accept in my favor this deed, and by it received as purchased the said 6,000 acres of land in the price and manner they are sold me. Both parties signing these presents in the presence of the witnesses, who also signed, in St. Augustine, September 12, 1821.

JUAN HUERTAS.  
F. J. AVICE.

Witnesses: FRANCO. J. FATIO.  
CHARLES VIGNOLES.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, *S. B. L. C.*

DECREE.

The board having ascertained the above to be a valid Spanish grant made previous to January 24, 1818, do therefore recommend it to Congress for confirmation. April 14, 1824.



## No. 9.—See REPORT No. 3.

*Joseph M. Arredondo vs. The United States. For twenty thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Joseph M. Arredondo respectfully sheweth: That your memorialist claims title to a tract of land consisting of twenty thousand acres, situated at a place called the Big Hammock, about twenty miles from the river Suwanee; which title your memorialist derives from a royal title made to him by Governor Coppinger, in virtue of the royal order of March 29, 1815; a certified copy of the said title is herewith filed, and is dated March 20, 1817. And your memorialist further sheweth that he is legally in possession of said lands, and was so before the cession in 1821; that he is a Spanish subject, native of East Florida, and at present a resident of the Island of Cuba.

JOSÉ. M. ARREDONDO.

[Translation.]

*Title of property in favor of Don José de la Maza Arredondo for twenty thousand acres of land.*

Don José Coppinger, lieutenant colonel of the royal armies, political and military governor *pro tem.*, and chief of the royal domain of the city of St. Augustine, Florida, and its province:

Whereas, by royal order of March 29, 1815, his Majesty has been pleased to approve the favors and rewards proposed by my predecessor, Brigadier General Don Sebastian Kindelan, for the officers and soldiers, both of the regulars and of the militia, of this province, who contributed to the defence thereof during the rebellion, one of the said favors being the concession of vacant lands; and whereas Don José de la Maza Arredondo, captain of the local militia of the Spanish company in the town of Fernandina, has made known to me the distinguished and extraordinary services rendered by him, in a personal and pecuniary manner, in the defence of this said province during the insurrection therein, with economy to the royal revenue as a faithful subject, as is fully stated in his memorial, dated the 18th of the present month, according to which, by my decree of this day, I have thought proper to accede to his prayer relative to the granting of him twenty thousand acres of land, with a title of absolute property, in the lands known by the name of Alachua, about eighty miles distant from this city, at a place called Big Hammock, about twenty miles from the river Suwanee, and sixty miles west of St. John's river, not preventing, as soon as there is an opportunity, and the tranquillity of the province is entirely re-established, that a survey of the lands be made, that the limits and boundaries may be made known by the corresponding plat, as will be fully seen by the said proceedings filed in the office of archives of the present notary: Wherefore, and in consideration of said commendable services, agreeably to the will of the sovereign, and what is set forth in the laws to recompense with distinction those who may be worthy, according to the nature of said services, and the individuals who have rendered them, I have thought proper to grant, and by these presents do grant, in the name of his Majesty and his royal justice, which I administer, to the said Don José de la Maza Arredondo the said twenty thousand acres of land in the place pointed out, without injury to a third person, for himself, his heirs, and successors, in absolute property; and in granting, as I do by these presents, the corresponding title by which I separate the royal domain from the right and domain it had to said land; and I cede and transfer the same to the above-mentioned Don José de la Maza Arredondo, his heirs and successors, that they may, in consequence thereof, possess the same as their own, make use of and enjoy it, free from any encumbrance whatever, with all its entrances, outlets, uses, customs, rights, and services, which it has had, has, and of custom and by law belong or may appertain thereto; and, being their will, they may sell, cede, transfer, and alienate it as may best suit them. To all which I give the sanction of my authority, as I can, and of right ought to do, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and royal domain, in this said city of St. Augustine, Florida, March 20, 1817.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, *Notary of Government and the Royal Domain.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language filed in the office of the public archives.

F. J. FATIO, *S. B. L. C.*

## DECREE.

*Joseph M. Arredondo vs. The United States. For twenty thousand acres of land.*

The board having ascertained the above to be a valid Spanish title made previous to January 24, 1818, do therefore recommend it to Congress for confirmation. April 16, 1824.

## No. 10.—See REPORT No. 3.

*Charles W. Bulow's executors vs. The United States. For four thousand acres of land in two tracts.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John Geddes, Duke Goodman, and William Lance, executors of the last will and testament of Charles W. Bulow, deceased, on behalf of the heirs of the said Bulow, respectfully sheweth:

That the heirs of said Bulow claim title to four thousand acres of land comprised in two separate tracts, as follows: the first tract is situated between the rivers Tomoca and Matanzas, in the place called Graham's swamp, containing three thousand four hundred and eighty-six acres, bounded on the west by the public road from Mosquito to St. Augustine, on the north and northeast by a marsh and the Haul-over creek, and on the south by the lands of Mr. Ormond. The second tract contains five hundred and fourteen acres, is situated on the west side of the river Halifax, bounded on the south by John Russell's land, on the north by Farquhar Bethune's land, and on all other sides by vacant lands; which two tracts above mentioned, making four thousand acres, were granted to John Russell by the Spanish government under Governor Estrada, July 28, 1812, in exchange for a vessel called the schooner *Barbarita*, which will fully appear by a reference to a volume of original documents on the subject, stitched together, and remaining in the office of public archives kept by W. Reynolds, esq., in this city, to which are annexed the order of survey, certificates of survey, and plats. And your memorialists further show that, immediately on receiving said grant, the said John Russell took possession of the said land, but a few years afterwards died, and the title to the same was confirmed by the Spanish government to his heirs, as appears by the above documents; that the said Charles W. Bulow purchased from the heirs of Russell, for a valuable consideration, August 1, 1821, the two tracts of land aforesaid, the deed of conveyance for which is recorded in the public office of records in the city of St. Augustine, kept by Mr. Tingle; that, in virtue of said purchase, the said Charles W. Bulow immediately took possession of the said tracts of land, and planted and improved a part of one of the tracts, and erected buildings; that your memorialists still keep a great number of slaves on the said land employed in the cultivation of the *cane*; that the said Charles W. Bulow died in the city of St. Augustine a few months ago, a citizen of the United States. All of which is respectfully submitted by

JOHN RODMAN, *Attorney for Claimants.*

St. AUGUSTINE, November 29, 1823.

*Charles W. Bulow's executors vs. The United States. For six hundred and seventy-five acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John Geddes, Duke Goodman, and William Lance, executors of the last will and testament of Charles W. Bulow, deceased, on behalf of the heirs of said Bulow, claim title to six hundred and seventy-five acres of land, situated on the west side of the Halifax river, bounded on the north by lands of John Russell, on the south by lands of Fulano Dean, on the east by lands of John Russell, and on the west by vacant land; which said tract of six hundred and seventy-five acres are granted to the said John Russell by the Spanish government under Governor Estrada, July 12, 1828, on what is called *headrights*, in virtue of the royal order of October 29, 1790; the original grant for which, with the survey and plat, is annexed to and forms a part of a volume of original documents relating to two tracts, comprising four thousand acres of land, which were granted to John Russell at the same time, in exchange for a vessel called the *Barbarita*; which said volume of original documents are stitched together, and remaining in the office of public archives kept by W. Reynolds, esq., in this city. And your memorialists further show that, immediately on receiving said grant, the said John Russell took possession of the said land, but a few years afterwards died, and the title to the same was confirmed by the Spanish government to his heirs, as appears by the above-mentioned document; that the said Charles W. Bulow purchased from the heirs of Russell, for a valuable consideration, August 1, 1821, the said tract of six hundred and seventy-five acres, together with the two tracts making four thousand acres aforesaid, the deed of conveyance for which is recorded in the public office of records in the city of St. Augustine kept by Mr. Tingle; that in virtue of the said purchase the said Charles W. Bulow immediately took possession of the said tracts of land, and planted and improved a part of one of the tracts of land, and erected buildings; that your memorialists still keep a great number of slaves on the said land employed in the cultivation of the *cane*; that the said Charles W. Bulow died in the city of St. Augustine a few months ago, a citizen of the United States. All of which is respectfully submitted by

JOHN RODMAN, *Attorney for Claimants.*

St. AUGUSTINE, November 29, 1823.

[Translation.]

#### PETITION.

*To his excellency the governor:*

I, Mr. John Russell, a new settler in this province, do appear before your excellency, and, with due respect say that when I took the oath of fidelity and allegiance to his Catholic Majesty his excellency Don Juan José de Estrada, governor *pro tempore* of this province, insinuated to me that the government was in want of a vessel, the size of which should be calculated to go in and out over the bar of this harbor; and that as the funds of the royal treasury were exhausted, and such vessel could not be paid for in specie, they would be glad to buy it and pay for it with a grant of land proportioned to its value. In consequence of that insinuation, I ordered the building of the schooner in which I have just arrived to this port with my family and some of my slaves, called the *Perseverance*, of fifty-eight tons burden, drawing only six feet when loaded. The capacity of the vessel is equal to three hundred flour barrels and more; her timbers and materials are of the best quality, which can be ascertained by a survey of experienced men; on account of all which, besides being a fast sailing vessel, she is well calculated for this port, and I offer the same to the government, contenting myself to receive in payment for it the title of absolute domain and property to four thousand acres of land situated in some part of this province, as I may fix my choice; also, the absolute title of such lands which I have petitioned for, and which I am entitled to in virtue of my *headrights*, according to the number of persons composing my family and that of my slaves. Therefore, I beg your excellency to consider my preceding proposal as being actually made, and to accept it should your excellency deem it just and reasonable. St. Augustine of Florida, July 8, 1812.

JOHN RUSSELL.

#### DECREE.

Let the governor *pro tem.*, my predecessor, Don Juan José de Estrada, give such information as may be in his power.

KINDELAN.

## INFORMATION.

When I admitted as a vassal of his Catholic Majesty our lord Don Ferdinand VII, the petitioner, which took place in the preceding year as it appears by the oath he took, which is registered in the office of the secretary of the government, he represented to me that in Providence, of which place he was an inhabitant, he had left on the stocks a schooner in which he intended to bring to this place his family and property, and he believed that vessel was very well calculated for the service of this port, and he would offer it for sale to the administrator of the royal domain in case it would suit. Having received this information, and knowing the general scarcity of specie in the royal treasury, I gave him to understand, through the organ of Mr. John Forbes, that if he thought proper to make a gracious present of the same to the King, in that case, as soon as he would take possession of the lands which he was to have as a new settler, the royal title to them would be immediately granted to him, which otherwise he was not entitled to until after having cultivated them for ten years without intermission. The said Forbes insinuated to me that the proposal had not been disagreeable to the petitioner, who answered that when, in due time, the vessel with other circumstances relating to it would be examined, he would then enter into a treaty about it. This is what took place with respect to that business, and this is all the information I have to give your excellency, in conformity to the superior decree which precedes. St. Augustine, July 8, 1812.

JUAN JOSÉ DE ESTRADA.

## DECREE.

St. AUGUSTINE, *Florida*, July 8, 1812.

Let the officers of the royal domain give their information.

KINDELAN.

St. AUGUSTINE, *Florida*, July 9, 1812.

The officers of the royal domain observe a notable difference between the exposition of Don Juan José de Estrada—having offered to Mr. John Russell the title of property to the lands which would be awarded to him in proportion to the number of persons comprising his family, provided he would convey to the royal domain the property of the schooner said to be building, from which title it would follow that he would immediately acquire the faculty of disposing of said lands as he would think fit, which otherwise he could not do, as the royal title to them would not be granted until after having cultivated them for ten years together and proving the same to the satisfaction of the government, and the exposition of Russell, saying that four thousand acres more were offered to him, with the faculty of locating them where he chose; but for all that, considering that Russell has every appearance of being a settler of good faith; that to all such lands are granted gratuitously; that a great number of acres are still left unceded, and of course without utility to anybody; considering, also, the situation in which we find ourselves, and the want of such a vessel as the proposed schooner is said to be for the service of this port; our opinion is that, after somewhat reducing the number of acres, or in case of a refusal on the part of Russell to accede to put a reduction, his proposal ought to be accepted in its full extent, with the reserve, however, of what his Majesty may determine, after taking cognizance of the subjects, and with the reserve of what may follow from the survey and her appraisement, made by proper judges, of the said vessel.

MANUEL LOPEZ.

## DECREE.

Let this be communicated to the interested party, who, in his answer, will make known where he wishes to locate the lands he petitions for.

KINDELAN.

## PETITION.

*To his excellency the governor :*

I, Mr. John Russell, a new settler of this province, with due respect appear before your excellency, and, being informed of the decrees and informations which have taken place relative to my annexed petition, say that, as I am not sufficiently acquainted with lands in this province, it is not in my power to designate precisely the site of the four thousand acres alluded to in my first petition, but I do promise, without hesitation, to take them out of the vacant lands situated between the head of the river Matanzas and the river Tonoca, in which territory the surveyor whom the governor may appoint will survey them in such place or places which I may select, and in which are also located the lands which, as a new settler, I solicited, which may be seen in my petition recorded in the secretary's office; as to the notable difference which the officers of the royal domain observe between my exposition and the information given by Don Juan José de Estrada, it would not have appeared to them so notable if they had read my first petition with more attention. In no part of it do I say that four thousand acres of land were offered to me, as said officers have it; my proposal is clear, plain, and just. Besides, as the value of my schooner is greater than that of the lands I solicit in payment of it, for this reason, as I do not accede to the reserve mentioned by the treasury department, of submitting ultimately to the decision of a superior authority, I expect to receive the lands at the moment I deliver up my vessel in the manner expressed in my petition, and the business will be then concluded. I therefore pray that your excellency will be pleased to determine what you may think proper on the subject.

JOHN RUSSELL.

St. AUGUSTINE, *Florida*, July 10, 1812.

## DECREE.

St. AUGUSTINE, *Florida*, July 10, 1812.

Let the above proceedings be carried back to the treasury department, in order that the officers of the same may make their remarks.

KINDELAN.



## INFORMATION.

ST. AUGUSTINE, *Florida, July 11, 1812.*

Any one, without much meditation being required on his part, will perceive that Russell wishes to have the title of property to two tracts of land—one in payment for his schooner, and the other on his quality of a new settler, according to the number of his family; and that Don Juan José de Estrada spoke only of granting immediately the title of property to the tract which the petitioner had obtained for his headrights as a compensation for the schooner; but the treasury department waives all this, although at the same time the officers of the same are surprised at the expressions in which it is attempted to make void their first information; and they are now of opinion that the vessel may be surveyed and appraised by the King's master ship-carpenter and caulker, he being the only judge of such matters in this place, and by the captain of the schooner St. Augustine, Don Miguel Acosta, as soon as he arrives, and who it is expected will arrive in a very short time. However, your excellency will determine for the best.

MANUEL LOPEZ.

## DECREE.

ST. AUGUSTINE, *July 11, 1812.*

Be it as it seems proper to the officers of the royal treasury, who will appoint on their part a person to superintend the proposed operations.

KINDELAN.

## SURVEY.

In conformity to the preceding decree, we went on board of the vessel which is the subject of this transaction. We examined it minutely, also everything respecting the masts and rigging thereof, and, after a consultation as to its value, we believe, according to our knowledge and conscience, that it is worth two thousand six hundred dollars, this being the sum resulting from the inventory which was taken. The whole proceeding took place in the presence of Don Tadeo de Arribas, commissioned by the treasurer to superintend the survey and the appraisement. In proof of which, we sign the document in St. Augustine, Florida, July 13, 1812.

RAFAEL DEAZ, *for Don Miguel Acosta, who cannot sign.*  
FERNANDO DE LA MAZA ARREDONDO.

Under my inspection:

TADEO DE ARRIBAS.

## DECREE.

ST. AUGUSTINE, *July 15, 1812.*

Let these proceedings be returned to the treasury department for such purposes as may be convenient. Annex to them the appraisement which has been made in detail of the vessel and its appurtenances, the hull, the sails, &c., as without such document it is impossible to judge of the appraisement.

KINDELAN.

## INFORMATION.

ST. AUGUSTINE, *Florida, July 15, 1812.*

According to the report of good judges, the vessel is found with every necessary requisite, is in good state for service, and well calculated to go in and out over the bar of this harbor, which is very bad. The schooner which is at this time in the service of the governor was formerly the launch of the pilot of the bar, and for a long time was employed in piloting vessels in and out; it was afterwards rigged as a schooner, is now very old, and is not worth the expense of putting to it a new set of sails, which is much wanted; and would have been sold in the Havana last year if a vessel could have been procured fit for the same service. From these circumstances, from the difficulty of meeting another opportunity as good as this, and from the scarcity of specie in the royal treasury, it appears that we are justified and authorized to take advantage of this opportunity, without waiting for the decision of his Majesty, who, it is believed, will approve it as soon as he is well informed of the whole. But your excellency will determine what you may deem most proper. The officers of the department of the royal treasury abstain from speaking about lands, as the royal orders which regulate these matters have never been communicated to them, as they are not acquainted with the locality of those which Russell petitions for, as they do not know whether the same are or are not claimed by some other persons, as they are ignorant of their value, although this cannot be great, where there is still so much land unoccupied and distributing gratis.

MANUEL LOPEZ.

## APPRAISEMENT.

ST. AUGUSTINE, *July 15, 1812.*

In conformity to the decree of his excellency the governor of this place, dated this day, relative to the transactions with John Russell, a new settler of this province, the following appraisement has been formed by the master ship-carpenter, Don Rafael Deaz, and Don Miguel Acosta, captain of the King's schooner the St. Augustine, under the inspection of Don Tadeo de Arribas, commissioned by the treasurer, Don Manuel Lopez, comptroller of the royal treasury, of the schooner called Perseverance, commanded by Don Thomas Forrest, owned by the children of the said Russell, to wit: for the hull of the schooner, which measures from head to stern 54 feet 2½ inches, 16 feet and ½ inch beam; her hold 5 feet 10 inches deep, and 58½ tons burden, with her two masts, yards, bowsprit, topmast, &c., \$1,938.

[Here follows the appraisement of the apparel and furniture of the schooner, which, with \$1,938, the sum which the vessel, masts, yards, &c., is valued at, makes the amount of the appraisement at \$2,600.]

RAFAEL DEAZ, *for Don Miguel Acosta, who cannot write.*  
SQUIRE ARREDONDO.

Under my inspection:

TADEO DE ARRIBAS.

## DECREE.

St. AUGUSTINE, *July 17, 1812.*

I approve the opinion of the officers of the treasury department; and, in conformity thereto, let the bargain relative to the said schooner be concluded with every requisite formality, and let the title of property be given to John Russell to four thousand acres in that part of the country he indicates in his last petition.

KINDELAN.

## PETITION.

*To his excellency the governor:*

I, John Russell, a new settler of this province, with due respect, appear before your excellency and say that, knowing the purport of your excellency's decree which follows the proceedings concerning my said schooner *Perseverance*, to which I gave my assent, and expect at the same time to receive the titles of property to the land which have been granted to me as a new settler, of which I make mention in my first petition; in consequence of which I beg your excellency to order that the title of property to the four thousand acres which I am to receive as a consideration for my schooner, and the title of property to the lands granted to me as a new settler, be given to me at the same time.

JOHN RUSSELL.

St. AUGUSTINE, *July 17, 1812.*

## DECREE.

Let the treasury department inform on the subject.

KINDELAN.

## INFORMATION.

St. AUGUSTINE, *Florida, July 17, 1812.*

In the first petition which Russell presented on the 8th instant he offered his schooner on the condition that he would receive for it the title of 4,000 acres, and also the title of property to the lands which, as a new settler, he had petitioned for, proportioned to the number of his family; and the decree of your excellency of yesterday refers only to the 4,000 acres, the price of said schooner. The officers of the treasury are ignorant of the import of John Russell's petition, as they have already said, and say again, that they are as yet unacquainted with the royal orders by which such matters are regulated; but it appears to them that if the title of property be given to the petitioner to 4,000 acres in consideration of his schooner, the same may be given, also, for his other lands as a new settler, particularly as we understand that, without that condition, the proportion to the number of his family and the slaves he has imported. Your excellency will, nevertheless, determine what you will deem best.

MANUEL LOPEZ.

## DECREE.

St. AUGUSTINE, *July 20, 1812.*

Let the above be communicated to the interested party.

KINDELAN.

## PETITION.

*To his excellency the governor:*

I, John Russell, a new settler in this province, with due respect, appear before your excellency, and having received notification of the information of the treasury department, and of the decree of your excellency annexed to it, say that, as all the timbers of my schooner are mahogany, it is worth at least \$5,000, although the surveyors appointed to survey and appraise her have limited its value to two thousand six hundred dollars. This difference is owing to their not having considered the intrinsic value of mahogany, and that of pine and other inferior timber, which do not cost half the labor which the mahogany does. Therefore, the genuine value of said schooner ought to be considered equivalent to \$5,000, and I would not take less for her if I was to be paid in cash. At the same time I have to observe to your excellency that, during the war between Great Britain and the United States, it will be impossible for me to import in this province the rest of my slaves, and, considering the difficulty of exporting negroes from Bahama islands, I shall want at least twelve months from the time the said war is concluded to take away my slaves; and, as I wish to invest the greater part of my property in negroes, I have to beg your excellency to delay giving me the title to the lands which I petitioned for on the 22d of June last year, until the conclusion of the term mentioned; and as soon as this is granted to me, together with the title of property to the 4,000 acres of land already decreed by your excellency on the 16th instant, and that in case said lands could not be found in the place mentioned, when the surveyor shall have to survey them, they may be located in the part known under the name of Twelve-mile swamp. I am ready to deliver faithfully my vessel to the government; therefore beg your excellency to accede to this my petition, and order a certificate of the document, which will be drawn to that effect, be given to me to serve me as a guarantee.

JOHN RUSSELL.

St. AUGUSTINE, *Florida, July 22, 1812.*

## DECREE.

St. AUGUSTINE, *July 22, 1812.*

Let this be communicated to the comptroller of the treasury, together with the document showing oath of fidelity and allegiance which John Russell took before my predecessor, with everything relating to business.

KINDELAN.

## INFORMATION.

ST. AUGUSTINE, *Florida*, July 25, 1812.

Mr. John Russell declared on June 10, 1811, that he had in Providence a schooner, 62 tons burden, worth \$6,000, with all her apparel, and one hundred negroes, and that he wished to import the whole to this province; that, in the same place, he had landed property to the amount of \$15,000, nineteen horses, four hundred sheep, and sixty head of cattle. He has now brought property to the amount of \$7,004 87 in effects, household furniture, sheep and horses, including his schooner, valued, as he says, at \$5,000. He has also brought his wife and children, and eighteen slaves. What he petitions for now appears to be reasonable, and the officers of the treasury department, and that the title of the property may be given to him now according to the number of his family he presents, together with the title to four thousand acres already granted him for his schooner, and keep in reserve for him for the space of ten or twelve months after the conclusion of the war between Great Britain and the United States, the land contiguous to the first grant, in order to enlarge it in proportion to the number of hands he will import, and not grant the said lands reserved for John Russell to anybody else, although petitioned for, until the expiration of the stipulated period, and then only the government will be at liberty to grant the said reserved lands to anybody they please, in case John Russell should not have completed the importation of what he has mentioned in his declaration. If your excellency agree that, in conformity to this opinion, the said titles of property may be granted to the petitioner, you will be pleased also to order the delivery of the said schooner to Captain Miguel Acosta, with all the articles mentioned in the inventory, and whatever may belong to the said vessel, and might not have been included in said inventory, and would be necessary for the navigation of the same; and also the delivery of a certified copy of all these proceedings to the petitioner according to his wish.

MANUEL LOPEZ.

## OATH.

I, Don Tomas de Aguilar, secretary *pro tem.* of this government, certify that, in the book No. 10, in which are registered the oaths of fidelity which the non-settler takes, the oath taken by John Russell is registered in the second folio, the tenor of which is as follows: "In the city of St. Augustine, Florida, on June 10, 1811, before his excellency the governor *pro tem.* of this place and province, the lieutenant colonel of the army, Don Juan José de Estrada, appeared Mr. John Russell, born in South Carolina at the time it was a possession of the British crown, married and having five children, three of whom between sixteen and twenty-five years old, and the other two above eight years old, ship-carpenter by trade, but now dedicates himself to agriculture, and of the Protestant persuasion; under which, and with every form required by law, took the oath of allegiance in the presence of the secretary, deceased, and promised to keep fidelity and remain a faithful vassal to our sovereign the Lord Don Ferdinand the Seventh, and to be faithful to the authorities constituted in his name, to bear arms in defence of the province against any enemy that would intend to invade it, and submit entirely to the laws of the kingdom. After having taken said oath, he took another relating to his property, and said that, in the harbor of Providence, he has a schooner of 60 tons which he values at \$5,000, and a parcel of sails and rigging worth about \$1,000; one hundred negroes in Nassau, eighty of whom are above sixteen years old, and the remaining from eight to sixteen years old; also, landed property to the value of \$1,500 situated in said place of Nassau; nineteen horses, four hundred sheep, and sixty head of cattle; the whole of which, or the value thereof, he intends to import to this province, and dedicate himself to the agriculture; and he signed the same with his excellency the governor, and the above-mentioned office, and which I affirm."

ESTRADA.

JOHN RUSSELL.

TOMAS DE AGUILAR.

Before me—

JOSÉ DE ZUBIZARETA, *Notary of Government.*

And in conformity of the preceding decree, I deliver the present copy in St. Augustine, July 28, 1812.

TOMAS DE AGUILAR.

## PETITION.

To his excellency the governor:

Mr. John Russell, a new settler of this province, with due respect, appears before your excellency, and says that he has taken the oath of fidelity and allegiance to his Majesty, with the sincere intention to dedicate himself and the slaves he has, manifested in the solemn act of his oath, to the agriculture, and all the slaves whom he may acquire, with the proceeds of the land and other property which he has declared he owned on Bahama islands; and in order to realize the said project in its due time, he humbly begs your excellency to be pleased to grant to him 1,200 acres of uncleared lands, situated west of the river Halifax, bounded north by lands granted to Mr. Farquhar Bethune, and south by lands also granted to Mr. Patrick Dean; and three thousand acres, or the complement of what he is to have according to the number of his family and slaves, north of the mouth of the river Tomoca, or where it is limited by the said river Halifax, bounded south by lands granted to Mrs. Russell Ormond, widow of James Ormond, running north, and concluding both sides of the Smith's road, until the point which will terminate the lands petitioned for; and says he conforms himself to what his Majesty may please to determine, as to the quantity allotted, and the conditions of the grant. The whole of which is a favor which he expects to receive from the known justice of your excellency.

JOHN RUSSELL.

ST. AUGUSTINE, *Florida*, June 19, 1811.

## DECREE.

Reserving to act on the petition of John Russell at the time he shall have imported the property he has sworn to, let the officers of the secretary's office, where the said petition will be kept in reserve until



said period, inform the petitioner of the method adopted, and the conditions prescribed by this government in grants of a similar nature; and to the whole of which due attention will be paid with respect to the grants now in question.

ESTRADA.  
QUINTANO.

I, Tomas de Aguilar, secretary *pro tem.* of this government, do certify that the preceding copy is faithfully drawn from the original, which remains in the secretary's office under my charge; and in conformity to the decree of his excellency, I deliver the present in St. Augustine, Florida, July 18, 1812.

TOMAS DE AGUILAR.

DECREE.

St. AUGUSTINE, July 28, 1812.

In consequence of these proceedings, and of the information of the comptroller of the treasury relating to the acquisition of the schooner proposed by John Russell to the government in exchange for vacant lands, it is hereby declared that the said Russell is lawfully and absolutely proprietor of 675 acres of land, to be in the vacant lands west of the river Halifax, bounded north by lands granted to Mr. Farquhar Bethune, and south by others also granted to Mr. Patrick Dean, according to the said number of 675 acres to the family which Russell now presents, at the rate of 50 acres to himself, and the same number to his wife, both being head of family, and 25 acres for every one of his five children and 18 slaves, according to the customary rule observed in granting lands, and a reserve will be made; but no grant will be given of 2,050 acres, which will be the complement for the one hundred slaves which he said he would import, which reserved lands will be granted in proportion to the number of hands he will import; said reserve will have the full force for the space of ten months after the conclusion of the present war between Great Britain and the United States of America, and in the case John Russell, in the specified time, had not imported more hands, then the government will be at liberty to dispose of said lands as they please. It is also hereby declared that John Russell is equally absolute proprietor of the 4,000 acres of land mentioned in my decree of the 16th instant, situated between the Matanzas and Tomoca rivers; and in case that, at the time the surveyor will go and survey them, the said number of acres will not be found, let it be completed in that uncleared tract called *Twelve-miles* swamp; and after ascertaining the measurements and boundaries, which cannot be known now, the title of property will be granted to John Russell, and, in the interim, the certificates he solicits will be to him as an equivalent of the titles in form. And he will receive said certificate from the witness and assistant, Don Juan de Entralgo and Don Bernardo José Seguí, as the only notary of the government and province is very sick. Let this determination be made known to John Russell, in order that, in virtue thereof, he deliver the schooner to the officers of the royal domain, and with her, all her appurtenances, of which the treasury department will receive due notice; let it be understood that said schooner will henceforward be called the *Barbarita*, and will be manned by a captain, a pilot, a boatswain, and five sailors; let a consultation take place to determine the precise salary of every one of them; and let this be communicated to the officers of the royal treasury that they may carry it into effect.

KINDELAN.

[Here this part of the record contains irrelevant matter.]

PETITION.

*To his excellency the governor :*

Mr. John Russell, a new settler of this province, respectfully represents to your excellency that, as he is entitled to 4,000 acres of land, situated between the rivers Matanzas and Tomoca, which the government thought fit to grant him in exchange for a schooner to him belonging; and also to 675 acres of land west of the river Halifax, corresponding with the number of persons composing his family, and which he manifested in his oath when he was admitted as a new settler, with the reserve that said grant would be increased after completing the introduction of his slaves; and as he wishes to have the two tracts surveyed, and as there is no surveyor general in this place to do it, he begs your excellency may be pleased to authorize to that effect Mr. William Lawrence, who is acquainted with that possession, and has performed the duties of it in the case of other persons. And the petitioner doubts not that he will receive this favor from the well-known justice of your excellency.

JOHN RUSSELL.

St. AUGUSTINE, Florida, February 29, 1813.

DECREE.

St. AUGUSTINE, March 1, 1813.

Let the comptroller's office inform on the subject.

KINDELAN.

INFORMATION.

St. AUGUSTINE, March 10, 1813.

In the decree of your excellency, dated July 28, 1812, it was ordered to give to John Russell a copy of the whole proceedings relating to the mentioned lands, in order that the said copy should serve him as an equivalent of the titles of property which would be given to him in due form as soon as the said lands could be surveyed, the measurement and boundaries being unknown at the said date. In the same decree it was ordered to keep in reserve, for the use of John Russell, until ten months after the conclusion of the present war between Great Britain and the United States of America, as much land as corresponded to the complement of 100 negroes, whom he declared he would import, after which period the government was to be at liberty to dispose of said lands in case that the petitioner should not then have brought a greater number of hands. Considering the above circumstance, and considering also that every time Russell would bring in more hands the survey should be repeated, it appears that, as the copy he has obtained is equivalent to the title itself, the want of which cannot be prejudicial to him, as in such a case

the government should interfere in his behalf, it is proper to wait until the said epoch of ten months after the conclusion of the war between the mentioned powers, and then at once survey and assign the boundaries of such lands as the petitioner will be then entitled to; and let a copy of this and of the decree which will follow, be given to him, if he requires it, in order that he may at all times prove his desire to obtain the titles. But your excellency will determine, as you think proper, whether the survey ought to take place now or be delayed, so that the interested party be best satisfied, as the treasury department is deficient in the knowledge of these particulars.

MANUEL LOPEZ.

DECREE.

St. Augustine, *March 10, 1813.*

Let it be done in conformity to the opinion of the comptroller. Therefore let the copy called for by the officer be drawn by Don Juan Entralgo and Don José Bernardo Segui, who, after having accepted the commission, and sworn to the fulfilment of it, will serve as witnesses and assistants in lieu of the notary; and all this being done, let it be annexed to the former proceedings, and delivered to the interested party.

KINDELAN.

PETITION.

To his excellency the governor:

Don José Mariano Hernandez, a planter of this province, with due respect to your excellency, represents that, for reasons which may be important to him, it is necessary to him that the annexed document in the English language should be translated into the Spanish *idiom*; and to that effect he begs your excellency to be pleased to order the translation to be made by a capable person; after which, that the original be returned to him, and he will promptly defray the expenses attending it. This favor he expects from the justice of your excellency.

St. Augustine, *Florida, January 31, 1820.*

JOSEPH M. HERNANDEZ.

DECREE.

St. Augustine, *February 1, 1820.*

The presentation of the annexed document is acknowledged, and, as there is no public interpreter, let it be translated by Don Bernardo Segui, who is capable to do it; let his acceptance and oath be previously received before the present notary, and, after it is done, let the information of it be given.

COPPINGER.

Before me—

JUAN DE ENTRALGO, *Notary of Government.*

St. Augustine, on the same day, month and year, I notified the preceding decree to Don José Mariano Hernandez; to which I certify.

ENTRALGO.

NOTIFICATION AND OATH OF THE INTERPRETER.

On the same day I notified to Don Bernardo Segui the appointment of interpreter, given to him in the said decree, who, after having taken cognizance of it, said he accepted, and did accept it, promising under his oath, legally taken, to exercise well and faithfully the functions of this charge to the utmost of his understanding and knowledge, and signed the same; to which I certify.

BERNARDO SEGUI.

Before me—

JUAN DE ENTRALGO.

[Translation.]

POWER OF ATTORNEY.

GEORGIA, *Glynn County:*

Be it known that I, Mary Russell, of the State and county aforesaid, administratrix of John Russell, formerly an inhabitant of the province of East Florida, in virtue of various causes and considerations which move me thereunto, have appointed, ordained, authorized, and elected, and by this do appoint, ordain, authorize, and elect, Mr. José M. Hernandez, of the province of East Florida, my true and legal attorney, in order that for me, and in my name, and for my personal use and benefit, he may ask, demand, present himself to collect and receive all such sums of money, debts, and other claims that might be due to the estate of my husband, deceased, and to make use, in my name, of all the means the law requires to obtain the recovery of the same, to attach if necessary, or to compromise and liquidate with the corresponding and sufficient discharge; and in order that he may proceed for me in all my affairs and legal acts with the necessary latitude, in the same manner as if I was personally present, appoint attorneys under him, and revoke them as he thinks fit, and give to the said, my attorney, the most ample faculties which in right belongs to him as such

In testimony thereof, I sign and seal the present power December 16, 1819, and in the forty-fourth year of the independence of the United States of America.

MARY RUSSELL. [l. s.]

Acknowledged, signed, and sealed in our presence.

GEORGE MARSH, *Justice of the Peace.*

T. ABRAHAMS, *Notary Public of Glynn county.*

The preceding translation is well and faithfully made, according to the best of my knowledge and understanding, and I refer to the original thereof; and, in conformity to the superior mandate, I draw and sign it in St. Augustine, Florida, February 3, 1820.

BERNARDO SEGUI.

## DECREE.

St. Augustine, February 3, 1820.

I have seen the preceding translation, and let the same be communicated to the petitioner for his legal purposes.

COPPINGER.

Before me—

JUAN DE ENTRALGO.

## NOTIFICATION.

St. Augustine, on the same day, month and year, I notified the present decree to Don José Mariano Hernandez; which I certify.

ENTRALGO.

## PETITION.

St. Augustine, February 3, 1820.

Don José Mariano Hernandez, a planter of this province, respectfully represents to your excellency that the documents, and the translation thereof annexed, prove that he is fully authorized by Mrs. Maria Russell, widow and administratrix of Mr. John Russell, formerly an inhabitant of this province, to attend to all the business which he left undecided in it; and as he must always have before him said instrument for the legal uses of his commission, and in order that the same may not be mislaid, the petitioner begs your excellency may be pleased to order the present secretary to give him a certified copy of the power aforesaid, and to record the original thereof in the public archives, there to remain safe against any accident. Therefore, may it please your excellency to provide in conformity to this petition; which favor is expected from the known justice of your excellency.

JOSEPH M. HERNANDEZ.

## DECREE.

St. Augustine, February 4, 1820.

Granted.

COPPINGER.

Before me—

JUAN DE ENTRALGO.

## NOTIFICATION.

St. Augustine, on the same day, month and year, I notified the preceding decree to Don José Mariano Hernandez; which I certify.

ENTRALGO.

It is conformable to the originals, which remain in the archives under my charge; and, in obedience to superior orders, I seal and sign the present certified copy in St. Augustine, Florida, February 5, 1820.

JUAN DE ENTRALGO.

## PETITION.

*To his excellency the governor:*

Don José Mariano Hernandez, a planter of this province, in his capacity of attorney of Mrs. Maria Russell, widow and administratrix of Mr. John Russell, as it is proved by the power duly annexed, with due respect represents to your excellency that in the year 1812 the government admitted as a new settler of this province the said Russell, deceased. He brought to this place from the island of New Providence, as part of his property a schooner, which he proposed to convey to the treasury department in exchange for four thousand acres of land, and the title of property to such as were granted to him in proportion to the number of his family and slaves, in his quality of a new settler; and the government having acceded to the said proposition, as it is proved by the documents recorded in the secretary's office, he petitioned that the four thousand acres of land granted for the consideration of said schooner might be located and surveyed between the rivers Matanzas and Tomoca, which so essential a requisite did not take place for reasons detailed in said proceedings, in which the government offers to interfere in his behalf against any other claimant, in order that, in case a sufficient number of acres could not be found unlocated in the place aforesaid, he may be entitled to complete the same in the swamp called the Twelve-mile swamp. The said John Russell having taken sick and died in Fernandina, his widow met with many difficulties to import the remainder of the slaves whom she owned in New Providence, and lost by that the hope of obtaining more lands than those which were granted to them at the time of their emigration to this province, and, by the same reasons, was prevented from petitioning again for the location and survey of said lands; which location and survey are indispensable circumstances, although she considers herself as the absolute proprietor of said land, in virtue of the proceedings aforesaid. Therefore, she now petitions that the said location and survey may be carried into effect in the place designated by the surveyor, Don George Clarke, who is now in this city, and she begs your excellency to order in conformity to her petition, which act of justice she expects from the correct administration of your excellency. St. Augustine, February 8, 1820.

JOSEPH M. HERNANDEZ.

## DECREE.

Let the power of attorney which has been presented be annexed to the proceedings referred to, and let the whole be presented again.

COPPINGER.

Before me—

JUAN DE ENTRALGO, *Notary of Government.*



## NOTIFICATION.

In St. Augustine, in the same month and year, I notified the preceding decree to Don José Mariano Hernandez; which I certify.

ENTRALGO.

## DECREE.

St. AUGUSTINE, *February 11, 1820.*

Having seen, let the survey, as solicited, be made by the surveyor, George Clarke.

COPPINGER.

Before me—

JUAN DE ENTRALGO, *Notary of Government.*

## NOTIFICATION.

In St. Augustine, on the same day, month and year, I notified the preceding decree to Don José Mariano Hernandez; to which I certify.

ENTRALGO.

## PETITION.

*To his excellency the governor:*

Don Santiago Russell, an inhabitant of this province, with due respect, represents to your excellency that, for the purposes which may be convenient to him, he finds it necessary that, by the interpreter whom your excellency may authorize to that effect, the annexed English document may be translated in the Spanish language. Therefore, he begs your excellency will be pleased to order the same to be done, and he will pay the expenses thereof. Florida, June 13, 1821.

JAMES RUSSELL.

## DECREE.

St. AUGUSTINE, *June 13, 1821.*

The annexed document is presented, and, as there is no public interpreter, let the translation be made by Don Bernardo Segui, after his having accepted and sworn to his commission; and when done, let it be brought forward.

COPPINGER.

Before me—

JUAN DE ENTRALGO, *Notary of Government.*

## NOTIFICATION.

In St. Augustine, on the same day, month and year, I notified the preceding decree to Mr. James Russell; to which I certify.

ENTRALGO.

## NOTIFICATION, ACCEPTATION, AND OATH.

On the same day I notified to Don Bernardo Segui the appointment of interpreter given to him; and he said that he accepted it, and did accept it, promising, under his legal oath, to exercise well and faithfully the functions of his commission according to his best knowledge and understanding, and signed; to which I certify.

BERNARDO SEGUI.

Before me—

JUAN DE ENTRALGO.

[Translation.]

ISLAND OF BAHAMA, *New Providence:*

In the name of God, amen. I, John Russell, of the island of St. Salvador, do give, make known, and declare this to be my last will and testament: I give, bequeath, and leave all the property, real and personal, I may possess in these islands, in the State of Georgia, and anywhere else, to my consort, Maria Russell, and to my children, Isabel Russell, James Russell, James Hunter Russell, William Edward Russell, Richard Henry Russell, Maria Amelia Anna Russell, and to any other child my consort aforesaid may have by me in future, for them or their survivors; to have and to hold said property in equal parts or proportions, subject to the directions, limitations, and restrictions which will be detailed, to wit: It is my will that all my property be united and managed, under the directions of my executor or executors who will be named, in the most advantageous manner for the benefit of all my legatees aforesaid, until the youngest surviving child be twenty-one years old, if it is a male child, and eighteen years old if it is a female child, and then an equal division of my property will take place among the survivors; and should any of my children during the minority of the youngest marry, or should any other circumstance occur which would make it necessary to appraise said property, I charge and authorize my executors, in behalf of my children, to pay the most prudent attention, so that every one may have their due proportion, and to that effect to appraise the property according to the circumstances of the times, and leave undivided the remainder of the property belonging to the other legatees; and I declare that it is also my wish that, should any of my children die and leave after them lawful heirs, the said heirs shall have the portion due to the deceased; otherwise, said portion will be added to the common stock and belong to the surviving legatees. I do elect and appoint as my executor and executors of this my last will and testament my consort aforesaid, my son, James Hunter Russell, and Robert Leach, of the State of Georgia; and I do hereby revoke and annul whatever other disposition I may have made before this moment. In testimony

of which, I, John Russell, testator aforesaid, do sign and seal this instrument on the 18th January, of the year of our Lord 1811.

JOHN RUSSELL. [L.s.]

Signed, sealed, made known, and declared by John Russell, testator aforesaid, to be his last will and testament, in our presence; and at his request, and in the presence of all of us, we have subscribed our names. Fernandina, August 1, 1814.

Witnesses: JOHN ARMSTRONG.  
DAVID BETHELL.  
J. F. THOMPSON.

The preceding will has been opened in our presence.

FILIFE R. YONGE.  
FARQUHAR BETHUNE.

SECRETARY'S OFFICE, *Glynn County*:

Registered in the book D, folio 16, this 31st day of May, 1815.

T. ABRAHAMSON.

GEORGIA, *Glynn County*:

Before me, P. Gibson, magistrate in said county, personally appeared Mr. John Armstrong, of the island of Bahama, now a resident in the State of Georgia, who, being duly sworn, declared that the said John Russell signed, sealed, and made known, and declared the preceding instrument to be his last will and testament, and that witness, together with David Bethell and F. J. Thompson, subscribed their names thereto, having been called to witness the same. Witness also declares that when the testator aforesaid executed said will he was in a good state of health, and enjoying the mental faculties unimpaired.

JOHN ARMSTRONG.

Sworn to before me this 4th day of May, 1815.

P. GIBSON, *Justice of the Peace*.

The preceding translation is well and faithfully made according to my best knowledge and understanding, for which I refer to the original; and, in conformity to superior orders, I sign the present in St. Augustine, of Florida, June 14, 1821.

DECREE.

BERNARDO SEGUL.

St. AUGUSTINE, June 14, 1821.

Let the preceding be delivered to the petitioner, who will use it according to right.

COPPINGER.

Before me—

JUAN DE ENTRALGO.

NOTIFICATION.

In St. Augustine, on the same day, month, and year, I notified the preceding decree to Mr. James Russell; which I certify.

ENTRALGO.

PETITION.

Mrs. Maria Russell, a new settler of this province, in the proceedings that have occurred before the tribunal of your excellency relating to 4,000 acres of land, granted as an equivalent of the vessel which my husband, deceased, sold to his Majesty for the public service of this place, which vessel was then called the *Perseverance*, and afterwards the *Barbarita*, and to 675 acres which are granted agreeably to the number of our family, and of the slaves whom we imported in this province, in the most proper form my right may require, which right was acknowledged by the act of this government, dated July 28, 1812, which comprehends the two grants aforesaid, appears before your excellency, in the person of my attorney, and say that, in consequence of my petition having been acceded to, as appears by said act, dated February 11, 1820, I took the necessary measures to ascertain the survey of the wooded lands to be found in the territory situated west of the river Halifax, bounded north by lands belonging to Mr. Farquhar Bethune, and south by lands belonging to Mr. Patrick Dean, where the 675 acres belonging to my family are to be located, and the 4,000 acres to be located from the head of the river Matanzas to the river Tomoca is more minutely explained in said act, dated July 28, 1812; but it appears that after the surveyor, Mr. George Clarke, had taken the points my deceased husband fixed upon, in conformity to the grants, that all times they may serve as the basis of the survey, which the superior decrees declare in the most ample manner ought to be favorably made in behalf of the grantee, I find that within the limits of the points alluded, to the government has granted four tracts, to wit: one of 800 acres to Mr. Isaac Wicks; one of 1,100 acres to Mr. P. Lynch; one of 500 acres to Mr. James Darley; and another of a smaller size to Mrs. Mariano Wicks. Therefore, in addition that these new grantees in no case whatever can or ought to prejudice my right, as their grants are subsequent to the conclusion of my contract with the government, and as my singular, extraordinary, and privileged requisition cannot have any relation, or meet with any competition with any of them, except that they ought to be ejected from their assumed points, I will offer to your excellency other short reflections, by which your excellency will see that in the case that I should wish to occupy the vacant lands they have left, my acquisition would be illusory, as said lands are of no value whatever, as it appears that these new grantees have located their grants on the only spots that would give a value to mine, which, without — or equivocation, is to consist of wooded lands, for which very reason the government, in case I should not find the complement of my lands in the wooded parts of it for the cultivation between the two rivers aforesaid, gave me the right of completing my said grant in the wood known by the name of Twelve-mile swamp, in order that my contract with the government might be fulfilled in all its parts. Neither the series of vicissitudes which have prevented to carry into effect the survey and fixing the boundaries, as it is indicated in various parts of the proceedings, can, it appears to me, intercept my rights to said wooded

lands, and this is proved sufficiently, without adducing others, by the two particulars already exposed, which I consider as decisive, as they cannot be contested by the four new grantees; neither do I consider that against both exceptions the right sense of justice which distinguishes, your excellency can oppose a determination which may be contrary to the acts of your worthy predecessors: Therefore, with due reverence, I beg your excellency be pleased to acknowledge this my presentation, together with a draught, simple, but conformable to the original, which shows that the boundaries which correspond with my grant comprehend within them the possessions aforesaid, in order that, on consideration thereof, and of all that has been exposed, your excellency be pleased to order that the grantees aforesaid yield to my right; and in order to obtain this end, I hope that your excellency will have the goodness to order, with a view that the interested parties may have the shortest notice of it, that the secretary of this government do notify a certification of the royal order obtained in approbation of my said contracts, the whole of which appears to me agreeable to justice in general, and in particular to which distinguishes your administration; and I swear that I do not proceed from malice, &c. Moreover, in order to legalize my lawful representation as it ought to be, I beg your excellency be pleased to order the notary in this cause, who is the only one employed in this government, to annex to the proceedings a certificate of the substitution of power granted by Don José Mariano Hernandez, and also to acknowledge the presentation of the certificate of the will, which is duly annexed to it. I claim justice *ut supra*

JAMES H. RUSSELL.

## DECREE.

St. AUGUSTINE, June 14, 1821.

Let it be communicated to the auditor of war.

COPPINGER.

Before me—

JUAN DE ENTRALGO.

## NOTIFICATION.

In St. Augustine, on the same day, month and year, I notified the preceding decree to Mr. James Russell; which I certify.

ENTRALGO.

## PETITION.

St. AUGUSTINE, June 16, 1821.

Mr. James Russel, an inhabitant of this province, in his capacity of a lawful heir and executor of Mr. John Russell, deceased, in continuation of the proceedings, the object of which is to claim certain lands allotted to his father aforesaid, and in order to proceed in other particulars in the best legal form, appears before your excellency, and says that in order to produce a greater proof of what is asserted in the proceedings, although the survey of said lands have been prevented by a variety of circumstances which have been mentioned, still I can do it now with propriety, in observing, when I take possession, to draw a line north and south on the road which, west of this place, leads to the territory of Mosquito, stopping on the N. NW. to the S. SE., and remarking a pine tree north on the boundary line of Mr. Francis Pellicer, and another south on the boundary line of Mr. Ormond's land, from which two points, both marked B R, the lines had to run east in order to embrace Mr. John Russell's property: Therefore, I hope your excellency will be pleased to order the admission of such witnesses as I am ready to produce, who, under their legal oaths, will declare whether or no whatever I have related is certain, from which the spoliation of the grantee has suffered in his absence, will evidently appear, and in consideration of all which your excellency will be pleased—the restitution to be made *in toto*. Therefore, I supplicate your excellency to provide, in conformity to my petition, the issuing the titles of property which are wanting as a matter of form. I claim justice. Moreover, as some witnesses are to be examined who are not acquainted with the Spanish language, I pray your excellency to be pleased to appoint an interpreter to make the necessary translations. I claim justice, &c.

JAMES RUSSELL.

## DECREE.

St. AUGUSTINE, June 16, 1821.

As to the first and principal point of the petition, let the information offered be admitted according to law, and let the witnesses appear and make their declaration before the auditor of war, and according to the merits of the case I will dispose what is most convenient; and as to the second point, as there is no public interpreter, let Don Bernardo Segui be appointed, he having previously accepted the oath of office.

COPPINGER.  
ARREDONDO.

Before me—

JUAN DE ENTRALGO.

## NOTIFICATION.

In St. Augustine, on the same day, month, and year, I notified to Don Bernardo Segui the appointment of interpreter given to him, on which he said that he accepted, and he did accept it, promising, on his oath, legally taken, to exercise well and faithfully the functions of his commission, according to the best of his knowledge and understanding, and signed; which I certify.

BERNARDO SEGUI.

Before me—

JUAN DE ENTRALGO.

## DECLARATION.

In the city of St. Augustine, of Florida, June 16, 1821, before Don Juan de Arredondo y Santelices, auditor of war, of this place and province, appeared Mr. Robert McHardy, an inhabitant and planter of the same, married, who, in the hands of the auditor, before me, notary, and through the organ of the interpreter, Don Bernardo Segui, made oath in a legal form, and promised to tell the truth in all he might



know relating to the questions that will be put to him respecting the case, and the meaning of the representation which precedes, and said that, in the year 1813, he accompanied Mr. James Russell when he went with some of his slaves to take possession of the lands which this government had given him in consideration of the schooner Barbarita, and in his capacity of new settler, between the rivers Tomoca and Matanzas, in which place Russell himself designated the limits by marking some trees with letters which still exist, and affirmed that what he has said is the truth; that he is forty-five years old; that the law exceptions which have been made known to him do not affect him. And his declaration having been read to him, he affirmed and signed it, together with the auditor and the interpreter; which I certify.

ROBERT McHARDY.  
BERNARDO SEGUI

Before me—

JUAN DE ENTRALGO.

DECLARATION.

In continuation appeared Don Francisco Pellicer, an inhabitant of this place, married, who, in the hands of the auditor, before me, the secretary, took his legal oath, promising to tell the truth in all what he might know relating to what he may be interrogated upon relating to the same business; said that he has seen the marks of letters which are found on two trees, one on the east and the other on the west; which two points embrace the wooded land, which is situated between the rivers Matanzas and Tomoca, where this government granted lands to the deceased, Mr. John Russell; which marks, as witness has been informed by his own children, were made by Mr. John Russell himself, as a mark of the limits and boundaries which were to enclose said granted lands; that this act of John Russell is of public notoriety, as well as his going personally with his slaves to do it. Witness says that what he has deposed is the truth; that he is 67 years of age; that the law exceptions do not affect him; and he signed his deposition. The auditor affixed his flourish; which I certify.

(*A flourish.*)  
FRANCISCO PELLICER.

Before me—

JUAN DE ENTRALGO.

DECLARATION.

In continuation appeared Don José Mariano Hernandez, one of the members of the constitutional council of this place, who, before me, the secretary, took his legal oath, promising to tell the truth in all he might know, upon which he might be interrogated, relating to the representation of Mr. James Russell, and said that, on the wooded lands situated between the rivers Matanzas and Tomoca, he has seen some trees marked with initials, which operation he knows, from public notoriety, was made by the deceased Mr. John Russell at the same time he went with his slaves to mark the limits and take possession of the lands which he obtained from this government in exchange for a schooner which he sold to the revenue department, and of those lands which were awarded to him as a new settler. And witness has no doubt that the deceased John Russell aforesaid went on the mentioned lands with said intent, and that this happened immediately after he was declared the owner of said lands. And witness says, under his oath, that all this is the truth; that he is thirty-three years of age, and signed his deposition; and the auditor put his flourish; which I certify.

(*One flourish.*)  
JOS. M. HERNANDEZ.

Before me—

JUAN DE ENTRALGO.

ACT.

St. Augustine, June 18, 1821.

Seeing the preceding, and Mr. James Russell having proved that he is a lawful son and heir of the deceased Mr. John Russell, and of the age of twenty-five years, he is hereby considered as a party in this, and as such can represent what he will think convenient on all and whatsoever rights belonging to his deceased father; the remuneration of Don José M. Hernandez as accepted, and the mentioned James Russell having sufficiently proved the spoliation of the land which the Treasury Department sold to the deceased in consideration for the schooner which was bought of him for the service of this place, and of the lands which were granted to him as a new settler, as appears in the proceedings entered into to that effect, and by which this process begins, as appears also in the documents he has presented, and the declarations taken of witnesses; first of all, let the possession which he claims be restored to him, with the reserve of the respective right which the actual possessors may consider themselves to hold in order that they make use of it should they think proper so to do; in virtue of which, in order that the restitution may be carried into effect, let Don Francisco José Fatio be commissioned for that special act, with all the faculties the law requires in consideration of the physical impossibility in which the auditor and the only notary of this province are of going personally to execute said act of restitution; which impossibility is occasioned not only by the great distance of said lands, but also because said officers cannot for a moment leave this capital in this critical epoch of the delivery thereof to the government of the United States: this most important event claiming all their attention, let the necessary orders be given to the said commissioner, in order that he may be assisted by witnesses; discharge the duties of said commission; of the result of which he will make his report.

COPPINGER.  
ARREDONDO.

Before me—

JUAN DE ENTRALGO.

NOTIFICATION.

In St. Augustine, on the same month and year, I notified the preceding act to Mr. James Russell; which I attest.

ENTRALGO.

NOTE.—On the same day the order aforesaid was issued and delivered to Mr. Francisco José Fatio; which I certify.

ENTRALGO.

PETITION.

I, James Russell, an inhabitant of this province, in continuation of the proceedings relating to the claim of lands belonging to the estate of my deceased father, and in consequence of the decree issued this day, in which it is ordered that I be put in possession of said land in the most legal form, I expose to your excellency that, as the alderman Don Francisco Fatio has been appointed by your excellency as a commissioner to carry said decree into execution, I beg your excellency be pleased, in order to made the survey and fix the boundaries of said lands in conformity to the tenor of the decree dated February 11, 1820, and agreeably to the grant and restitution which is made, to order that Don George Clarke, the surveyor general, go on the spot to execute the said survey. I therefore beg your excellency be pleased to order in conformity to my petition. I claim justice.

JAMES H. RUSSELL.

DECREE.

St. Augustine, June 19, 1821.

Granted. Assessor's fees \$3. Let the costs accrued be regulated and paid.

COPPINGER.  
ARREDONDO.

Before me—

JUAN DE ENTRALGO.

NOTIFICATION.

In St. Augustine, on the same day, month and year, I notified the preceding decree to Mr. James Russell; which I certify.

ENTRALGO.

Another. On the same day I notified the same to Don George Clarke; which I certify.

ENTRALGO.

ORDER.

Don José Coppinger, colonel of the national armies, military governor, political chief, and ultramarine sub-delegate of this place and province, &c., by these presents:

I confer unto Don Francisco José Fatio all the faculties required by law, to the effect that, with two assistant witnesses, whom he will appoint in due form to assist him in this commission, he transport himself on the lands which were by this government sold to the deceased, John Russell, and on those lands which were granted to the same as a new settler; said lands, situated between the Matanzas and Tomoca, and there put Mr. James Russell, a lawful son and heir of said John Russell, deceased, in possession of said lands, which are hereby restored to him in consequence of what has been represented and proved on the proceedings relating thereto, with the reserve of the respective rights which the actual occupiers may consider to possess in the lands aforesaid, in order that they may make use of said right if they think proper; and after putting down, in writing, the result, said commissioner will make his report, as it is already ordered in my decree of this day, which I issued in conformity to the petition of Mr. James Russell aforesaid, with the consultation of the auditor of war. St. Augustine, of Florida, June 18, 1828.

JOSÉ COPPINGER.

By order of his excellency:

JUAN DE ENTRALGO, *Notary of Government.*

APPOINTMENT OF WITNESSES.

I, Francis José Fatio, an inhabitant of St. Augustine, of East Florida, having repaired to the plantation called the Good Retreat, in order to carry the preceding order into execution, did appoint as assistant witnesses Don José Simeon Sanchez and Don Francisco Pellicer, who accepted the office, and promised, under their legal oath, well and faithfully to the discharge of their duty, and signed.

FRANC. PELLICER.  
JOSÉ SIMEON SANCHEZ.  
FRANC. J. FATIO.

REPORT.

In Tomoca, June 21, 1821, in conformity to the tenor of the preceding order, I, Francisco José Fatio, accompanied by the witnesses, assistants, who subscribe this, and by Mr. James Russell, we went to the place aforesaid, riding about on horseback; and, taking said James Russell by the hand, I put him in possession of the lands referred to in my commission. There he called aloud, pulling up the grass, threw up sand in the air, broke branches of trees, and did other things indicating possession, which he took quietly and peacefully, and without contradiction. And in proof thereof, I make this report, which I sign, together with the witnesses and the interested party.

FRANCO. PELLICER.  
FRANCO. JOSÉ FATIO.  
JOSÉ SIMEON SANCHEZ.  
JAS. H. RUSSELL.

DECREE.—ACTS.

Before me—

(Two flourishes.)  
JUAN DE ENTRALGO.

## NOTIFICATION.

In St. Augustine, on the same day, month and year, I notified the preceding decree to Mr. James Russell; which I certify.

ENTRALGO.

## ACT.

St. AUGUSTINE, *June 26, 1821.*

Seen the above. I approve all that the law admits—the proceedings of the constitutional alderman, Don Francisco José Fatio; and, in consequence thereof, I declare Mr. James Russell to be in possession of the lands, the restitution of which he has claimed, and in which he will be protected. Let the costs latterly incurred be regulated, and let the mentioned Russell pay the same.

COPPINGER.  
ARREDONDO.

## NOTIFICATION.

St. Augustine, on the same day, month and year, I notified the preceding act to Mr. James Russell; which I certify.

ENTRALGO.

## PETITION.

*To his excellency the governor:*

I, James Russell, an inhabitant of this province, with due respect represent to your excellency that the survey being concluded, and the boundaries fixed of the 4,675 acres of land which I have claimed from this tribunal as being of right the property of my deceased father, whom I, as his heir and executor, represent according to the tenor of the proceedings relating to that affair, and as said survey is proved by the two draughts certified and annexed to the act, and on register in the archives of this government, and that the present notary delivered me the certificates of the whole proceedings; I therefore beg your excellency to order, in conformity to my petition; which favor I expect to receive. Florida, June 28, 1821.

JAS. H. RUSSELL.

## DECREE.—ACTS.

St. AUGUSTINE, *June 28, 1821.**(Two flourishes.)*

JUAN DE ENTRALGO.

Before me—

## NOTIFICATION.

In St. Augustine, on the same day, month and year, I notified the preceding decree to Mr. James Russell; which I certify.

ENTRALGO.

## DECREE.

Seen. Granted in every particular.

St. AUGUSTINE, *June 30, 1821.*COPPINGER.  
ARREDONDO.

Before me—

JUAN DE ENTRALGO.

## NOTIFICATION.

In St. Augustine, on the same day, month and year, I notified the preceding decree to Mr. James Russell; which I certify.

ENTRALGO.

This copy is conformable to the originals which remain on the archives under my charge, to which I refer; and in obedience to the superior order issued at the request of the interested party, I seal and sign the present certificate contained in forty-seven leaves of common paper, as stamped paper is not used here. St. Augustine, Florida, July 6, 1821.

JUAN DE ENTRALGO, *Notary of Government, &c.*

Don Gabriel W. Perpall, Don José M. Hernandez, and Don William Travers, mayor and aldermen, constitutional members of the council of this city, certify that Don Juan de Entralgo, by whom the preceding certificate appears to be sealed and signed, is the notary of government and of the treasury department, as he states himself; that he is the only one in that capacity in this place and province; that he is faithful, legal, and trusty; and that full faith and credit has always been given to those who have filled the said two offices. And in proof thereof, and at the request of the interested party, we sign the present in St. Augustine, Florida, July 6, 1821.

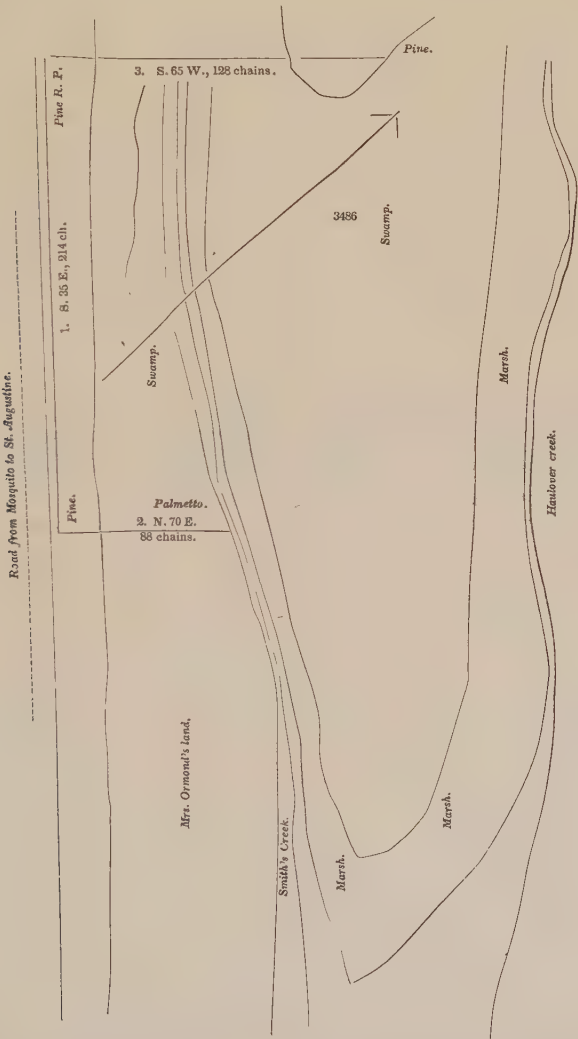
GABRIEL W. PERPALL.  
JOSEPH M. HERNANDEZ.  
WILLIAM TRAVERS.

Don George Clarke, lieutenant of the militia of the city of St. Augustine, of Florida, and surveyor general, by the appointment of the government of said place and province: I certify that, in consequence of the superior order issued June 19, 1821, relating to the proceedings made at the request of Mr. James



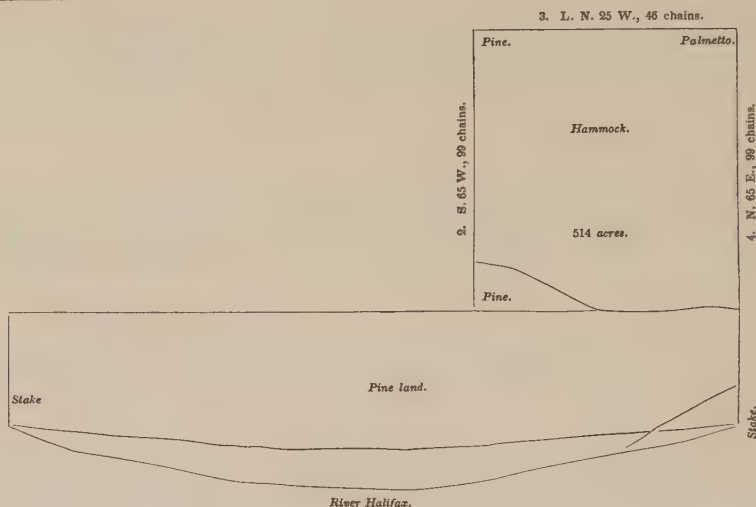
Russell, claiming four thousand acres of land, bargained for with the government by his deceased father, I have made the survey and marked the boundaries of three thousand four hundred and eighty-six acres of land, as a part of the said four thousand, in the place called Graham's swamp, situated between the rivers Matanzas and Tomoca, the particulars of which are conform to the following draught, and to the original, which remains in my possession. St. Augustine, June 25, 1821.

GEO. J. F. CLARKE.

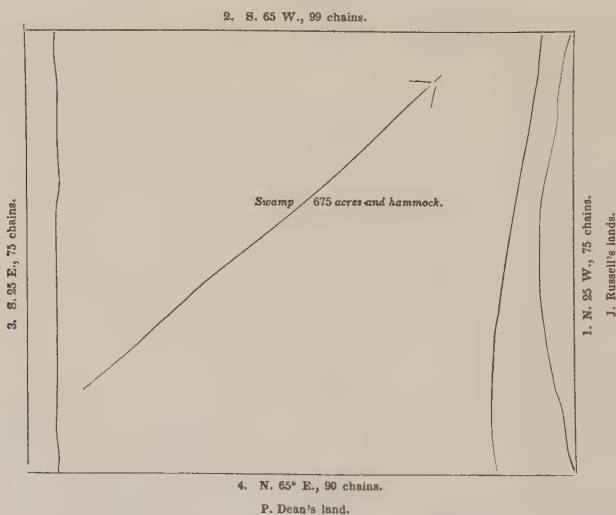


Don George Clarke, lieutenant of the militia of St. Augustine, Florida, and surveyor general, appointed by the government of the said place and province: I certify that, in consequence of the superior order issued June 19, 1821, relating to the proceedings made at the request of Mr. James Russell, claiming four thousand acres of land which his deceased father bought of the government, I have made the survey and fixed the boundaries of five hundred and fourteen acres on the west side of the river Halifax, which, with three thousand four hundred and eighty-six acres already surveyed in Graham's swamp, make the complement of the four thousand acres aforesaid; which said tract of five hundred and fourteen acres is conform in all its particulars to the following draught, and the original thereof, which remains in my possession. St. Augustine, June 25, 1821.

GEO. J. F. CLARKE.



Don George Clarke, lieutenant of militia of St. Augustine, Florida, and surveyor general, appointed by the government of this place and province: I certify that I have made the survey and fixed the boundaries of six hundred and seventy-five acres of land in favor of Mr. James Russell; which lands were granted to his deceased father July 28, 1812, and which, in every particular, are conform to the following draught, and the original thereof, which remains in my possession. St. Augustine, June 25, 1821.



I certify that the foregoing is a translation from a document in the Spanish language.

F. J. FATIÓ, S. B. L. C.

[Here follows a deed of conveyance from Mary Russell, James H. Russell, William E. Russell, Richard H. Russell, Mary E. A. Russell, and Thomas Philson, heirs of John Russell, deceased, to claimant, dated August 1, 1821.]

ST. JOHN'S COUNTY, ss:

This day appeared before the subscriber, a justice of the peace, Joseph Delespine, who, being duly sworn to give testimony in the above case, doth depose and say that he knew John Russell, who had a grant made to him by the Spanish government for the lands above mentioned; that the said John Russell is dead; that the heirs of the said Russell sold the said lands to Charles W. Bulow; left a widow, Mary Russell; daughters, Eliza and Mary; sons, James, Edward, and Henry; that these persons, as far as this deponent knows and believes, are the only legal heirs of the said John Russell.

JOSEPH DELESPINE.

Sworn to before me July 24, 1824.

THOMAS H. PENN, Mayor of St. Augustine.

## DECREE BY THE BOARD.

*Charles W. Bulow's Executors vs. The United States. For four thousand acres of land; also for six hundred and seventy-five acres of land.*

The board ascertained the above to be valid Spanish grants, and recommend them to Congress for confirmation. September 21.

## No. 11.—See REPORT No. 3.

*Fernando de la Maza Arredondo vs. The United States. Claim for fifteen thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Fernando de la Maza Arredondo respectfully sheweth: That your memorialist claims title to a tract of land consisting of fifteen thousand acres, situated on the west side of Lake George, in East Florida, bounded and beginning at a palm tree marked +, on the margin of Lake George; thence south 65° west, 400 chains, to a pine; thence north 25° west, 400 chains; thence north 65° east, 400 chains, to a palm tree on the banks of said lake; thence along the meanders of said lake to the beginning; which tract was surveyed by Andres Burgevin August 5, 1819; which title your memorialist derives from a royal title made to him August 9, 1819, by Governor Coppinger, in virtue of the royal order of March 29, 1815, a concession of which was made to memorialist March 24, 1817, as will be seen by a certified copy of royal title herewith submitted. And your memorialist further sheweth that he is legally in possession of said lands; that he is a citizen of Spain and resident of Cuba. All of which is respectfully submitted.

F. M. ARREDONDO.

[Translation.]

Don Fernando de la Maza Arredondo, inhabitant of St. Augustine, and actually residing in the city of Havana, through his son, of the same name, residing in this place, to your excellency sheweth: That he has the honor of having served his Majesty in different employments and destinations, and particularly in the department of commissary of the Indians, without any salary or any other emolument whatever, for more than twenty years, having discharged the duties of that office with the utmost exactitude to the satisfaction of all the governors of this place, contributing thereby to the peace and harmony which existed with those savages; with which commission, and that of comptroller *pro tem.* of the royal military hospital of this town, which he likewise discharged for many years without any salary or emolument, which meritorious services have saved to the royal revenue many thousands of dollars, as is well known to your excellency and to the public authorities of this place. Latterly, after obtaining a discharge from the different employments, he separated himself from the service of his Majesty to attend to the discharge of his duty towards his family; he engaged himself in the fatiguing service of patrols and aid-de-camp to the Governor de Estrada, in consequence of the invasion of this province in the year 1812, and for want of officers for that service, in which he was occupied until the year 1813, when, having been elected by a majority of votes, with all the necessary solemnities on the occasion, elector of the parish and district of this said province, he was obliged to go to the city of Havana and remain there as one of the deputies of the provincial junta. To discharge the said duty he was under the necessity, as a loyal subject, to expend large sums, which he willingly did in the service of his King and country, being well persuaded that he would be rewarded for it at a future period. He has been informed that the royal order of his Majesty of March 29, 1815, directs that a remuneration of grants of land be given to all the individuals who were armed in the defence of their country during the insurrection which began in 1812; and as the petitioner is one of them, and is entitled for this reason to said gifts, as also being one of the oldest settlers and having augmented his family and negroes ever since the cession of this province to his Majesty, and one of those whom the royal ordinances and laws recommend that they may be attended to, both in quality of first settlers as also on account of his distinguished services, that he be preferred in the partition of lands; he therefore prays your excellency will be pleased to grant him, in absolute property, thirty thousand acres of land, that is to say, 15,000 acres to the southwest of the large lagoon known by the name of Lake George, which survey may be made that a creek of sweet water situated in that place may occupy the centre of the front thereof, and the remaining 15,000 on the west side of St. John's river; the measurement of which to commence from the old Indian Chacichalty path, opposite the site on which the firm of Panton & Leslie had their store established, known by the name of Upper Store, being at the south side of the great lagoon by the name of Lake George, and thence in a line to run southerly until it completes the number of acres. And as the actual circumstances of the province do not permit at present the measurement and chaining of said lands, and, at the same time, as the survey could not take place for want of surveyors, as Don George Clarke, named by this government, has other occupations which give him no time to attend to it, he therefore hopes, from the justice of your excellency, that you will be pleased to suspend the acknowledgment of the titles of the property whilst the memorialist does not obtain the plats of said lands, in order that their situation and limits may be specified with exactness for perfecting the location and situation of the same. In the meantime the grant which your lordship may think fit to make him may serve as a title under your decree in continuation, for it is the wish of the memorialist that, when the same be given him, it may have all the requisites necessary; a favor which he hopes to receive from the justice of your excellency. St. Augustine, Florida, March 1, 1817.

FERNANDO DE LA MAZA ARREDONDO.

St. Augustine, March 24, 1817.

In attention to the services which this party specifies, which are manifest and notorious, and making use of the power conferred on me by the laws and the royal will, I administer to Don Fernando de la Maza Arredondo, the senior, the thirty thousand acres of land he solicits, in absolute property, in the places he has designated, without prejudice to a third person, of which titles of dominion will be given as soon as the plats to be made by the surveyor be presented, saving, in the meantime, this decree, and an equivalent in all its parts; which, with the foregoing petition, will be filed in the archives of the notary of government



and royal finance. The interested will be furnished with a certified copy of the proceedings, properly authenticated and in due form, in order that this concession may be duly credited, and that he may be able to make use of said lands, and to dispose of them as he may think proper.

COPPINGER.

Before me—

JUAN DE ENTRALGO, *Notary of Government.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

DECREE BY THE BOARD.

In this case we find that the claimant obtained a concession, without condition, for thirty thousand acres of land from Governor Coppinger, dated March 24, 1817, the fifteen thousand acres being included in said concession, and its location set forth in claimant's memorial to this board. In consideration whereof, we recommend the same to Congress for confirmation. June 5, 1824.

NOTE.—For further particulars please to refer to the case of Moses C. Levi, for 14,500 acres, reported to Congress the first session.

No. 12.—See REPORT No. 3.

*Juan de Entralgo vs. The United States. For four thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Juan de Entralgo respectfully sheweth: That your memorialist claims title to a tract of land consisting of four thousand acres, situated on Black creek, and is bounded on the south by Governor's creek; first line runs south 45° west, 170 chains, to a pine tree marked thus ≡; thence south 45° east, 250 chains, to a cypress tree marked ≡; which title your memorialist derives from a royal grant made to F. M. Arredondo by Governor Coppinger, in virtue of the royal order of March 29, 1815, who sold the same to your memorialist; a copy of the said grant is herewith filed, as is the deed from Arredondo to your memorialist. And your memorialist further sheweth that he is in actual possession of said lands; that he resided in St. Augustine at the change of flags, and now in Cuba.

JUAN DE ENTRALGO,  
By GEORGE MURRAY.

*Translation of a concession for ten thousand acres, part of which this is, is copied in a claim of John B. Entralgo for four thousand acres, recommended for confirmation.*

[Translation.]

Don Andres Burgevin, of this place, and private surveyor: I certify that, by an order of this government, made August 20, 1819, I have measured in favor of Don Fernando de la Maza Arredondo, jr., a piece of land which contains 4,000 acres, which is situated to the west of the river St. John's, on a creek known in English as Black creek, being part of a greater quantity which was granted him on March 20, 1814. And for its confirmation I give these presents, which I sign at St. Augustine, Florida, July 25, 1820.

ANDRES BURGEVIN.

[The plat precedes this.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

CONVEYANCE.

Be it known that I, Don Fernando de la Maza Arredondo, jr., an inhabitant of this city, do declare that I really sell to Don Juan de Entralgo, notary of government and the public domain in this city, four thousand acres of land, which I hold as my property in this province, situated to the west of the river St. John's, on a creek known in English as Black creek, and having for a boundary another creek named the Governor, known under the following dimensions: the first line runs south 45° west, measures 170 chains, and ends with a pine tree marked ≡; the second runs south 45° east, measures 250 chains, and ends in a cypress marked ≡; which 4,000 acres of land, with another portion more, this government granted me in absolute property and dominion, as a reward for services, on March 20, 1817, and for which a full title was given me on the 9th of August last, as appears in the archives of the said notary. And I sell the said 4,000 acres of land under the dimensions and other things which are explained, with all its entrances, outlets, uses, customs, rights, and services, which it has and belong to it, free of all encumbrance, at the price of four thousand dollars, which the purchaser has paid me in ready money; which sum I acknowledge as delivered to my will. I renounce proof, laws of delivery, exception to money not counted, fraud, and everything else in the case, for which I deliver a formal receipt. In virtue of which I separate myself from the right of property, possession, use, seignior, and all other rights, real and personal, which I had or held to the said 4,000 acres of land; and I cede, renounce, and transfer them to the said Don Juan de Entralgo, and to whoever shall represent his right, that, as their own, they may possess, sell, and alienate it at their will, in virtue of this writing, which I give in their favor as a mark of real delivery, by which it is seen that he has acquired possession without occasion for other proof, from which I release him. And I bind myself to the eviction and guarantee of this sale in sufficient form, and as may be best, in favor of the purchaser, with my property, present and future, power and submission to the tribunals of his Majesty, that they may force me to compliance with it as by sentence confessed and passed in authority

of an adjudged case; on which I renounce all laws, customs, rights, and privileges in my favor, and formal exception which prohibit it. And I, the said Juan de Entralgo, being present, accept in my favor this writing, and by it receive, as purchased, the said 4,000 acres of land, at the price and agreement upon which they were sold to me; and I acknowledge them as delivered to my will. I renounce proof, laws of delivery, those of a thing not seen or received, fraud, and everything else in the case, for which I deliver a formal receipt. In testimony of which, this is dated at St. Augustine, Florida, January 5, 1821.

FERNANDO M. ARREDONDO.

JUAN DE ENTRALGO.

I, José Coppinger, colonel of the national armies, military governor, civil chief and sub-delegate of ultramarine possessions for this city and province, do certify that I know the parties who thus said, delivered, and signed in my presence, and that of assistant witnesses whom I have chosen for this deed, Don Tomas de Aguilar and Don Antonio Alvarez, there being no other notary in the entire province. The witnesses to this writing being Don José Mariano Hernandez, Don Bernardo Segui, and Don José Bernardo Reyes.

COPPINGER.

Witnesses present:

TOMAS DE AGUILAR.

ANTONIO ALVAREZ.

This is conformable to the original which exists in the archives of the said notary of government, to which I refer; and at the desire of the party, sign this present copy, with the assistant witnesses, on two leaves of common paper, stamped not being in use. St. Augustine, Florida, January 5, 1821.

JOSÉ COPPINGER.

TOMAS DE AGUILAR.

ANTONIO ALVAREZ.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, S. B. L. C.

DECREE.

*Juan de Entralgo vs. The United States. For four thousand acres of land.*

The board having ascertained the above to be a valid Spanish concession made previous to January 24, 1818, and this claim being part thereof, regularly conveyed to claimant, it is therefore recommended to Congress for confirmation. June 30, 1824.

[Nos. 13 to 18, inclusive, were not returned to the General Land Office by the commissioners.]

No. 19.—See REPORT No. 3.

*John Forbes vs. The United States. For seven thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Forbes respectfully sheweth; That your memorialist claims title to a tract of land consisting of seven thousand acres, situated on Little St. Mary's, and bounded as follows: first line commencing at a pine tree near Spell's swamp, running north 10° west, 246 chains, to a pine; thence south 80° west, 286 chains, to a pine; thence south 10° west, 246 chains, to a pine; thence north 80°, 286 chains, to the beginning, and containing within the said boundaries seven thousand acres, as appears by a survey made by George J. F. Clarke, and a plat of which is herewith filed, marked B; which title your memorialist derives from a grant made to himself by Governor Kindelan on July 28, 1814, (see document marked A, filed herewith.) And your memorialist further sheweth that the said tract of land was surveyed by George J. F. Clarke, above named, on October 23, 1816, as will appear by the paper marked B. Your memorialist further sheweth that he is in possession of said lands, and that at the change of flags he was a Spanish subject and resident of Cuba.

JOHN FORBES.

[Translation.]

MEMORIAL.

SEÑOR GOVERNOR: I, Don Juan Forbes, partner of the house of Juan Forbes & Co., successors of Panton, Leslie & Co., merchants of this province, before your excellency, with due respect, appear and say that the aforesaid house of Panton, Leslie & Co. obtained in the year past, of 1799, a concession of fifteen thousand acres of royal lands in the district of St. John's, to employ their negroes in agriculture and pasture their cattle, as appears by the annexed certificate; but at the end of a very little time it was found necessary to abandon them, from their being of an inferior quality, having experienced what commonly happens in this province where the farmer does not succeed in his choice until sad experience; and as it has been seen by many precedents that the government, attending to similar misfortunes, and the injuries and expenses which have been incurred, has had the goodness to allow that they should select lands belonging to the King, always giving up the former concession. Finding myself in this case, and desirous to establish a plantation of rice, which up to this time we find ourselves obliged to bring from abroad, I make from now a surrender of the said fifteen thousand acres of land in favor of his Majesty, (whom God preserve,) praying that you will be pleased to allow it, and, in its place, grant me an equivalent in the district of Nassau river. In virtue of which, he prays your excellency to be pleased to com-

mand that the formal surrender which I make shall be allowed, and that, in consequence, there be granted to me ten thousand acres in the said district of the river Nassau, the survey of which I shall present as soon as the province becomes tranquil, and gives an opportunity to effect it; which I will receive as a favor, &c.

JUAN FORBES.

DECREE.

Let the report be made from the comptroller's office.

KINDELAN.

REPORT.

As in this province lands are given gratis, the comptroller's office has not taken cognizance of their distribution, nor to whom; for which reason it is ignorant of the grants and of the lands remaining vacant, and therefore cannot say anything respecting the particular which it is ordered to report. Nevertheless, it appears that the culture of rice crops is useful, for which, according to the statement of the interested, the lands are not fit which were granted to him on August 7, 1799, with the expression of *for pasture*, as the accompanying certificate shows, given by the former secretary of the government, Don Juan de Pierra. St. Augustine, Florida, July 27, 1814.

MANUEL LOPEZ.

St. Augustine, Florida, July 28, 1814.

Let this interested party be allowed the formal cession which he makes of the fifteen thousand acres of land which the document accompanying this memorial comprises, and, in their place, let there be granted him, without injury to a third person, the ten thousand acres for the purposes which he solicits in the district or margin of the river Nassau; and in consequence, let the correspondent certificate be issued to him from the secretary's office, that it may serve him for a title in form. This party having to present the plat and demarcation at his own time, and the *proceeding* be placed in the archives of the secretary's office.

KINDELAN.

On this date a copy of this proceeding was furnished to the interested—date as above.

AGUILAR.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, S. B. L. C.

[Translation.]

Don George Clarke, lieutenant of militia of the city of St. Augustine, Florida, and surveyor general, appointed by the government of said place and province: I certify that I have measured and laid off for Don Juan Forbes seven thousand acres of land at the head of the Little St. Mary's river, on the banks of the river St. Mary's, to complete ten thousand acres which were granted to him in absolute property by the government, and conformable to the following plat and its copy which I preserve in the book of surveys in my charge. Fernandina, October 23, 1816.

GEORGE J. F. CLARKE.

[Here follows the plat.]

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

F. J. FATIO, S. B. L. C.

DECREE.

*John Forbes vs. The United States. For seven thousand acres of land.*

The above being a valid Spanish concession made previous to January 24, 1818, and this claim being part thereof, it is therefore recommended to Congress for confirmation. July 13, 1824.

No. 20.—See REPORT No. 3.

*John Forbes vs. The United States. For three thousand acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Forbes respectfully sheweth: That your memorialist claims title to a tract of land containing three thousand acres, being a part of a tract of ten thousand acres granted to the said John Forbes by Governor Kindelan July 28, 1814, in lieu of the quantity of fifteen thousand acres abandoned by your memorialist on the St. John's river; the said three thousand acres situated in Cabbage swamp, on or near an arm of the little St. Mary's river, and is bounded as follows, as will appear by a survey and plat thereof made by George J. F. Clarke, filed herewith, marked B, and dated October 20, 1816, viz: beginning at a pine tree, and running south 80° west, 195 chains, to a pine tree; south 40° west, 35 chains, to a pine; thence west, 77 chains, to a pine; thence north, 105 chains, to a pine; thence north 80° east, 299 chains, to a pine marked  $\bigcirc + ||$ ; thence south, 105 chains, to the beginning. Your memorialist further sheweth that he was a Spanish subject residing in Cuba at the change of flags in 1821.

JOHN FORBES.

[Here follows translation of a concession for ten thousand acres to John Forbes, dated July 28, 1814, copied into a claim for seven thousand acres.]



[Translation.]

Don George Clarke, lieutenant of militia of the city of St. Augustine, Florida, and surveyor general, appointed by the government of the said city and province: I certify that I have measured and laid off for Don Juan Forbes three thousand acres of land in Cabbage swamp, near the river St. Mary's, in part of ten thousand acres, which were granted him by the government in absolute property, and agreeable to the following plat and its copy which I keep in the book of surveys in my charge. Fernandina, October 20, 1816.

GEORGE J. F. CLARKE.

[Here follows the plat.]

DEGREE.

*John Forbes vs. The United States. For three thousand acres of land.*

The board having ascertained the above to be a valid Spanish concession for ten thousand acres made previous to January 24, 1818, do therefore recommend it to Congress for confirmation. July 13, 1824.

## [CASES REPORTED THIS SESSION.]

No. 1 a [21].—See REPORT No. 3.

*Sarah Fish vs. The United States. For ten thousand acres of land, Anastasia island.*

MEMORIAL.

*To the honorable the board of commissioners appointed by Congress to try the validity of titles to lands in East Florida:*

The memorial of the subscriber respectfully sheweth—

1. That your memorialist claims title to the island lying in front (i. e., to the east) of the city of St. Augustine, and running south above 18 miles, more or less, along the east bank of the river Matanzas, known by the name of the Island of St. *Anastasia*, supposed to contain ten thousand acres, as belonging to the deceased husband, Jesse Fish, sr., in the year 1763.

2. That in the year 1792 this island was sold at public sale by order of the Spanish governor, Quesada, when her son, the late Jesse Fish, jr., deceased, became the purchaser.

3. That the Spanish governor, Quesada, or his deputy, Morales, from the indisposition of Governor Quesada, with the advice of the King's attorney, Ortega, did then reserve a certain part of the quarry existing in said island; which reservation was made for the sake of the stone only, for the purpose of keeping in repair the King's fortification and other public buildings. The part so reserved has always been known by the name of the King's quarry, and begins at what is called the King's road to the south, and as far as a small distance to the north of the light-house; east and west no further than where the quarry ends, as appears by stakes, and (if not taken away) were planted at the delivery.

All the above explanation will appear by the annexed voucher's delivery of said island, with witness, and Spanish custom, and receipt from the treasurer for the money.

SARAH FISH.

ST. AUGUSTINE, August 31, 1823.

[Translation.]

FLORIDA, 1794.

Don José Fish, soliciting from the government that the ten thousand acres of land should be granted to him which his deceased father of the same name possessed at the plantation named the *Orange Grove*, which was sold at public auction.

ST. AUGUSTINE, Florida, December 2, 1796.

SEÑOR GOVERNOR AND COMMANDER-IN-CHIEF: Don Jesse Fish, native and resident of this city, presents himself to your excellency with the most profound respect; states that, at the public auction which was made of the property of his deceased father for the payment of his creditors, the memorialist purchased the place called the *Orange Grove* at \$1,700, which sum he only gave with a view to the fruit trees of said place and the wood which is on the land belonging to it, as the land is entirely useless for planting; that he has observed that several residents are cutting the said wood, and therefore he humbly prays your excellency to be pleased to declare him owner of the lands which his said father possessed, annexed to said place of the *Orange Grove*, which, according to the deeds granted in the time of the British possession, amounted to ten thousand acres, according to what Don John Leslie and Don Manuel Solana can declare, it being well known to them, from their having been here at that time, whether it may be as a new settler of this province or by the right which his deceased father had to them. Since, if your memorialist does not obtain this favor from your excellency, he will consider himself as at the greatest loss of the part of his purchase, because the lands will not produce crops of any kind, and a great number of the fruit are dried, which is likely to occur to the remainder of them. A favor which he does not doubt to enjoy from the justice of your excellency.

JESSE FISH.

Let his honor, the assessor general, consult with me. Thus it is decreed and ordered by Señor Don Juan Nepomuceno de Quesada, brigadier of the infantry of the royal armies, governor, commander-in-chief, vice legal patron and sub-delegate of the royal domain of this city of St. Augustine, Florida, and its province, for his Majesty, who signed it December 15, 1794; which I attest.

QUESADA.

Before me—

JOSÉ DE ZUBIZARETTA, Notary of Government.

On the same day this was made known to Don Jesse Fish; which I attest.

ZUBIZARETTA, *Notary.*

I have seen this memorial of Don Jesse Fish, and if it directed itself to the setting forth that he would prevent other persons from cutting wood on his lands, or to recover them according to the titles of his property and the injuries which it had caused or might have caused him, I would consult on the interlocutory decree with your excellency, according to law; but this memorial ending in making out for Fish the boundaries of the lands which his father possessed at the time of the British dominion, which he desires should be granted to him to the same number of acres which he sets forth as annexed to the Orange Grove, which he purchased at public auction hold of the property left by the decease of his said father—the said sale, as the present notary states, and setting forth the boundaries of those which this party purchased when he did the Orange Grove, it remains with your excellency to assign him these which he asked for as a new settler, to which the possession of his father, alleged by him, gives him sound right of preference, and the more if he proves it, or to distribute to him these which your excellency thinks proper, and which may be without injury to another possession; with which hearing in the case it ought to be determined judicially. This is my opinion, which I sign in St. Augustine, Florida, December 15, 1794.

LICENTIAE JOSEF DE ORTEGA.

St. Augustine, Florida, December 15, 1794.

In conformity with the foregoing opinion, let the interested make the proof which announces before the present notary, to whom it is committed, and in sight of it the matter on which it treats shall be decreed upon; for which purpose let the proceedings be brought forward.

QUESADA.

Before me—

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

On the same day, month and year the foregoing decree was made known to Don José Fish; which I attest.

ZUBIZARETTA, *Notary.*

In the city of St. Augustine, Florida, September 22, 1795, before me, the notary, Don Jesse Fish presented as a witness for the proof which he was ordered to give, Don John Leslie, resident, &c., and merchant of this said city, from whom, in conformity with the commission which was conferred upon me, I received the oath which he made in all form of law, under which he promised to tell the truth, to the best of his knowledge, in what should be asked him, and it being done so in consequence of the aforesaid petition presented by the said Fish; that as the person who declares was one of those who, in the time of the British government, valued the lands, houses, and lots which Don José Fish, deceased, had in his possession, and amongst them was the plantation named the Orange Grove, which his son of the same name now claims; which he possessed with lawful titles given in the time of the former Spanish government, and it is known to him that he had the ten thousand acres of land, a little more or less, according to the knowledge and belief of the deponent, in possession of which he remained peaceably while the British government held this province; and answers that what he has said is the truth, by virtue of the oath which he has taken; that he is over twenty-five years of age, and signed this; which I attest.

JOHN LESLIE.

Before me—

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

In the city of St. Augustine, Florida, February 10, 1795, the said Don José Fish presented as a witness Don Lorenzo Llanes, resident of this said city, and a native of it, from whom I, the notary, received the oath which he made by God and the Holy Cross, according to law, under which he promised to say the truth in what he knew and should be asked of him; and it being done so in consequence of the foregoing petition, he said that, as a native, which he is, of this city, having lived in it both during the time of the old Spaniards as well as the greater part of that in which this province was governed by the British arms, he is certain of having always seen the deceased Don Jesse Fish, the father of the memorialist, in possession of the Orange Grove, which, a little more or less, contains the ten thousand acres of land which is stated, which it is also well known to him he possessed, with lawful titles from the old Spanish government; and he answers that this is the truth under his oath; that he is of the age of forty-five years, and signed this; which I attest.

LORENZO LLANES.

Before me—

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

In the city of St. Augustine, Florida, in the same day, month and year, he presented as a witness Don Manuel Solana, native and resident of this said city, from whom I, the notary, received the oath which he made by God and the Holy Cross, according to law, under which he promised to tell the truth, to the best of his knowledge, in what should be asked him, and being so as to the tenor of what the foregoing petition presented by Don José Fish contained, said that, as a native and resident of this said city, in which he has always resided, he is certain that Don Jesse Fish, the person who brings him forward, has possessed in the island called St. Anastasia the plantation called the Orange Grove, in which he lived since the — of the old Spaniards until they returned to take possession of this province in the year 1784, and since that until 1790 or 1791, when he died, and was buried on the same plantation; and from what the deponent has heard of the result of the survey and valuation, which was generally made before the English had delivered this province to the Spaniards, of the real property of the said Fish, he knows that, at the said plantation, he possessed the ten thousand acres of land, and the deponent corroborates it, a title more or less, from what he has seen on the many occasions when he was at the said plantation, and he answers that this is the truth by virtue of his oath; that he is of the age of forty-six years, and he adds, that he recollects that at the time of the old Spaniards the deponent went with the notary, Don José de Leen, by command of the government, to separate the King's quarries on the said island, in order to

grant the remainder of it to Don José Fish, who solicited it after it was actually granted to him, after having made said separation; that, after the Spaniards returned to take possession of the province, by the treaty of peace with the English, who rented it about twenty years, and the second year of possession the government commissioned him, that, with the engineer, Don Manuel de la Roque, and two other workmen, they should designate the old quarries, which they actually did, and they set up four stakes to mark out the lands of the King on the said island, and Fish remained owner of the remainder as he had been; until then he did not sign it, as he said he did not know how to write; which I attest.

Before me—

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

St. AUGUSTINE, Florida, February 12, 1795.

The foregoing proof being completed, and in order to the making a decree, now fully, let the whole be submitted to the collector of the royal treasury, that, as fiscal of it, he may represent as convenient in the discharge of his functions; and, with what he may say, let it be brought forward.

QUESADA.

Before me—

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

On the same day the foregoing decree was notified to Don José Fish; which I attest.

ZUBIZARETTA, *Notary.*

On the same date it was communicated to Señor Don Gonzalo Zamorano, collector of the royal treasury, as fiscal of it; which I attest.

ZUBIZARETTA, *Notary.*

St. AUGUSTINE, Florida, February 27, 1795.

The collector of the army and the royal domain, as fiscal of it, in the proceedings moved by Don Joseph Fish, on which he was declared owner of the lands which his father possessed annexed to the situation called the Orange Grove, which he bought at auction, and according to the decree of your excellency of the 12th of the present month, in which your excellency was pleased to order that they should be submitted to him, states that, at the sale which was made of the said place, the Orange Grove, to Don Joseph Fish, son of the deceased of the same name, the boundaries of the land were not taken into consideration, and only the valuation of the trees within the precincts of the said grove, without noticing the 10,000 acres of land annexed to it, according to the report of the notary of government and the royal domain, the fiscal minister is of opinion that, although Fish proves by the proofs he has given in that his father possessed, in the time of the British and Spanish government, all that land, he ought to have a right to nothing more than what he proves by the inventory, valuation, and sale which was made of the said Orange Grove; that this land being laid off, the remainder up to the 10,000 acres of land ought to be sold as belonging to his deceased father, and for the benefit of the creditors of his estate, said Fish getting the preference for as much as another would give; that, for the better proof and elucidation of this proceeding, it seems fit to the minister your excellency should be pleased to order that there be annexed to the testimony the inventory, valuation, and sale of the said Orange Grove, which was sold by auction to Fish at the sum of \$1,605; and in case that Don Joseph Fish has occasion for public lands, without injury to a third person, the fiscal minister does not find any objection that your excellency should grant them to him as a new settler, according to what his Majesty has commanded of this particular; which is all that offers itself to me for your excellency's information, who will please to determine as appears most just.

GONZALO ZAMORANO.

Let the testimonial which is indicated be placed in continuation, and with it those proceedings returned to the assessor general, that he may consult with me as to what is proper as respects the other points to which the foregoing fiscal representation refers. It is thus decreed and ordered by Señor Don Juan Nepomuceno de Quesada, brigadier of infantry of the royal armies, governor, commander-in-chief, vice royal patron, sub-delegate of the royal domain of this city of St. Augustine, Florida, and its province, for his Majesty, which he signed March 6, 1795; which I attest.

QUESADA.

Before me—

JOSÉ ZUBIZARETTA, *Notary of Government.*

On the same day the foregoing decree was made known to Don José Fish; which I attest.

ZUBIZARETTA, *Notary.*

On the same day it was made known to Don Gonzalo Zamorano, collector of the royal revenue, as fiscal of the same; which I attest.

ZUBIZARETTA, *Notary.*

#### COMMISSION.

Don Juan Nepomuceno de Quesada, colonel of the royal armies, governor, and commander-in-chief of this city of St. Augustine, Florida, and its province, for his Majesty:

Whereas, in the proceedings which took place in this tribunal, arising from the recovery of the estate which remained by the decease of Don José Fish, resident that was of this city, for the payment of his debts, on which the proceedings being opened, several creditors appeared on the memorial of the defender appointed for said estate, Don Fernando Arredondo, I have granted permission that there should be valued and sold at public auction the lands which result in the said proceedings to be the property of Fish, to avoid the deterioration some of them were about to experience, and which would ultimately result to the injury of the creditors, and according to what was resolved in the decree of the 15th of December last, with the houses and lots of the same. Wherefore, according to what has been decreed by me under date



of the 16th instant, I have appointed, and do appoint, as said valutors, men skilled in such business, Don Manuel Solana and Don Roque Leonardy, the former of the justice of the peace, and the latter ensign of the local militia of it; that, taking into consideration the boundaries, and whatever else appears on said proceedings, which extract will be placed in continuation, and in presence of the said defender of the estate of Don Vicente Mexias, Don Francisco Revira, as witnesses present, commissioned by the government for want of a notary, let them pass to said places, with proper justice and integrity; for which purpose let the said valutors previously appear before this government, and then proceed, and then begin the commission in the following form:

9th item. The place called the Orange Grove, which belongs to the deceased, although the title under which he enjoyed it does not appear in the proceedings; and, when concluded, let it be returned, with their account of what has been done, to this government, to proceed further, as they may think proper. St. Augustine, January 18, 1792.

JUAN NEPOMUCENO DE QUESADA.

#### VALUATION.

Valuation and survey of the savannas, lands, and lots belonging to the estate of the deceased John José Fish, made by the appraisers appointed, Don Manuel Solana and Don Roque Leonardy, in virtue of a commission by his excellency the governor and commander-in-chief of this city and province for his Majesty, in presence of Don Vicente Mexias and Don Francisco Revira, for want of a notary, and the assistance of the defender, Don Fernando de la Maza Arredondo:

3th item. The Orange Grove consists of 540 large orange trees, which are of the best quality, and valued at three dollars, which amount to 1,620 hard dollars; and said property answers to number nine of the commission .....	\$1,620 0
Idem. Three hundred small ones, bearing fruit, at four reals—150 hard dollars .....	150 0
Idem. Two hundred and fifty orange trees to transplant, at three reals—93 dollars 6 reals ....	93 6
Idem. Four hundred sour orange trees, at four reals—200 hard dollars .....	200 0
Idem. One hundred and twenty medlar trees, at four reals—60 hard dollars .....	60 0
Idem. Seventy-five fig trees, at two reals—18 dollars 6 reals .....	18 6
Idem. Seventy peach trees, valued at 12 dollars 4 reals .....	12 4
Idem. Eighty pomegranates, at two reals—20 hard dollars .....	20 0
Idem. A plantation of lime trees, valued at .....	25 0
Total .....	2,180 0

Which valuations the said appraisers appointed declared that they had performed well and faithfully, to the best of their opinions. The first did not sign it, because he said he did not know how to write; the second did it, with the assistant witnesses and the defender. In St. Augustine, Florida, February 3, 1792.

VINCENTE MEXIAS.  
ROQUE LEONARDY.  
FERNANDO DE LA MAZA ARREDONDO.  
FRANCISCO REVIRA.

#### AUCTION.

In the city of St. Augustine, Florida, January 31, 1792: I, the governor, with the assistance of the collector of the royal revenue, and defender of the estate of the deceased British subject, Don José Fish, and the assistant witnesses, by whom, when it was despatched, for want of a notary, according to what is provided in the decree of said month and year, for the auction and sale of said estate, which remained to be sold at the sound of a drum and by the voice of the free negro Francisco Blasco, who performed the duty of a crier; having called together a sufficient portion of the people, he began in a loud and distinct voice to declare the sale to the best bidder, from eleven in the morning of the said day, stating that it was to be sold without reserve; and several bids and outbids having been made by the meeting, and called for by the crier, without more having been offered, which being finished, the auction, the hour having arrived which was pointed out, was concluded in favor of the individuals, and for the prices which follow: to Don José Fish the Orange Grove was laid off, which answers to number nine of the commission, for the sum of 1,605 hard dollars; and there being no person who would offer a larger sum than the foregoing, the hour pointed out being finished, it was ordered that they should be bid off in favor of the aforesaid, interposing therein my authority and judicial decree, as I can, and of right ought to do, in virtue of which he was declared the purchaser; and there signed with me the collector of the royal domain, and defender of the estate, and the assistant witnesses, for want of a notary.

QUESADA.  
ZAMORANO.  
FERNANDO DE LA MAZA ARREDONDO,  
JUAN FULTON.  
JOSÉ FISH.

This is conformable to the commission, ninth clause of it, sixth of the valuation, and that of the auction, which originated from the proceedings of the meetings of creditors caused by the death of the Englishman Don José Fish, which remain in the archives in my charge, to which I refer. And in obedience to orders I have caused the present copy, which I sign and seal in St. Augustine, Florida, March 12, 1795.

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

Having been seen, it was passed over to Don José Fish, and was thus ordered and decreed by Señor Don Juan Nepomuceno de Quesada, brigadier of the infantry of the royal armies, governor, vice royal patron and sub-delegate of the royal domain of this city of St. Augustine, Florida, and its province, for his Majesty, who signed it, with the opinion of his honor the assessor general, March 26, 1795; which I attest.

QUESADA,  
LICENTATE ORTEGA.

Before me—

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

On the same day, month and year, the foregoing decree was notified to Don José Fish; which I attest.  
ZUBIZARETTA, *Notary.*

On the same day it was communicated to Señor Don Gonzalo Zamorano, collector of the royal revenue; which I attest.

ZUBIZARETTA, *Notary.*

Don José Fish, a new settler in this province and a subject of his Majesty, in consequence of the proceedings which I am following up, in order to have granted to me the ten thousand acres of land which my deceased father, of the same name, possessed, at the place named the Orange Grove, which was sold at the public auction which was held of all his property left at his decease, before your excellency, in the manner most conformable with law, through the medium of the public solicitor, appears and says that said proceedings shall be delivered to me, to answer the copy which was given me of the representation of the fiscal, informed of the contents of which, and also of the subsequent proceedings of the valuation and auction of the said Orange Grove, the said señor fiscal not giving a solid and convincing reason that his opinion should take effect, contrary to my right and just pretension. And whereas I have sufficiently confirmed it by the proof which I have adduced, proving by it the ancient possession which my father had of said grove, the same for which I have always been anxious, and on which account I have given the excessive price, which the proceedings at auction, copied in the judicial proceedings, show, which sum I would on no account have given for the trees alone, which have been valued much less for the lands which these occupy, in virtue of which, I, submitting to the consideration of your excellency, that I have not enjoyed the least valuable article of the many which my said father left, as even by the possession to which I aspire I injure my interest, giving more for it than it lawfully is worth, solely impelled by the great love I have for that place, in which I have not only been born, but also brought up and educated—the ancient residence of my dear parents and beloved sisters, who are actually under my protection and charge, without any other help to protect them, which I also do for my dear mother, although with very limited means, which can only be obtained from the few trees which have been sold at auction, and to which space only the fiscal pretends to restrict me: Wherefore, and hoping that whatever else may be said in my favor will be taken into consideration, as I cannot express myself properly, from the little knowledge I have in those matters, and for want of directors in them, I ask and pray your excellency to be pleased to grant me the said island as I have solicited; which favor I hope for from the justice of your excellency, swearing that I do not proceed from malice, and what is necessary, &c.

Furthermore, to prove the little value and estimation which the place I claim and bought had, and also my intentions, and that I had given such a large sum, not alone for the trees, but for the land which I have solicited, I pray your excellency to be pleased to order that the present notary place in continuation a copy of the deed which he presented, asking for the island for a valuation, which are united to the principal proceedings of the meeting of the creditors of the estate of my deceased father, and that he may so certify at foot, as, although before it was brought to public sale and auction, there was nothing offered, that all may produce the corresponding effects. I demand justice as above.

JOSE FISH.

BARTOLOME DE CASTRO Y FERRER.

The copy which is solicited in the note being placed in continuation, let the whole be passed over to the fiscal representation. It is thus decreed and ordered by Señor Don José de Ortega, advocate of the royal council, lieutenant governor, auditor of war, and assessor general of this city of St. Augustine, Florida, and its province, for his Majesty, who signed it in consequence of the illness of the governor and commander-in-chief April 17, 1795; which I attest.

LICENTIAE ORTEGA.

Before me—

JOSE DE ZUBIZARETTA, *Notary of Government.*

On the same day the foregoing decree was made known to Don José Fish; which I attest.

ZUBIZARETTA, *Notary.*

On the same day it was communicated to Señor Don Gonzalo Zamorano, collector of the royal revenue, and attorney for the same; which I attest.

ZUBIZARETTA, *Notary.*

REPRESENTATION.

FLORIDA, March 22, 1792.

SEÑOR GOVERNOR AND COMMANDER-IN-CHIEF: Don José Fish, with the greatest respect, states to your excellency that, at the auction which was yesterday made of the property of my deceased father, there was no person who would bid for the island of the Orange Grove; and that being the place which his father inhabited during his life, the possession of it would be the greatest satisfaction to your memorialist, obliging himself to deliver for it \$1,605 in government money, in consideration of which, and the said island being abandoned, losing much of its value every day, he prays your excellency to have the goodness to order that he be placed in possession of it. A favor which he hopes for from the benevolence of your excellency.

JESSE FISH.

This is conformable to the original, which is in folio 135 of the proceedings of the meeting of the creditors of the deceased Don José Fish, to which I refer, certifying, as I do certify, that, at the auction which was made March 21, 1792, which runs to leaves one hundred and twenty-nine of the said proceedings, it does not appear that the Orange Grove was brought forward to public outcry and auction; but, from the various memorials which were presented since said auction, soliciting the purchase of some lands, and the plea of the defender of the estate of the said Fish, which runs up to leaves one hundred and forty-two, it is evident that said lands of the Orange Grove had no bidder at that sale at auction. And in conformity with orders I sign and seal these presents in St. Augustine, Florida, April 20, 1795.

JOSE DE ZUBIZARETTA, *Notary of Government.*

St. AUGUSTINE, *Florida*, May 4, 1795.

The first officer of the chief comptroller's department of the army, who performs the duties thereof, from the occupation of the collector, who is charged with the administration and judicature of the royal revenue, from the illness of his excellency the governor, and as attorney fiscal of the royal revenue, in proceedings moved by Don Joseph Fish, in order that he should be declared owner of the lands which his father, of the same name, possessed, annexed to the situation called the Orange Grove, which was sold at auction, and in consequence of the preceding decree of the 17th of the month before, in which orders were given that he should examine them, states that, by the copy annexed to this proceeding, it is proved that Don Manuel Solana and Don Roque Leonardy were named as appraisers; that, taking into consideration the boundaries which appear in the testamentary proceedings of the deceased Don Joseph Fish, that possession which belonged to him was valued in presence of the defender of the estate, Don Fernando de la Maza Arredondo, of Don Vincente Mexias, and Don Francis Revira, as assistant witnesses, for want of a notary; that, in consequence of this, the said appraisers proceeded only to the valuation of the trees of the said Orange Grove, which amounted to \$2,180, without ascertaining boundaries, nor the number of acres of land which these valued trees occupy, much less made mention of ten thousand acres of land as belonging to the estate of the deceased Don Joseph Fish. But what does not admit of doubt is that, in virtue of that valuation of trees, the sale of them at auction was proceeded to, and was made to Don Joseph Fish, son of the deceased of the same name, for the sum of \$1,605, a little more than two-thirds of said valuation; and consequently the reason of the fiscal attorney, in his opinion of the 27th February last, is well founded, in considering Don Joseph Fish as owner only of the land and trees which the said valuation occupy, which is what was lawfully sold at auction, because until then nothing appeared of the number of acres of which the said Orange Grove consisted—a defect, in truth, very easy to be remedied by the appraisers, since, it having been promised to them that they should lay off the land, they should have done it with the particular designation of the land which properly belonged to the deceased Fish, from which defect this new appeal arises. Under these circumstances, the fiscal attorney thinks that, in virtue of the proof which Fish has made in these proceedings, he proves that the land or site named the Orange Grove consisted of ten thousand acres of land, and that his intention was, when he bought it, without doubt, under the impression that the ten thousand acres of land which his said father enjoyed would be included in said sale, because, separating the land occupied by the fruit trees which were valued, the remainder is not fit for planting, and as respects the defect, (a negligence of the appraisers, Don Manuel Solana and Don Roque Leonardy, in laying off the boundaries of said ———,) he considers that it ought not to prejudice the right which favors Don Joseph Fish. From all these reflections, to which this proceeding gives rise, the fiscal attorney concludes, and it appears to him that your excellency may order, that the boundaries be marked which correspond to the Orange Grove, to the number of ten thousand acres of land, which he proved belonged to his father, and are annexed to the said Orange Grove; or your excellency will determine what you may think most proper, and with your usual justice.

JOSE ANTONIO DE YGUINEZ.

Having examined the proceedings, it was thus decreed and ordered by Señor Don Bartolome Morales, colonel of the infantry of the royal armies, commandant of the third battalion of Cuba, which garrisons this city of St. Augustine, Florida, and political and military governor of it and its province, from the indisposition of the governor, who signed it May 16, 1795; which I attest.

MORALES.

LICENTIATE ORTEGA.

Before me—

JOSE DE ZUBIZARETTA, *Notary of Government*

On the same day the foregoing decree was made known to Antonio de Yguinez for his official cognizance; which I attest.

ZUBIZARETTA, *Notary.*

On the same day it was notified to Don José Fish; which I attest.

ZUBIZARETTA, *Notary.*

St. AUGUSTINE, *Florida*, June 13, 1795.

To decree more fully, let notice be given to the defender of the estate on Don José Fish, and have the proceedings returned.

MORALES.

LICENTIATE ORTEGA.

Before me—

JOSE DE ZUBIZARETTA, *Notary of Government.*

St. AUGUSTINE, *Florida*, June 17, 1795.

Don Rafael Saavedra de Espinosa, attorney general of this city, and defender of the estate of the deceased Don José Fish, who was a resident of this city, and in consequence of the proceedings commenced by Don José Fish, son of the aforesaid deceased, appear before your excellency, and, in the manner most conformable to law, state that I have examined, with all the attention my little capacity allows me, what the son of the said Fish sets forth in favor of his right; and I find that up to this time he proceeded inadvertently to the time when he purchased the place called the Orange Grove at auction, since he ought at that time to have shown clearly and distinctly to what his petition referred; notwithstanding which he now endeavors to remedy his inadvertency by the proof which he has adduced in said proceeding. For all which reasons, and agreeing with the well-founded exposition of the first officer of the royal comptroller's office, Don José Antonio de Yguinez, who performs the functions of his honor the fiscal attorney, which exposition is in folio 47, on which reference is made to the want of precaution with which the appraisers, Don Manuel Solana and Don Roque Leonardy, proceeded, who ought to have shown at that time the boundaries which that land had, by adverting to which they would not only have given full effect to their commission, but also obviated the present litigation; and consequently it would have operated with entire effect in the present case, and without waiting for the injury done both the estate



and the mover of these proceedings, for which reasons it appears to me that your excellency may grant to Don José Fish the ten thousand acres of land which his deceased father of the same name possessed; and especially your excellency will decree according to what is every day exhibited in your judicial decrees, this being all I have to say as defender of said estate, in compliance with the discharge of my duty.

RAFAEL SAAVEDRA DE ESPINOSA.

Having examined those proceedings, and seen the proof adduced in them by Don José Fish, it appears not only his father, of the same name, possessed, since the time of the old Spaniards, and in that of the British dominion, the ten thousand acres of land, possession of which he claims at the place called the Orange Grove, which he purchased at public auction, but also that he made a bid for the said land, under which his purchase ought to be understood, which defect in not explaining it thus, at that time, should not be prejudicial to him, and has given cause to this litigation. His excellency said that declaring it, as he declared now, he ordered, in consequence, that whether by the right which the burdensome acquisition of the said land gives Fish, which cost him \$1,605, which it appears he paid for the purchase of the Orange Grove, or by the right which the ancient possession of his father gives him to the said ten thousand acres of land; or, finally, in consequence of the petition of Fish, that they should be granted to him as a new settler, he be placed in possession of the said land, which it appears his said father possessed, and is already laid off, with the reserve of the quarries, and the remainder which was not granted to his said father, and which the King has reserved, renewing, in case of necessity, at the cost of the interested, the boundaries by said appraisers, Don Manuel Solano, who, at the time of the old Spaniards, and at the new possession by them of the province laid off by order of the governor, the aforesaid quarries, to give possession, as is proven, to the father of the memorialist of the land which he claims, and let them be granted to him on the terms above set forth, the present notary, who is commissioned for the purpose, when with the said appraiser, and any other workman that may be necessary, he shall assist at marking the boundary, at which also shall assist, to represent the royal treasury, the person whom the minister of the royal domain may depute for the purpose. All of which shall be made appear on the proceedings with which, and the taxation of the costs, which the interested shall satisfy, this proceeding shall be held as concluded. It was thus decreed and ordered by Señor Don Bartolome Morales, colonel of infantry of the royal armies, commandant of the third battalion of Cuba, which garrisons this city of St. Augustine, Florida, and political and military governor, who signed this, with the opinion of his honor the assessor general, June 19, 1795; which I attest.

BARTOLOME MORALES.

LICENTIATE JOSEF DE ORTEGA.

St. Augustine, on the same day, month and year the foregoing decree was notified to Don José Fish; which I attest.

ZUBIZARETTA, *Notary*.

On the same day it was intimated to Don Rafael Saavedra de Espinosa for his cognizance.

ZUBIZARETTA, *Notary*.

On the same day, month and year it was communicated to the collector of the royal domain for his fiscal cognizance.

ZUBIZARETTA, *Notary*.

PROOF OF BOUNDARY AND POSSESSION.

Being at the plantation called the Orange Grove, in the island of St. Anastasia, July 10, 1795, in conformity with what is provided in the foregoing decree, we proceeded to the marking the boundaries of the land comprised in these proceedings. Don Manuel Solano, the appraiser appointed for the purpose, passing from said place to where the quarries of the King and of individuals are situated, who, passing along the ancient boundaries with Don José Lorente, chief master of the royal works, who accompanied him, to inform himself; Don Tadeo Arribas, officer of the royal comptroller's office, from the employment of the collector, for his fiscal cognizance, and I, the present notary, went, fixing up stakes, to point out said boundaries, across the island, and separated the said quarries, saying that all besides them was what corresponded to Don José Fish; to whom, being also present, I, the said notary, in discharge of the commission which was conferred upon me, put him in possession of the land pointed out, leading him into it by the hand, and riding together on horseback by various places, until arriving at the dwelling-house; all of which I did as a token of said possession, which he took quietly, peaceably, and without contradiction. In testimony of which, and for the due proof, I have extended the present proceedings, which all signed, with the exception of Solano, who said he did not know how; and all of which I attest.

TADEO DE ARRIBAS.

JOSE FISH.

JOSE LORENTE.

Before me—

JOSÉ DE ZUBIZARETTA, *Notary of Government*.

I, Francis J. Fatio, secretary of the board of land commissioners for East Florida, do hereby certify that the foregoing is a true and correct translation from a document in the Spanish language on file in the office of the public archives.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Having seen that of the justification set forth in these proceedings by Don Joseph Fish, it not only appears that his father, of the same name, possessed since the time of the old Spaniards, and during the British dominion, the ten thousand acres of land, which possession he claims at a place called *Vergel*, which he purchased at public auction, but also he fixed a price to the said land, according to which sale ought to have taken place, which defect, in not making it known at the time of the same, ought not to

injure him, and which has given cause to this litigation, his excellency said that, declaring it, as by these presents he does declare, and ordering, in consequence, by the right which the honorable acquisition of the said land, purchased in the sum of \$1,605, gives to Fish, as is proven by the sale which he paid for the *Burgal*, or by the right given him by the old possession of his father of the above-mentioned ten thousand acres of land; or, lastly, in consequence of the petition of Fish, that it should be granted him as a new settler, he be put in possession of the same land which is known his father possessed, and is already laid off, with the exception of the quarries, and also what was not granted to his said father, and was always reserved by the King, renewing, if thought necessary, at the expense of the interested, the boundaries by the same skilful person, Don Manuel Solano, who, at the time of the old Spaniards, and the re-possession of these of the province, laid off by order of government the aforementioned quarries, to give possession, as was effected to the father of the memorialist of said land, and he is granted on the same terms as above set forth, giving him possession thereof by the present notary, who is commissioned for that purpose, whenever the skilful person named, and some other person that may be named for the purpose of laying off the same, and also the minister of the royal finance, who will attend as representative of the royal exchequer. All of which will be made to appear in the returns, and with the valuation of the costs, which the interested will pay, these proceedings will be at an end. Being thus decreed and ordered by his excellency Don Bartolome Morales, colonel of infantry of the royal armies, commandant of the third battalion of Cuba, which garrisons this city of St. Augustine, Florida, and military governor *pro tem.* of the same and its province, on account of the indisposition of the incumbent; signing it, with the advice of the attorney general, June 19, 1795. I attest.

BARTOLOME MORALES.

LICENTIATE JOSÉ DE ORTEGA.

Before me—

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

## NOTIFICATION.

In St. Augustine, on the same day, month and year, I notified the preceding decree to Don José Fish. I attest.

ZUBIZARETTA, *Notary.*

On the same day I addressed Don Rafael Saavedra de Espinosa thereof, on account of his agency. I attest.

ZUBIZARETTA, *Notary.*

On the same day, month and year I made it known to the accountant of the royal finance, Don Gonzalo Zamorano, as attorney of the exchequer. I attest.

ZUBIZARETTA, *Notary.*

Being on the plantation named *Vergel*, situated on the island of St. Anastasia, July 10, 1795, in conformity with what is ordered in the foregoing decree, the measurement of the land comprised in these proceedings was proceeded to, and Don Manuel Solano, a skilful person named for the purpose, proceeded to the place where the quarries of the King and private persons are situated, who, passing along the old boundaries with Don José Lorente, master workman of the royal works, who accompanied him for the purpose of being informed thereon; Don Tadeo de Arribas, officer of the royal accountant office, on account of the occupation of the accountant as attorney of the exchequer, and I, the present notary, placed the stakes for the purpose of pointing out said boundaries, according to the width of said island, separating the said quarries; making known that all the rest was what belonged to Don José Fish, to whom I, the said notary, being likewise present, according to the commission conferred on me, gave him possession of the land pointed out, taking him thereon by the hand, riding together on horseback on different parts, until our arrival at the dwelling-house; all of which he done, as a sign of having taken quiet and undisturbed possession of the same without opposition. In testimony of which, and that it may be duly made known, I made out the present returns, which all signed, except Solano, who said he did not know how; and to all of which I attest.

TADEO DE ARRIBAS.

JOSEPH FISH.

JOSEPH LORENTE.

Before me—

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

According to its original, presented in the proceedings on the subject, to which I refer; and at the request of the party, do seal and sign the present copy on two leaves of ordinary paper, stamps not being used. St. Augustine, Florida, March 29, 1788.

[SEAL.]

JOSÉ DE ZUBIZARETTA, *Notary of Government*

[Translation.]

Don Bartolome Benitez y Galeoz, intendant elect of the province of Ylocos, in the Philippine islands, and treasury of the royal finance in this city, received of Don Joseph Fish, resident of this city, 13,880 reals in specie, deposited in these royal chests under my charge, being the amount of a lot opposite Pedro Garcia and the plantation called *The Bergel*, appertaining to the will of his deceased father, which was purchased by him, as is communicated to me from the principal accountant's office in an official letter of the 12th instant. And of the above 13,880 reals in specie, I take charge as a deposit, in virtue of this receipt, of which an account will be taken by the accountant of the royal finance, with the approval of his excellency the governor of this said city and province of St. Augustine, Florida, April 19, 1792, on account of the indisposition of the treasurer and his substitute.

PHILIP DE AGUIRRE.

13,880 reals in specie.

I took an account of the same.

Approved.

GONZALO ZAMORANO.

QUESADA.

A copy from the original on file in this principal accountant's office; and this is made out that it may serve as a security to the interested. St. Augustine, Florida, April 19, 1792.

G. ZAMORANO.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

DECREE.

The board having ascertained the above to be a valid Spanish grant for the 10,000 acres of land, do therefore recommend it to Congress for confirmation. December 16, 1825.

No. 2 b [22.]-See REPORT No. 3.

*Teresa Rodriguez vs. The United States. For five thousand five hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain the claims and titles to lands in East Florida:*

The memorial of Teresa Rodriguez, widow of Miguel Marcos, for and in behalf of herself, and as guardian to her children, the heirs of the said Miguel Marcos, respectfully sheweth: That your memorialist claims title to a tract of land consisting of five thousand five hundred acres, situated on the two margins of a creek running from the west, and empties into the river St. John's, about two miles north of a lake known by the name of Long lake—the mouth of the above creek is called "Big spring;" which said tract of land was granted to the said Miguel Marcos by Governor Estrada October 18, 1815, in virtue of various royal orders, as appears by the original grant in the office of the public records in this city, kept by Wm. Reynolds, and a certified copy herewith presented, which land has never been surveyed. Your memorialist further represents that Don Miguel Marcos was a resident of this province, for many years in the service of his Catholic Majesty, and that he was legally possessed of said tract when this Territory was ceded to the United States. St. Augustine, December 1, 1823.

TERESA RODRIGUEZ,

By her attorney, J. W. SIMONTON.

[Translation.]

SEÑOR GOVERNOR: Don Miguel Marcos, first sergeant and sub-lieutenant by brevet of the corps of royal artillery detached to this city, with all respect, states to your excellency that he has served his Majesty for forty-one years in this class, and always commissioned by his chiefs for duty of the highest consideration, which, from his capacity and efficiency, have been placed in his charge; he has, furthermore, been in several actions, and particularly in the invasion of the year 1812, occasioned by the rebels of the province, in which he gave the strongest proofs of his valor, loyalty, and patriotism, always exposing himself to the greatest risks in defence of his King and religion. In attention to all that is set forth, and availing himself of the royal bounty which his Majesty has been pleased to grant to all the officers, sergeants, soldiers, and others who were under arms at that period of 1812, as respects giving them lands gratis in recompense for the proofs of valor and enthusiasm with which they have defended their country; for all which he prays your excellency that, attending to all which has been set forth, and also that he is married and charged with children, you will be pleased to grant him in absolute property five thousand five hundred acres of land, which are vacant, on the two banks of a creek which comes from the west and discharges itself into the river St. John's, about two miles to the north of the lake known as "Long lake" and the mouth of the said creek called "Big spring." A favor which he does not doubt to obtain from the strict justice which your excellency administers. St. Augustine, Florida, October 18, 1815.

MIGUEL MARCOS.

St. AUGUSTINE, Florida, October 18, 1815.

Let there be granted to the interested, on the terms which he solicits, the lands indicated in this memorial, in virtue of the several royal orders which authorize to that effect; and that he may be able to prove this concession in any event, let the necessary certificates be delivered to him from the secretary's office.

ESTRADA.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives.

F. J. FATIO, *S. B. L. C.*

DECREE.

The board having ascertained that the foregoing is a valid concession for the five thousand five hundred acres of land made to Miguel Marcos, do therefore recommend it to Congress for confirmation. December 16, 1825.

No. 3 c [23.]-See REPORT No. 3.

*John W. Simonton vs. The United States. For Cayo Hueso, or Key West.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John W. Simonton, a citizen of the United States, respectfully sheweth: That your memorialist claims title to a tract of land, being the island of Key West, known by the name of Thomson's island, containing about seven thousand acres of land, situated in East Florida, on the southern coast,



about the latitude of 24° 27' north, longitude 82° 12' west, from London; which island was granted to Juan P. Salas August 26, 1815, in consideration of services rendered by him to the Spanish government, the grant for which island, signed by Estrada, governor of East Florida, was made in virtue of various royal orders, and is deposited in the office of public archives kept by Mr. Reynolds in the city of St. Augustine, a copy of which is herewith presented. And your memorialist further sheweth that he purchased the said island for a valuable consideration of the grantee December 20, 1821, as will appear by the deed of conveyance from Salas and his wife to your memorialist, recorded in the office of public records for the county of St. John's January 23, 1822; that, under the said conveyance, your memorialist took peaceable possession of the said island January 19, 1822, where no living person was on said island, and has ever since held quiet possession of the same; that he has erected many buildings thereon and made many improvements. All of which is respectfully submitted. St. Augustine, Florida, November 25, 1822.

JOHN W. SIMONTON,

By his attorney, JOHN RODMAN

[Translation.]

MEMORIAL.

SEÑOR GOVERNOR: Don Juan P. Salas, postmaster of this city, with due respect and submission, states to your excellency that, in consideration of the merits and services which he has performed at different times, both in the corps of royal artillery which garrisons this city, as well as that he has voluntarily and without any gratuity served in the office of the secretary of the government under the command of your excellency, all of which can be proved by legal documents in proper time, and which are well known to your excellency; in virtue of which he humbly prays your excellency to be pleased to grant him, in absolute property, one of the keys, known as Cayo Hueso, situated to the south of Cape Florida. A favor which he does not doubt to obtain from the strict justice which your excellency administers.

JUAN P. SALAS.

St. AUGUSTINE, *Florida*, August 23, 1815.

DECREE.

St. AUGUSTINE, *Florida*, August 26, 1815.

In virtue of the power by which several royal orders have authorized this government to distribute lands to the inhabitants, subjects of his Majesty, gratis, in this province, let there be granted to the interested in absolute property the key named Hueso, included within the limits of this jurisdiction, without injury to a better right; and, for a proof of this grant at all times, let there be issued from the secretary's office the necessary certificate.

ESTRADA.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives.

F. J. FATIO, *S. B. L. C.*

UNITED STATES COMMERCIAL AGENCY:

Be it known, on the day of the date hereof, before me, John Mountain, vice-commercial agent of the United States of America at Havana, personally came and appeared Don Tomas de Aguilar, who, being duly sworn according to law, upon the solemn oath did depose, declare, and say, that he acted as secretary to the following named governors of East Florida, viz: Don Enrique White, Don Sebastian Kindelan, Don Juan José de Estrada, and Don José Coppinger; that he was acting as the secretary of Don Juan José de Estrada in the month of August, 1815; that some time in the said month of August, 1815, Don Juan P. Salas presented a memorial to Don Juan José de Estrada, who was then acting as governor of East Florida, requesting him, the said Estrada, by virtue of the powers vested in him as the governor of that province, to grant him, the said Salas, the island called Cayo Hueso; that, in conformity to the memorial of the said Silas, Governor Don Juan José de Estrada did grant the said island to the said Salas some time in the said month of August, 1815; that this deponent did put the same on file in the office kept for that purpose. This deponent further states that the consideration of the above grant was, that the said Salas had, in the years 1812, 1813, and 1814, rendered important services in the suppression of an insurrection in the province, and had afterwards faithfully served in various civil capacities, for which he obtained no other remuneration.

TOMAS DE AGUILAR.

Signed and sworn to before me, the said vice commercial agent, to which I have hereunto subscribed my name, and affixed the seal of my office, at Havana, October 30, 1824.

JOHN MOUNTAIN. [Ls.]

Know all men by these presents that we, Juan Pablo Salas, late of East Florida, residing in the city of Havana, Island of Cuba, and Margarita Lorente, the wife of the said Juan, in consideration of the sum of \$2,000 to us in hand paid by John W. Simonton, of the State of New Jersey, in the United States of America, the receipt whereof we do hereby acknowledge, have bargained, sold, and quit-claimed, and by these presents do bargain, sell, and quit-claim unto the said John Watson Simonton, and to his heirs and assigns forever, all our and each of our right, title, interest, estate, claim, and demand, both at law and in equity, as well in possession as in expectancy, of, in, and to all that message or tract of land called Cayo Hueso or Key West, it being a key or island situated on the south coast of Florida, about the latitude of 24° 27' N., and longitude 82° 12' W., from London; which key or island was granted to the said Juan Pablo Salas on August 26, 1815, by his excellency Don Juan Estrada, then governor of East Florida, as will appear by the following copy of memorial and decree of the said governor, viz:

St. AUGUSTIN DE LA FLORIDA, 26 de Agosto de 1815.

SEÑOR GOVERNADOR: Don Juan Pablo Salas, adm'r de correo de esta plaza ante vs. con todo respecto dice; que in atencion a los meritos y servicios que ha conuido en distintas epochas tanto en el real cuerpo

do artilleria que guarnece esta plaza con en el que estuvo voluntariamente y sin gratificacion alguna en la secretaria de gobierno del mando de vs. como todo puedo acreditarlo con legitimos documentos en tiempo oportuno y que lo son constantes á vs. en esta virtud A. V. S. rendidamente suplica que teniendo en consideracion lo expuesto se seria concederme en absoluta propiedad uno de los cayos conosido pr. Cayo Hueso situado al sur de Cayo Florida gracio que no duda alcanzar de la recta justicia que vs. administra.

JUAN PABLO SALAS.

ST. AUGUSTIN DE LA FLORIDA, 26 de Agosto, 1815.

En virtud de las facultades que autorizan a este gobierno varias reales ordenes sobre repartim: ento de tierra gratis á los habitantes varsalos de S. M. en esta provincia se le concede al interesado en absoluta propiedad el cayo nombrada Hueso, correspondiente á los limites de esta jurisdiccion sin perjuicio de mayor derecho y para que pueda hacer constar esta merced en todo tiempo se le despechara pr. secretaria le neccsaria cercficacion.

ESTRADA.

I hereby certify that the foregoing is a true copy of the original, which now remains deposited in the office of the alcalde and notary public of county of St. John's, province of East Florida, William Reynolds, the said Juan Pablo Salas hereby declaring that himself, nor any one for him, has ever disposed of, to any person or persons, any right, title, or interest, ceded to him by the grant of the said Governor Estrada, of which a copy is hereinbefore written, with all and singular the hereditaments and appurtenances thereunto belonging.

In witness whereof, we have hereunto set our hand and seals at Havana this 26th of December, in the year 1821.

JUAN P. SALAS.  
MARGARITE LORENTE.

Signed, sealed, and delivered in the presence of—

JOHN MOUNTAIN.  
JAMES BURNHAM.

DECREE.

The board having ascertained the above to be a valid Spanish grant for the island in question, made to Juan P. Salas, who sold and conveyed the same to claimant, do therefore recommend it to Congress for confirmation. December 14, 1825.

[Number four (24) was not returned to the General Land Office by the commissioners.]

No. 5 e [25.]—REPORT No. 3.

*Archibald Clark vs. The United States. For eighty thousand acres of land.*

— MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Archibald Clark, of the State of Georgia, respectfully sheweth: That your memorialist claims title to a tract of land consisting of eighty thousand acres, situated at or near Cape Florida, bounded on the east by the Atlantic ocean, on the south by Black Acres creek, on the west by vacant land, and on the north by the Rio Nueva, as by reference to the plat herewith affixed, with the evidences of title, will more fully appear; which title your memorialist derives from a grant made to John Arrambide by provincial deputation at Havana, Governor Apodaca presiding, December 4, 1813. And your memorialist further sheweth that he is at this time, by his tenants, in actual possession of said lands; that he is a citizen of the United States and resident of St. Mary's, Georgia. St. Augustine, May 17, 1824.

ARCHIBALD CLARK.

[Translation.]

RECORD.

In the city of Havana, January 12, 1814, I, the undersigned notary public of his Majesty, of the number of this city, in virtue of the orders of Don Ignacio Pedroso, constitutional alcalde of the same, by a decree of this date, made to a memorial presented by Don Juan Xavier de Arrambide, I have recorded in continuation said memorial, with the document accompanying it, which is another presented to the most excellent captain general, superior political chief of the province, and president of the most excellent provincial deputation, asking for a testimonial of the certified act of the same passed on the 4th of December last; which testimonial appears placed in continuation of it by the government notary of this city. And to attest which, and said documents remaining recorded, I sign these presents, Don Vicente Perez, Don Manuel Farnari, and Don Francisco de Silva, residents, being witnesses,

JOSÉ LEAL.

MEMORIAL.

SEÑOR CONSTITUCIONAL ALCALDE: Don Juan X. de Arrambide, a resident of this city, with due respect, states that, requiring that the annexed document be recorded in one of the public offices of this city, in order that the necessary testimonials may be taken from it, he supplicates that you will please to order that it be recorded in the notary's office, where he presents it, and that the copies I require be furnished me. Havana, January 12, 1814.

JUAN XAVIER DE ARRAMBIDE.

HAVANA, January 12, 1814.

As he asks for.

PEDROSO.  
JOSÉ LEAL.

## MEMORIAL.

*Most excellent sir, captain general, superior political chief of this island and the two Floridas:*

Don Juan Xavier de Arrambide and Goecoechea, native of Puerto Real, and a resident of this city, with due respect, states to your excellency that, on the meeting of the most excellent provincial deputation held on the 4th instant, it was ordered that the honorable council of St. Augustine, Florida, should grant me, say, two leagues to each cardinal point of the compass, in the territory of that province, for the ends contained in my memorial of the 28th of May of that year. Wherefore, I pray your excellency to be pleased to order the person whose duty it is to furnish me with an authorized copy of that act, which he hopes for from the justice of your excellency. Havana, December 9, 1813.

JUAN XAVIER ARRAMBIDE Y GOECOECHEA.

## DECREE.

HAVANA, December 10, 1813.

Let the memorialist receive a testimonial of the determination stated by him in his memorial.

APODACA.

## TESTIMONIAL.

I certify that at the session held by the most excellent provincial deputation the day of the date hereof, presided over by his excellency the captain general, superior political chief of the province, there was read the report of the commission presented on the 15th of the preceding November, on the solicitation of Don Juan Xavier de Arrambide, that there should be granted him in property a certain extent of land in East Florida, with the object of establishing on it mills for sawing timber and of exporting resins, with respect to which Señor Don José Ferrequei said that in the distribution of these lands the letter of the sovereign decree of the 4th of January of this year ought not to be observed, but rather the laws of the Indies in the matter, as that decree applies to the division of vacant and royal lands in the provinces already peopled, in which state the Floridas are not; since, with the exception of a small part of their coasts, the remainder of which, and the entire of the interior, which is of incalculable extent, remains uncultivated and desert. Arrambide ought, therefore, to be considered as one of the settlers of whom the said laws treat, and, consequently, the land granted to him in absolute property should not be limited to the small tracts pointed to in said decree; and having sufficiently discussed the business, the most excellent deputation agreed that in virtue of the conformity manifested by the council of St. Augustine, Florida, in its act of the 16th of August last, with which the deputation resolved in this case, after having consulted the captain general, superior political chief of that province, with a certified copy of the present act, the most excellent deputation were pleased to state to that council that they grant, in property, to Don Juan X. de Arrambide two leagues square to each cardinal point of the compass of the land he may choose, from the mouth of the Río Nueva, which discharges itself on the coast of East Florida, and the *Punta Larga*, on the south part, following the same course to the seashore, permitting him to cut timber without the square set forth, and, when the bounding lands are not granted to other inhabitants, prohibiting him from burning them and offending the Indians, returning the proceedings to the commission, that they may propose the best mode of distributing the remaining lands, conforming as nearly as possible to the said decree. Havana, December 4, 1813.

TOMAS ROMAY, *Secretary.*

At foot—This is conformable to the original, which I returned to the office of the secretary of government, to which I refer; and, in obedience to orders, I put these presents. Havana, December 14, 1813.

MIGUEL MENDEZ.

This is conformable to the originals, which are recorded with the public instrument in my archives, to which I refer; and, in compliance with orders in the decree made to the memorial first copied, I give these presents. Havana, January 13, 1814.

[A cipher.]

[A SEAL.]  
JOSE LEAL.

We attest that Don José Leal, by whom the foregoing copy appears authenticated, is notary public of his Majesty, of the number belonging to this city, faithful, lawful, of entire confidence, and to persons such as himself full faith and credit is given both in law and equity; and, to confirm it, we agree to give these presents, which we sign and seal with that of our college. Havana, dated as above.

[A SEAL.]

[A SEAL.]

[A SEAL.]  
MAURICIO PERRAS PITA, *Notary of War.*  
JOSE LORENZO RODRIGUEZ.  
ESTABAN ESQUINEZ.

I certify the foregoing to be a true and correct translation of a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

The most excellent captain general states me, under date of the 10th of December last, that which I copy: "Don Juan Xavier Arrambide having solicited that a certain extent of land should be granted him in East Florida for the reasons and object which he sets forth, I enclose to your excellency a copy of the opinion given me by the most excellent provincial deputation on the subject, which I have agreed to, to the end that, on your part, it may have due course and completion, which I pass over to your honors for your information and consequent ends, accompanied with a certified copy of the opinion mentioned, receipt of which you will advise of. God preserve you many years. St. Augustine, March 16, 1814.

SEBASTIAN KINDELAN.



## BAHAMA ISLANDS.

Know all men by these presents that I, John Arrambide, of East Florida, but now in Nassau, New Province, have made, ordained, constituted, and appointed, and by these presents do make, ordain, and appoint, James Bixby, of Georgia, (one of the United States of America,) my true and lawful attorney, for me, and in my name and stead, and to my use, to sell all, or any part or parts, of my tracts of land in East Florida, whereon I reside, containing 90,000 acres, or thereabouts; and I do further empower and authorize my said attorney to transfer by deed whatever he may sell as aforesaid, promising and engaging to satisfy and confirm whatever my said attorney may do in the premises.

In witness whereof, I have hereunto set my hand and seal at Nassau, New Providence, this 15th day of July, in the year of our Lord 1817, and in the 57th year of his Majesty's reign.

JOHN ARRAMBIDE.

Signed, sealed, and delivered in the presence of—

JOSEPH BIXBY.

## STATE OF GEORGIA, County of Camden :

This indenture, made the 1st day of December, in the year of our Lord 1817, and in the independence of the United States of America the forty-second, between James Bixby, of Camden county, attorney in fact for Jean Arrambide, of Havana, in the Island of Cuba, of the one part, and Archibald Clark, of the county and State aforesaid, attorney at law, of the other part, witnesseth: That the said James Bixby, attorney in fact as aforesaid, for and in consideration of the sum of \$20,000 to him, the said James Bixby, attorney in fact as aforesaid, in hand well and truly paid, the receipt whereof is hereby acknowledged, and thereof, and of every part and parcel thereof, doth acquit, exonerate, and discharge the said Archibald Clark, his heirs, executors, administrators, and each and every of them, he, the said James Bixby, attorney as aforesaid, and by virtue of the special powers in him by power of attorney vested, dated and executed July 15, 1817, hath granted, bargained, sold, aliened, conveyed, and confirmed, and by these presents doth grant, bargain, sell, alien, convey, and confirm unto the said Archibald Clark, his heirs and assigns, forever, 80,000 acres of land, being part of that tract of land situated on the coast of East Florida, on New river, containing 90,000 acres, be the same more or less: bounded eastwardly by the Atlantic ocean, westwardly by vacant lands, northwardly and southwardly by vacant lands, at the time of the issuing the royal grant for the same, a description of the aforesaid tract of land being hereunto annexed, and is intended to form a supplementary part of this indenture, and which said grant stands on record in the office of the *scrivano*, in the town of St. Augustine, in East Florida aforesaid; to have and to hold the aforesaid 80,000 acres of land, part of the above-described tract, with all the improvements, rights, hereditaments to the same belonging, or in anywise appertaining, unto the said Archibald Clark, his heirs and assigns, forever. And the said James Bixby, as attorney as aforesaid for him, the said Jean Arrambide, doth hereby warrant and defend the premises *aforesaid*, the *claim or claims* of him, the said Jean Arrambide, his heirs, executors, or assigns, and against the claims of all and every person or persons whomsoever, by virtue of these presents.

In witness whereof, the said James Bixby, as attorney as aforesaid, hath hereunto set his hand and seal, at St. Mary's, in the State and county aforesaid, this 1st day of December, in the year of our Lord 1817, and in the forty-second year of the independence of the United States of America.

JOHN ARRAMBIDE,

By his attorney in fact, JAMES BIXBY.

Signed, sealed, and delivered in presence of—

AND. ATRINSON.  
R. HOLCOMBE.

## DECREE.

The board having ascertained the above to be a valid Spanish grant for the 80,000 acres made previous to January 24, 1818, do therefore recommend it to Congress for confirmation. December 15.

No 6 f [26]—See REPORT No. 3.

*Joseph Delespine vs. The United States. For ninety-two thousand one hundred and sixty acres of land.*

## MEMORIAL.

## TERRITORY OF FLORIDA, East Florida:

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Joseph Delespine respectfully sheweth: That your memorialist claims title, in fee simple absolute, in and to ninety-two thousand one hundred and sixty acres of land, situated and being in East Florida aforesaid. Your memorialist shows that on the 15th day of November, in the year 1813, one Juan Xavier de Arrambide, a Spanish subject, applied to a certain body—a committee called the "Provincial Committee"—then established in the city of Havana, in the Island of Cuba, whose business and duty it was to consider, consult, advise, and determine as to the most proper and advantageous distribution and disposition of the public lands in the Island of Cuba, and also in the then provinces of East and West Florida, over which its authority in this respect extended, for a grant, in absolute ownership and property, of two leagues of land to each point of the compass, for the purpose of erecting saw-mills, making rosin, &c.; that the said committee, at its session on the aforesaid 15th day of November, 1813, at which its president, his excellency the then captain general of the Island of Cuba and of the two Floridas, was present and presided, resolved that the lands solicited by the said Juan Xavier de Arrambide should be granted to him in complete and absolute ownership and property, and that his excellency the said captain general, at the said session of the said committee, directed that the act or proceedings of the said committee at their said session, in relation to the said grant of land, should be transmitted to the governor and chief civil magistrate of East Florida, in order that the corporation of the said province might make a grant to the said Juan Xavier de Arrambide of two square leagues of land to each point of the compass, on the spot which he, the said Juan Xavier de Arrambide, might choose, from the mouth of the Rio Nueva, which empties itself on the coast of Florida, to the Punta Larga, on the south side, running

said side up to the seashore. Your memorialist further shows that at a regular meeting of the corporation of East Florida, held at St. Augustine, March 22, 1814, at which presided his excellency Don Sebastian Kindelan, then governor and chief civil magistrate of East Florida, a memorial of the said Juan Xavier de Arrambide, dated at the Havana, on the 1st day of February, in the year 1814, was presented, accompanied by an authenticated copy of the aforesaid resolution and act of the said provincial committee, and of the aforesaid order of the captain general; in which memorial the said Juan Xavier de Arrambide, after referring to the said proceedings of the provincial committee and of the captain general, solicited a grant of the said two leagues of land to each point of the compass to the north of the river De los Miamies, which lies on the northwest of Cayo Viscayo; that the said corporation, at its said meeting, resolved to grant, and did grant, to the said Juan Xavier de Arrambide the said lands then solicited by him, in full and absolute property, and directed that a copy of this act and proceedings in relation to the claim of the said Juan Xavier de Arrambide, together with his memorial to said corporation, should be duly authenticated by their secretary, and be directed to him, the said Arrambide, for his security, and as a title to the said land, which was accordingly done; all of which will fully and at large appear by a reference to certified copies of the proceedings and acts hereinbefore mentioned and set forth, now here submitted and filed, and marked exhibit A.

Your memorialist further shows that immediately after the completion of the said grant the said Juan Xavier de Arrambide entered upon and took actual possession of the lands embraced by it, and carried a number of persons with him from the Island of Cuba for the purpose of settling the said lands, and of promoting and proceeding in the purposes he had in view in obtaining the said land; that the said Arrambide for several years prosecuted the settlement and improvement of the said land, and the making of tar and rosin, and the cutting of timber thereon, when he was driven from it, and compelled to abandon his plans founded on the possession of it, by the hostility of the Indians and fugitive negroes who infested that part of the country; that the said Juan Xavier de Arrambide (by his agent, lawfully authorized in that behalf) sold and conveyed the said lands, in absolute property, to one George J. F. Clarke, a Spanish subject, according to the formalities required by the Spanish law, April 29, 1820, as will appear by a certified copy of the said conveyance herewith submitted and filed, and marked exhibit B; that, after the purchase of the said land by the said George J. F. Clarke, that is to say, May 7, 1821, he applied for, and obtained from the then governor of East Florida an order for the survey of the said land, which will appear from a certified copy thereof herewith submitted and filed, and marked exhibit C; that, after the appointment of the surveyor to execute the said order, his acceptance thereof, and preparations made to effect the said survey, it was found that it could not, with any safety, be attempted, on account of the decided and open hostility of the Indians to the whites just at that period, in consequence of which the design to survey the said land at that time was laid aside; that, January 4, 1822, the said George J. F. Clarke sold and conveyed the said lands to one John B. Strong, as will appear by his original conveyance thereof, herewith submitted and filed, and marked exhibit D; and that the said John B. Strong, for a large and valuable consideration paid to him by your memorialist, sold and conveyed the said lands and their appurtenances to your memorialist, in fee simple absolute, February 25, 1822, as will appear by the original conveyance thereof to your memorialist, now here submitted and filed, and marked exhibit E.

Your memorialist further avers and shows that there are a number of families and settlers established on the said land under the title of your memorialist—believes are persons placed on the said lands by the aforesaid Arrambide at the time he attempted to establish himself on it as aforesaid; and that considerable improvements have been made thereon by clearing and cultivating the ground and erecting buildings. All of which is respectfully submitted by your memorialist.

JOSEPH DELESPINE,

By his attorney, JOHN DRYSDALE.

[Translation.]

RECORD.

In the city of Havana, January 12, 1814; I, the undersigned notary public of his Majesty, of the number of this city, in virtue of the orders of Don Ignacio Pedroso, constitutional alcalde of the same, by a decree of this date made to a memorial presented by Don Juan Xavier de Arrambide, I have recorded in continuation said memorial, with the document accompanying it, which is another presented to the most excellent captain general, superior political chief of this province, and president of the most excellent provincial deputation, asking for a testimonial of the certified act of the same passed on the 4th December last; which testimonial appears placed in continuation of it by the government notary of this city, and to attest which, and said documents remaining recorded, I sign these presents; Don Vincent Perez, Don Manuel Fornari, and Don Francisco de Silva, residents, being witnesses.

JOSÉ LEAL.

MEMORIAL.

SEÑOR CONSTITUTIONAL ALCALDE: Don Juan Xavier de Arrambide, a resident of this city, with due respect states that, requiring that the annexed document be recorded in one of the public offices in this city, in order that the necessary testimonial may be taken from it, he supplicates that you will please to order that it be recorded in the notary's office, where he presents it, and that the copies I require be furnished me. Havana, January 12, 1814.

JUAN X. DE ARRAMBIDE.

HAVANA, January 12, 1814.

As he asks for.

PEDROSO.  
JOSÉ LEAL.

MEMORIAL.

*Most excellent sir, captain general, superior political chief of this island and the two Floridas:*

Don Juan Xavier de Arrambide and Gococha, native of Puerto Real, and a resident of this city, with due respect states to your excellency that, on the meeting of the most excellent provincial deputation held on the 4th instant, it was ordered that the honorable council of St. Augustine of Florida should grant me, say, two leagues to each cardinal point of the compass, in the territory of that province, for

the ends contained in my memorial of the 28th of May of that year. Wherefore, I pray your excellency be pleased to order the person whose duty it is to furnish me with an authenticated copy of that act; which he hopes from the justice of your excellency. Havana, December 9, 1813.

JUAN XAV. DE ARRAMBIDE AND GOECOCOA.

DECREE.

HAVANA, December 10, 1813.

Let the memorialists receive a copy of the decision stated by him in his memorial.

APODACA.

COPY.

I certify that, at the session held by the most excellent provincial deputation the day of the date hereof, presided over by his excellency the captain general, superior political chief of the province, there was read the report of the commission presented on the 15th of the preceding November, on the solicitation of Don Juan Xavier de Arrambide, that there should be granted him in proportion a certain extent of land in East Florida, with the object of establishing on it mills for sawing timber, and of exporting rosins, with respect to which Señor Don José Terragues said that, in the distribution of those lands, the letter of the sovereign decree of the 4th January of this year ought not to be observed, but rather the laws of the Indies on the matter, as that decree applies to the division of vacant and royal lands in the provinces already peopled, in which state the Floridas are not; since, with the exception of a small part of their coasts, the remainder of which, and the entire of the interior, which is of incalculable extent, remains uncultivated and desert. Arrambide ought, therefore, be considered as one of the settlers of whom the said law treats, and, consequently, the lands granted to him in absolute property should not be limited to the small tracts indicated in said decree; and having sufficiently discussed the business, the most excellent deputation agreed that, in virtue of the conformity manifested by the ——— of St. Augustine, Florida, in its act of the 16th August last, with which the deputation resolved, in this case, after having consulted the captain general, superior political chief of that province, with a certified copy of the present act, the most excellent deputation were pleased to state to that council that they grant, in property, to Don Juan Xavier de Arrambide two leagues square to each cardinal point of the compass of the land he may choose, from the mouth of New river, (Rio Nueva,) which discharges itself on the coast of East Florida and the Long Point, (Puerto Largo,) on the south part, following the same course to the seashore, permitting him to cut timber without the square set forth; and, when the bounding lands are not granted to other inhabitants, prohibiting him from burning them, and of offending the Indians, returning the proceedings to the commission, that they may propose the best mode of distributing the remaining lands, conforming, as nearly as possible, to the said decree.

TOMAS ROMAY, *Secretary*.

HAVANA, December 4, 1813.

AT FOOT.—This is conformable to the original which I returned to the office of the secretary of government, to which I refer; and, in obedience to orders, I put these presents.

MIGUEL MENDEZ.

HAVANA, December 14, 1818.

This is conformable to the originals which are recorded with the public instruments in my archives, to which I refer; and, in compliance with the orders in the decree made to the memorial first copied, I give these presents.

JOSÉ LEAL. [L. s.]

[*A cypher.*]

HAVANA, September 17, 1814.

I certify the foregoing to be a true and correct translation from a document in the Spanish language. F. J. FATIO, *S. B. L. C.*

Don Juan de Entralgo, secretary to the honorable council of the city of St. Augustine, East Florida:

I certify that at an ordinary session held the 22d of March last, at which met Señors Don Sebastian Kindelan and O'Regan, knight of the order of St. James, brigadier of the national armies, military governor and political chief, president; Don José Sanchez, constitutional alcalde; Don Francisco Pons and Don Pedro Rodriguez de Cala, regidores; and Don José Bernardo Reyes, syndic, they resolved, amongst other things, the following act: "Resolution.—At this session the secretary of the council has presented a representation, directed to this honorable body, by Don Juan Xavier de Arrambide, under date of the 1st of February last, enclosing a copy of the resolution of the most excellent provincial deputations, respecting the concession of two leagues to each point of the compass, which were made to him with the consent of the most excellent the captain general, political chief of the Island of Cuba and both Floridas, in the territory of the south side of this province, soliciting that this honorable body do despatch to him the title of property of the said two leagues of land to the north of the river Miamies, which are on the northwest side of Cayo Biscayno, and the gentlemen agreeing, having in view the said determination of his excellency, with an authenticated copy of the said most excellent deputation, which was communicated to this council by the president, his excellency the governor, in obedience as well to the resolution of the aforesaid deputation as to the approval of the most excellent captain general, they determined to grant the favor solicited by Don Juan Xavier de Arrambide; for which end, and that he may be able to prove the title of property which he claims, let the present secretary deliver to him an authenticated copy of the said representation and this act, which shall be given him for his security as a title for the grant which is made to him, with the exception of everything which, according to the laws, this body ought to know of the business."

REPRESENTATION.

To the honorable the council:

Don Juan Xavier de Arrambide, with due attention, lays before your honors that, it having been determined by this provincial deputation, as appears from the act of the 4th of December, and is confirmed



by the annexed copy, to grant me in property two leagues to each point of the compass, in the territory on the south part of that province, for the purposes set forth in my petition of the 28th May of last year, and what appears likewise from the said act, leaving to my choice the place where I should settle myself, and desiring to effect it two miles to the north of the river of Miamies, which is at the northwest side of Cayo Biscayno, I pray your honors to be pleased to expedite to me the corresponding title of property for the two leagues of land to each point of the compass, agreeably to this situation, reserving to myself to produce the plat of the said lands, and what is made known on the subject, as soon as I find myself prepared to take it out, to commence the establishment which I am to effect.

JUAN XAVIER DE ARRAMBIDE.

HAVANA, February 1, 1814.

This is a copy.

JUAN DE ENTRALGO, *Secretary*.

St. AUGUSTINE, Florida, June 3, 1814.

Don Manuel Lopez Garcia, ministerial officer and royal collector of the national chests of this city of St. Augustine, of Florida, and Don José Antonio Yguinez, treasurer *pro tem.* of them:

We certify that Don Juan de Entralgo, by whom the foregoing certificate is signed, is secretary of this honorable council, as he styles himself, and notary *pro tem.* of the government in this said city, the only one in it and its province; and to such persons as him full faith and credit is given, both in law and equity. To confirm which, we sign these presents at the request of the party in this city of St. Augustine, Florida, June 6, 1814.

MANUEL LOPEZ.  
JOSÉ ANTONIO YGUINEZ.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

[Translation.]

POWER.

Be it known that I, Don Juan Xavier de Arrambide y Goecocha, resident in this city, declare that I give my power, full and sufficient, as may be required and necessary in law, to Mr. John B. Strong, a citizen of the United States of America, general, that he may charge, defend, liquidate, sell, and finish whatever affairs may appertain to or concern him in the said States, with a revocation of every other power, particularly that granted in favor of Don John Forbes, as I declare of no value, whatever document may have reference to it, and especially for the sale of the lands I have in East Florida, delivering the respective writings which he may make valid and firm, as if I myself were present in person; and, in case of necessity, sue with writings, witnesses, proofs, other documents and papers, which he may take possession of wherever they shall be found; make protests, citations, and summonses; demand executions, captions, discharges, detention, and releasing of property, sale, sale to pay debts, and auction of what he shall take possession of should it be adjudged to him, and for every kind of proofs the necessary terms, and renounce them; power to delegate; warrants to comply precepts and commissions, which he may cause to be read publicly, and made known to whomsoever and wheresoever he finds it necessary; he may see and examine witnesses presented and sworn on the adverse side, make objections to and find defects in them; be surety for persons, and vouch for depositions; make oaths and recusations; hear and bring to a conclusion judicial decrees and interlocutory and definitive sentences; consent to what is favorable, and petition and appeal to what is adverse; instruct and direct appeals, and whatever competent legal courses he can and ought to pursue; finally, to proceed, act, and do all other matters, judicial and extra-judicial, required in any of my affairs; for which, and all evidences and dependencies, I give this power, without limitation, with free and general administration, power of commencing suits, swearing, sustaining them, and concluding them himself, or compromising them through arbitrations, juries, or friendly references, and exonerating the parties in form; for the firmness and accomplishment of what he shall perform, in virtue of this I bind present and future property, power of tribunals, and renunciation of laws. In testimony of which, this is dated in the city of Puerto Príncipe, January 17, 1820. I, the notary of the council, attest that I know the grantor, who said as is set forth and signed this, there being witnesses present, Don Pedro de Zespédez, Don Pio de Evia, and Don Ramon de la Torre.

JUAN XAVIER DE ARRAMBIDE & GOECOCOA.

Before me—

JOSÉ RAFAEL CASTELLANOS.

This is conformable to the original, to which I refer, and at the desire of the party caused it to be written. Puerto Príncipe, January 20, 1820.

JOSÉ RAFAEL CASTELLANOS.

This is conformable to the originals which exist in the archives in my charge, to which I refer; and by desire of the party, sign and seal the present copy on two leaves of common paper, the stamped not being in use. St Augustine, Florida, April 20, 1820.

JUAN DE ENTRALGO, &c.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

[Translation.]

CONVEYANCE.

Be it known that I, John B. Strong, citizen of the United States of America, at present a resident of this city, and attorney of Don Juan Xavier de Arrambide Goecoecha, resident of Puerto Príncipe, in the Island of Cuba, as appointed by him before the notary of that council, Don José Rafael Castellanos,

January 11 of the present year, a copy of which shall be added in continuation, and is sufficient for what shall be said. I declare that I really sell to Don George Clarke, an inhabitant of this province, surveyor general in it, two leagues of land to each point of the compass, which is in square in the territory on the south side of this province, situated about two leagues to the north of the river Miamies, which is on the northwest side of Cayo Biscayno, and is between the mouth of Rio Nueva, (New river,) which discharges itself on the coast of Florida, and the long point on the south side, following the same course to the seashore; which land was granted to me in full property by the constitutional junta of this city, by an act passed March 22, 1814, in virtue of the determination of the most excellent captain general of the Island of Cuba and both Floridas, communicated with an authenticated copy of the opinion of the most excellent provincial deputation. And I sell him the said two leagues to each point of the compass on the terms and under the circumstances on which they were granted to my said principal, Don Juan Xavier de Arrambide Goicoechea, with its pastures, roads, waters, entrances, outlets, uses, customs, rights, and services, in the manner which corresponds to him, and that he may use it for himself and his successors free of all encumbrance, (as I, the notary, certify from the result of my search of the book of mortgages in my charge, which I have made for the purpose,) at the price of \$20,000, which the purchaser has paid me in current money, which I acknowledge as delivered to my will. I renounce proof, laws of delivery, exception to money not counted, fraud, and everything else in the case, for which I deliver a receipt in form; in virtue of which I separate my principal from the right of property, possession, use, seignior, and other actions, real and personal, which he had and held to said lands, as I cede, renounce, and transfer it to the purchaser and his representatives, that, as his own, he may take possession in the manner most convenient to him by virtue of this deed, by which he may dispose at his will of the thing acquired without occasion for further proof, from which I relieve him. And I bind my principal to the execution and guaranty of this sale in sufficient form, and as may best suit, in favor of the purchaser, with the goods of my principal, present and future power and submission to the tribunals of his domicile, that they may compel him to its performance as by sentence consented and passed in authority of an adjudged case, in which I renounce all the laws, customs, rights, and privileges in his favor, and the general law in form which prohibits it. And I, Don William Travers, being present by order of the purchaser, Don George Clarke, accept in his favor this deed, and by it receive as purchased the said lands at the price and agreement on which they have been sold to him, which he gives as delivered to his will, with a renunciation of proof, laws of delivery, those of a thing not seen or received, fraud, and everything else in the case, for which I deliver a receipt in form.

In testimony of which, this is dated in this city of St. Augustine, Florida, April 29, 1820. I, the notary, attest that the parties said thus and signed it; there being witnesses, Don Bernardo Segui, who served as interpreter, there being no public one; Don Pedro Miranda and Don Fernando de la Maza Arredondo, jr., inhabitants present.

JOHN B. STRONG.  
WILLIAM TRAVERS.

As interpreter, BERNARDO SEGUI.

Before me—

JUAN DE ENTRALGO, *Notary of Government.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

#### THE STATE OF SOUTH CAROLINA:

Know all men by these presents that I, John B. Strong, of the city of St. Augustine, in East Florida, but at present in Charleston, in the State aforesaid, for and in consideration of the sum of \$20,000 to me in hand paid by Joseph Delespine, of the same place, but at present in the city of Charleston, in the State aforesaid, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell, and release unto the said Joseph Delespine all that certain piece or parcel of land situate, lying, and being in the southern part of the province of East Florida, of two leagues of land to each point of the compass, in the northern part of the river De los Miamies, which lies to the northward of Cayo Viscayno or Key Biscayno, and which said tract contains 92,162 acres, be the same more or less; and which said tract of land was granted to Juan X. de Arrambide by the captain general of the Island of Cuba and of the two Floridas, and confirmed by the governor and corporation of East Florida, and was sold to me by the said Arrambide in Puerto Principé, in the Island of Cuba, in the month of July, 1819; and, for a more particular description of said tract of land and everything relating thereto, more particular reference may be had to the original grant made to the said Juan X. Arrambide, together with all and singular the rights, members, hereditaments, and appurtenances to the said premises belonging, or in anywise incident or appertaining, to have and to hold all and singular the premises before mentioned unto the said Joseph Delespine, his heirs and assigns, forever. And I do hereby bind myself, my heirs, executors, and administrators, to warrant and forever defend all and singular the said premises unto the said Joseph Delespine, his heirs and assigns, against myself and my heirs, and all other persons lawfully claiming, or to claim, the same in any part thereof.

Witness my hand and seal this 25th day of February, in the year of our Lord 1822, and in the 46th year of the independence of the United States of America.

JOHN B. STRONG.

Signed, sealed, and delivered in the presence of—

WM. W. CORMICK.  
THOS. W. HOLWELL.

DECREE.

The board having ascertained the above to be a valid Spanish grant for the 92,160 acres, made previous to January 24, 1818, do therefore recommend it to Congress for confirmation. December 14.

GEORGIA, *Camden County:*

This indenture, made June 4, 1822, between George J. F. Clarke, of the province of East Florida, on the one part, and John B. Strong, of said province, on the other part, witnesseth: That the said George

J. F. Clarke, for and in consideration of the sum of one dollar to him in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, and conveyed, and by these presents doth grant, bargain, sell, and convey unto the said Strong a quantity of land lying in the southern part of said province, situated two leagues north of the river Miamies, which lies to the northwest of Key Viscayno, and containing two leagues measurement to each wind, as will more fully appear by the grant thereof made by the Spanish government to John X. Arrambide, and which said quantity of land was sold to said Clarke by the said Strong, as the attorney of said Arrambide, as per an instrument executed in the records of St. Augustine, East Florida, April 29, 1820, to have and to hold unto him, the said John B. Strong, his heirs and assigns, the said lands in the same state that he, said Clarke, received them from him; and the said George J. F. Clarke, for himself, his heirs, executors, and administrators, unto the said John B. Strong, his heirs and assigns, will forever warrant the said bargained premises only against themselves.

In witness whereof, the said Clarke hath hereunto set his hand and seal the day and year above written.

GEO. J. F. CLARKE. [L. s.]

Signed, sealed, and delivered in the presence of—

JAMES BENTHAM.

THOS. H. MILLER, J. J. C. C. C.

No. 1.—See REPORT No. 4.

*Francis Woods vs. The United States. For six hundred and forty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francis Woods respectfully sheweth: That your memorialist claims title to a tract of land situate on the north side of Mills' swamp, and on the east side of the road formerly called the King's road; which title your memorialist derives from an act of Congress passed and approved May 26, 1824, for such persons as were in the actual occupation of the land. And your memorialist further sheweth that he is and has been in the occupation and cultivation of the said tract of land since the year 1812 and 1814; that he does not claim any other tract of land in the Territory of Florida; that he is a citizen of the United States and resident of Florida, and above the age of twenty-one years. All of which is respectfully submitted, &c.

FRANCIS WOODS.

DECREE.

*Francis Woods vs. The United States. For six hundred and forty acres of land.*

The board having ascertained that the claimant inhabited and cultivated the above land February 22, 1819, do confirm the same accordingly. May 18, 1825.

*Francis Woods vs. The United States. For six hundred and forty acres of land.*

John Uptegrove sworn:

*Question.* Do you know one Francis Woods?

*Answer.* I do.

*Question.* Is he the head of a family and over the age of twenty-one years?

*Answer.* He is.

*Question.* Do you know anything of his settling a tract of land situated on the north side of Mills' swamp, and on the east side of the road formerly called the King's road?

*Answer.* I do.

*Question.* When did he first settle this tract of land?

*Answer.* About twenty years ago.

*Question.* Has he occupied the land since that time?

*Answer.* He has peaceably occupied it until a year ago.

*Question.* Does he claim any other land in the Territory derived either from the British or Spanish governments?

*Answer.* I am very sure he does not.

JOHN UPTEGROVE.

Before the board in session May 18, 1825.

No. 2.—See REPORT No. 4.

*Miguel Papy vs. The United States. For six hundred and forty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Miguel Papy respectfully sheweth: That your memorialist claims title to a tract of land consisting of six hundred and forty acres, situated on Deep creek, about six miles from the St. John's river, a small branch running into Six-mile creek, by virtue of an act of Congress of the United States passed and approved May 26, 1824, granting lands to such persons as were in actual possession and occupation of the same, commenced between February 22, 1819, and July 17, 1821, when Florida was ceded to the United States. And your memorialist further sheweth that he was and has been in actual habitation, cultivation, and improvement of said tract of land so situated as aforesaid from February 22, 1819, up to the present period. And your memorialist further sheweth that he claims no tract of land in this Terri-



tory by virtue of any written evidence of title derived from the British or Spanish governments. And your memorialist further sheweth that he is a citizen of the United States and a resident of the Territory of Florida.

MIGUEL PAPY,  
By his attorney, B. A. PUTNAM.

[Here follows the affidavit of Bartolome Solana, sworn to before the Hon. William H. Allen, one of the commissioners, May 26, 1825, proving the occupation and cultivation of the above land previous to and since the year 1819.]

*Miguel Papy vs. The United States. For six hundred and forty acres of land.*

The board having ascertained that the claimant did actually cultivate and improve the above land February 22, 1819, do confirm the same to him. August 16, 1825.

No. 3.—See REPORT No. 4.

*George Gianoply vs. The United States. For six hundred and forty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of George Gianoply respectfully sheweth: That your memorialist claims title to a tract of land consisting of six hundred and forty acres, situated and bounded as follows: on the south by land claimed by G. Darling, on the west and north by public lands, on the east by land claimed by John Gianoply, as by a reference to a plat herewith will more fully and at large appear, by virtue of an act of Congress of the United States passed and approved May 26, 1824, granting lands to such persons as were in actual possession and occupation of the same, commenced before February 15, 1819, and continued until July 17, 1821, when Florida was surrendered to the United States. And your memorialist further sheweth that he was, is, and has been in actual habitation and improvement of said tract of land, situated as aforesaid, from the year 1818 until the date hereof, and he always, in that time, peaceably enjoyed and improved the same. And your memorialist further sheweth that he does not claim title to any other tract of land in this Territory by reason of any title derived from either the British or Spanish governments. And your memorialist further sheweth that he is over the age of twenty-one years, and that he is a citizen of the United States. And your memorialist, as is duty bound, will ever pray, &c.

ISAAC N. COX, *Attorney for Petitioner.*

[Plat herewith filed, marked A.]

[Here follows a plat by Gamaliel Darling, dated March 20, 1824.]

#### DECREE.

*George Gianoply vs. The United States. For six hundred and forty acres of land.*

The board having ascertained that the claimant actually inhabited and cultivated the above land February 22, 1819, do confirm the same accordingly. September 14, 1825.

#### AFFIDAVIT.

TERRITORY OF FLORIDA, *County of St. John's:*

*George Gianoply vs. The United States. For six hundred and forty acres of land in the Twelve-mile swamp.*

The deposition of John Leonardy, taken before Elias B. Gould, a justice of the peace for the county of St. John's.

John Leonardy, being duly sworn, says that he is acquainted with the claimant, George Gianoply; knows that he settled on a tract of land in the Twelve-mile swamp about eight years ago, and that he was on it and cultivated it at and previous to the change of government in 1821, and had done so from the time of his first settlement. He says that the father of the present claimant has land in the same swamp, but that the land which is now claimed lies to the west of it. The claimant had a house on this tract, and lived in it, and planted corn and pumpkins, and knows that claimant had two or three hands. It is about fourteen or fifteen miles from St. Augustine.

JUAN LEONARDY.

Sworn to before me September 8, 1825.

E. B. GOULD, *Justice of the Peace.*

[Nos. 4 and 5 were not returned to the General Land Office by the commissioners.]

No. 6.—See REPORT No. 4.

*Pedro Mestre vs. The United States. For six hundred and forty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Pedro Mestre respectfully sheweth: That your memorialist claims title to a tract of land containing six hundred and forty acres, situated on the north of the head of the North river, which tract he claims by virtue of an act of Congress of the United States passed and approved May 26, 1824, granting lands to such persons as were in cultivation and occupation of the same, commenced between February 22, 1819, and July 17, 1821, when Florida was surrendered to the United States. And your memorialist further sheweth that he was, is, and has been in actual habitation and cultivation of said tract of land, so situated as aforesaid, for a number of years, and that he does not claim title to any other tract

of land in this Territory by reason of any title derived from either the British or Spanish governments. And your memorialist further sheweth that he is over the age of twenty-one years; that he is a citizen of the United States and a native of East Florida. And your memorialist prays confirmation of the same.

PEDRO MESTRE.

DECREE.

*Pedro Mestre vs. The United States. For six hundred and forty acres of land.*

The board having ascertained from the evidence adduced that the claimant is entitled to the above land under the donation act, do therefore confirm it to him. December 2, 1825.

[Nos. 7 to 10, inclusive, were not returned by the commissioners to the General Land Office.]

No. 1.—See REPORT No. 5.

*Dorcas Black vs. The United States. For six hundred and forty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to land in East Florida:*

The petition of Dorcas Black respectfully sheweth: That your memorialist claims title to a certain tract of land containing six hundred and forty acres, situated in the county of St. John's, on the road called the Crawford road, leading from St. Augustine to the St. John's river, and bounded west by lands of William Hollingsworth, on the south by lands claimed by William Hartley and Bowen, on the east and north by vacant lands. Her house and improvements are known as the improvements and premises of the said Dorcas Black. Your memorialist claims title to the above-named premises by virtue of an act of Congress passed and approved May 26, 1824, granting lands to such persons as were in actual possession and improvement of the same between February 22, 1819, and July 17, 1821, when Florida was ceded to the United States. Your memorialist further sheweth that she has been, and now is, in actual possession and improvement of said tract of land, so situated as aforesaid, since the year 1818, and has enjoyed peaceable possession and improved the same. And your memorialist further sheweth that she claims no tract of land in this Territory by virtue of any written evidence of title derived from the British or Spanish governments. And your memorialist further sheweth that she is a native of the United States, over twenty-one years of age, and the head of a family. And your memorialist, as in duty bound, will ever pray, &c.

DORCAS BLACK, by her Attorney, Streter.

TERRITORY OF FLORIDA, *St. John's County:*

Personally appeared before me John Jones and Emanuel D. Mott, who, being duly sworn, depose and say that they are well acquainted with Mrs. Dorcas Black, and that she has been settled on the place where she now lives for five or six years, and that she has built a house and other buildings on said place, and cultivated said place; and has made a crop this year, and lives there now, and has ever since she first settled said place.

his  
EMANUEL D. MOTT.  
mark.  
JOHN JONES.

Sworn and subscribed to before me this 21st day of September, A. D. 1826.

SAMUEL FAIRBANKS, *Justice of the Peace.*

DECREE.

*Dorcas Black vs. The United States. For six hundred and forty acres of land.*

The board having ascertained that the claimant did actually inhabit and cultivate the land above claimed between February 22, 1819, and July 17, 1821, do report it to Congress under the donation act. May 16, 1825.

TESTIMONY.

*Dorcas Black vs. The United States. For six hundred and forty acres of land.*

John Black, being sworn, and being asked at what time his mother, the claimant, was in possession of the tract of land, answered, about four years since.

*Question.* How long was she on the land before the exchange of flags?

*Answer.* Believes she was a few months.

*Question.* What improvements did the claimant put on the land claimed?

*Answer.* She built some houses, and cleared and cultivated some land.

*Question.* Does the claimant still reside on the land?

*Answer.* She does.

*Question.* Has the claimant ever derived any written evidence of title from the British or Spanish governments?

*Answer.* She never has.

*Question.* Is the claimant above the age of twenty-one years?

*Answer.* She is.

JOHN BLACK.

David Scurry sworn:

*Question.* What time did Mrs. Black go on the land now claimed by her?

*Answer.* It was before the change of flags.

DAVID SCURRY.

James Hall sworn:

States that the claimant went on the tract claimed by her previous to the exchange of flags, and made some improvements on the same.

JAMES HALL.

Before the board in session May 16, 1825.

No. 2.—See REPORT No. 5.

*John R. Hogans vs. The United States. For six hundred and forty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John R. Hogans respectfully sheweth: That your memorialist claims title to a tract of land consisting of six hundred and forty acres, situated on the north side of the river St. John's, bounded east by lands of Hudnall, west by Hogans' land, north by public lands, and south by the creek entering in the St. John's river; which title your memorialist derives from possession before January 24, 1818. And your memorialist further sheweth that he is in actual possession of the said land; that he is a citizen of the United States and resident of the Territory of Florida. All of which is respectfully submitted.

A. BELLAMY, Attorney.

DECREE.

*John R. Hogans vs. The United States. For six hundred and forty acres of land.*

The board finding by the evidence adduced that the claimant did actually inhabit and cultivate the above land between February 22, 1819, and July 17, 1821, do report it to Congress under the donation act. August 30, 1825.

TESTIMONY.

*John R. Hogans vs. The United States. For six hundred and forty acres of land.*

Zachariah Hogans sworn:

*Question.* About what time did claimant settle the land below Jacksonville?

*Answer.* The latter part of the year 1820.

*Question.* How long has he resided on the land?

*Answer.* About three years.

*Question.* Does he still claim the land?

*Answer.* Yes, if he has not sold it.

*Cross-examined.*

*Question.* Is it public land?

*Answer.* It was always considered so.

*Question.* Is claimant above the age of twenty-one years?

*Answer.* He is.

*Question.* Is he the head of a family?

*Answer.* He is.

*Question.* Has he ever received any written evidence of title from either the British or Spanish governments?

*Answer.* He never has to my knowledge.]

Z. HOGANS.

Before the board in session May 16, 1825.

No. 3.—See REPORT No. 5.

*Levi Sparkman vs. The United States. For six hundred and forty acres of land.*

MEMORIAL.

*To the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Levi Sparkman, of full age, sheweth: That your memorialist claims title to six hundred and forty acres of land in East Florida, lying on Little Trout creek, adjoining the road leading from Jacksonville to Camp Pinckney, and above the road; which said tract of land your memorialist claims title to by virtue of an actual settlement made thereon by himself, and habitation and cultivation of the same in the year 1819, and ever since by himself and family, or by his tenant, and by virtue of the act of Congress approved May 24, 1824, for the benefit of actual settlers in Florida. Your memorialist further shows that he has no claim for lands in Florida derived to him by any grant from the British or Spanish governments. He prays that it may be confirmed to him for the benefit of Arthur Birney. All of which is respectfully submitted.

LEVI SPARKMAN.

DECREE.

*Levi Sparkman vs. The United States. For six hundred and forty acres of land.*

The board finding by the evidence adduced that the claimant did actually inhabit and cultivate the above land between February 22, 1819, and July 17, 1821, do report the same to Congress under the donation act. August 30, 1825.



## TESTIMONY.

*Levi Sparkman vs. The United States. For six hundred and forty acres of land.*

Isaac Carter, sworn on the part of the claimant, states that Levi Sparkman settled a place very early in the spring of the year 1819 on Little Trout creek, joining the main road; thinks that he, the claimant, settled on the land in the month of March or April of the same year; the claimant is the head of a family, and over the age of twenty-one years; that he had a cowpen on the land the next year, and had a blacksmith's shop on the same; claimant left the land last year in the possession of another person.

ISAAC CARTER.

Seymour Pickett, sworn, states that in the spring of 1820 he got a ploughshare sharpened at claimant's blacksmith's shop, and the improvements indicated that he had been settled there some time.

SEYMOUR PICKETT.

Before the board in session May 19, 1823.

No. 4.—See REPORT No. 5.

*John D. Bludworth vs. The United States. For six hundred and forty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John D. Bludworth respectfully sheweth: That your memorialist claims title to a tract of land consisting of a tract of land situated near the public road, at the head of Deadman's swamp; which title your memorialist derives from an act of Congress passed May 26, 1824, for the relief and benefit of actual settlers. Your memorialist further states that he is in actual possession of said tract of land, and has been since 1820; that he is a citizen of the United States and resident of the Territory. All of which is respectfully submitted.

A. BELLAMY, Attorney.

## DECREE.

*John D. Bludworth vs. The United States. For six hundred and forty acres of land.*

The board finding by the evidence adduced that the claimant did actually inhabit and cultivate the above land between February 22, 1819, and July 17, 1821, do report it to Congress under the donation act. May 18, 1825.

## TESTIMONY.

*John D. Bludworth vs. The United States. For six hundred and forty acres of land.*

*Question.* Do you know the claimant?

*Answer.* I do.

*Question.* Do you know him to be the head of a family, and above the age of twenty-one years?

*Answer.* I do.

*Question.* Do you know at what time he first occupied the land?

*Answer.* About the fall of the year 1820.

*Question.* Did he build houses and cultivate the land?

*Answer.* He did.

*Question.* Do you know whether Mr. Bludworth claims title to any other tract of land in the Territory derived either from the British or Spanish governments?

*Answer.* Not to my knowledge.

*Question.* Where is the tract of land situated?

*Answer.* At the head of Deadman's swamp, near the road formerly called the King's road.

JOHN UPTEGROVE.

Before the board in session May 18, 1825.

No. 5.—See REPORT No. 5.

*Heirs of John Carter, deceased, vs. The United States. For six hundred and forty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of William, Caleb, and Elizabeth Carter, infants and orphans of John Carter, deceased, respectfully sheweth: That your memorialists are the legitimate issue and sole heirs of John Carter, deceased; that they claim title to six hundred and forty acres of land lying on Trout creek, and the south side thereof, at a place called the Cold Hill, to include the improvements which were there made, and in the habitation and cultivation of their said deceased father at the time of his death; which said tract of land your memorialists claim by virtue of a settlement purchased thereon by their aforesaid deceased father, John Carter, or his agent, in the year 1809—possession whereof had been held from that time until his death, which happened in December, 1824—and by virtue of the act of Congress approved May 26, 1824, for the benefit of actual settlers in the Territory of Florida. They further say their deceased ancestor, nor any of them, never had any claim to lands in Florida derived from any British or Spanish grant. All of which is respectfully submitted.

WILLIAM CARTER,  
CALEB CARTER,  
ELIZB CARTER,

*Infants of Jno. Carter, deceased,  
By ISAAC CARTER, their next friend.*

## DECREE.

*John Carter's heirs vs. The United States.*

The board finding by the evidence adduced that John Carter, deceased, did actually inhabit and cultivate the above land between February 22, 1819, and July 17, 1821, do report it to Congress under the donation act. August 29, 1825.

No. 6.—See REPORT No. 5.

*Isaac Carter vs. The United States. For six hundred and forty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Isaac Carter respectfully sheweth: That your memorialist claims title to six hundred and forty acres of land at the place where he now resides, on Nine-mile creek, about half a mile from the road leading from Jacksonville to Camp Pinckney, and below the place where said road crosses said creek, to include said improvements whereon I reside, and to run down the creek twice the length of its breadth, beginning on William Monroe's east line; which said tract of land your memorialist derives claim to by actual settlement made in the year 1803 by his father-in-law, whose possession was surrendered to him in the year 1819, which he has ever since maintained, and by virtue of an act of Congress approved May 26, 1824, for the benefit of actual settlers in the Territory of Florida. All of which is respectfully submitted.

ISAAC CARTER.

## DECREE.

*Isaac Carter vs. The United States. For six hundred and forty acres of land.*

The board finding by the evidence adduced that the claimant did actually inhabit and cultivate the above land between February 22, 1819, and July 17, 1821, do report it to Congress under the donation act. August 29, 1825.

## TESTIMONY.

*Isaac Carter vs. The United States. For six hundred and forty acres of land.*

John Silcock sworn:

*Question.* Are you the father-in-law of claimant?

*Answer.* I am.

*Question.* Do you know the place on which he resides on Nine-mile creek?

*Answer.* Yes; I first settled it.

*Question.* Will you state the time you first settled it?

*Answer.* About the year 1803.

*Question.* Will you state the circumstances of giving possession of the same to Mr. Carter?

*Answer.* I lived on and cultivated it for seven years, when I was obliged to abandon it on account of the troubles of this then province. I again moved on it, and lived thereon six or eight months, and was obliged to leave it again; after which I gave it to Mrs. Carter and her children. The claimant has been residing on the land ever since I gave it to his wife and children.

## Cross-examined.

The claimant still resides on the land. Witness further states that, to the best of his knowledge, claimant does not hold any land derived either from the British or Spanish governments.

JOHN SILCOCK.

Seymour Pickett, sworn on the part of claimants, states that he first saw Mr. Silcock, the father-in-law of claimant, on the land, about the year 1804, and also in 1809. When witness moved on Nassau he saw him on the land. Witness first saw claimant on the land in the year 1820 or 1821, but is not certain. The land was cultivated by Mr. Silcock in the year 1819, when he built a house on the same and resided thereon.

SEYMOUR PICKETT.

Before the board in session May 19, 1825.

[No. 7 was not returned to the General Land Office by the commissioners.]

No. 8.—See REPORT No. 5.

*John G. Brindley vs. The United States. For six hundred and forty acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John G. Brindley respectfully sheweth: That your memorialist claims title to a certain tract of land consisting of six hundred and forty acres, situated on the north side of Black creek. His house and improvements are known as the improvements and premises of the said John G. Brindley, in the county of Duval, by virtue of an act of Congress of the United States passed and approved May 26, 1824, granting lands to such persons as were in actual settlement and improvement of the same, commenced between February 22, 1819, and July 17, 1821, when Florida was ceded to the United States.

And your memorialist further sheweth that he is in actual possession and improvement of said tract of land, so situated as aforesaid, since the year 1819 until the date of this memorial, and has peaceably enjoyed, possessed, and improved the same. And your memorialist further sheweth that he claims no tract of land in said Territory by virtue of any written evidence of title derived from either the British or Spanish governments. And your memorialist further sheweth, agreeably to the statute in such case made and provided, that he is over the age of twenty-one years, and that he is a citizen of the United States. And your memorialist, as in duty bound, will ever pray, &c.

JOHN G. BRINDLEY,  
By his attorney, JOHN M. FONTAINE.

TERRITORY OF FLORIDA, *St. John's County:*

Personally appeared before me, Samuel Fairbanks, esq., one of the justices of the peace for said county, William Molphos, who, being duly sworn, deposeth and saith that in the year 1818 or 1819 he helped to build a house on Little Black creek, and helped to plant some peas and corn, and knew John George Brindley to live on said place; and last year he was at Brindley's house, and knew him to have a good crop of corn at the same place; and this deponent helped J. G. Brindley to dig his potatoes last fall.

WILLIAM <sup>his</sup> MOLPHOS.  
mark.

Sworn and subscribed to before me this 16th day of August, A. D. 1824.

SAMUEL FAIRBANKS, *Justice of the Peace.*

TERRITORY OF FLORIDA, *St. John's County:*

Personally appeared before me, Samuel Fairbank, esq., one of the justices of the peace for said county, Hannah Nobles, who, being duly sworn, deposeth and saith that she is well acquainted with John George Brindley, and that he settled at a place at Little Black creek in January, 1820, with his family; and that he had a house and land cleared at said place.

HANNAH <sup>her</sup> NOBLES.  
mark.

Sworn and subscribed to this 18th day of August, 1824.

SAMUEL FAIRBANKS, *Justice of the Peace.*

DECREE.

*John G. Brindley vs. The United States. For six hundred and forty acres of land.*

The board finding by the evidence adduced that the claimant did actually inhabit and cultivate the above land between February 22, 1819, and July 17, 1821, do report his claim to Congress under the donation act. August 29, 1825.

[Nos. 9 to 13, inclusive, were not returned to the General Land Office by the commissioners.]

No. 1.—See REPORT No. 6.

*John Bachelot vs. The United States. For a small island of marsh.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of John Bachelot respectfully sheweth: That your memorialist claims title to a tract of land consisting of a small island of marsh, situated near that of the Doctor; which title your memorialist derives from a concession made to him November 29, 1800, by Governor White, in virtue of the royal order of 1790, a certified copy of which concession is herewith presented. And your memorialist further sheweth that he is in actual possession of said lands, and was so at the cession; that he is a citizen of the United States, and resident of St. Mary's, in Georgia. He prays confirmation of title, &c.

JOHN BACHELOT.

CERTIFIED COPY.

Don Juan de Pierra, lieutenant of the infantry regiment of Cuba and secretary of the government: I certify that, to a memorial presented by John Bachelot, soliciting a small marsh island, which is near that of the Doctor, for pasturage for his cattle, the following decree was this day made: "Let there be granted to this party the land which he solicits, without injury to a third person.

"WHITE."

And that it may serve as a security to the interested, I give this in St. Augustine, Florida, November 29, 1800.

JUAN DE PIERRA.

I certify the foregoing to be a true and correct translation from a decree made by Governor White, in the Spanish language, on file in the office of the public archives.

F. J. FATIO, *S. B. L. C.*

DECREE.

*John Bachelot vs. The United States. For a small island of marsh.*

The above being a valid Spanish grant, but undefined in quantity, the board do report it to Congress accordingly. September 29, 1825.



No. 2.—See REPORT No. 6.

*The heirs of Thomas Travers vs. The United States. For one thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the heirs of Thomas Travers, by one of them, William Travers, respectfully sheweth: That your memorialists claim title to a tract of land consisting of one thousand acres, situated at a place called the Old Savannas, where Mr. Mann had a rice plantation, (see an accurate description of the said land and its marks and boundaries in the grant filed herewith;) which title your memorialists derive from a grant made to them by Governor Coppinger, in virtue of the royal order of 1790. The said grant or royal title is dated July 9, 1819, and is founded upon a transfer of concession made by the heirs of Isnardy, with consent of government, August 31, 1805, as will be seen by the accompanying documents. And your memorialists show that they are in actual possession of said lands; that they resided in Florida at the change of flags, and still do so.

GEORGE MURRAY, *for Memorialists.*

[Translation.]

SEÑOR GOVERNOR: Don Miguel Isnardy, an inhabitant and merchant of this city, with due respect, states to your excellency, as, by the annexed memorial and decree of your excellency's predecessor, it is evident that he is in possession of the land cited in it until the royal command; and understanding that his Majesty has resolved to distribute lands to the inhabitants of this province, he prays your excellency to be pleased to grant him and ratify the said concession, from its being certain that your memorialist has been the due time in possession of it in proper form, a favor which he hopes to merit from the justice of your excellency. St. Augustine, January 3, 1791.

MIGUEL ISNARDY.

St. AUGUSTINE, October 19, 1791.

Let it be granted to this party in the place in which he is established until, at the survey of the lands, the quantity corresponding to his family be surveyed to him, without injury to a third person.

QUESADA.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

SEÑOR GOVERNOR AND COMMANDER-IN-CHIEF: Don Miguel Isnardy, an inhabitant of this city, with all due respect, states to your excellency that the officer commissioned for the survey of lands having arrived in the neighborhood of those he possesses on the North river, as he has proved by the preceding memorial which he presented, and by it asked that there should be surveyed for him one hundred acres in the said place; and, besides this, that he shall be put in possession until the complete extension of his family, which is composed at present of twenty-one persons, including himself, in the place known as the Old Savannas, and its vicinity, where rice was planted by a former English inhabitant, Mr. Mann, he prays your excellency to be pleased to grant his petition, and command what is proper for the purpose, in order that they may be surveyed for him in the places already mentioned, a favor which he does not doubt to receive from among the many which your excellency distributes daily. Florida, April 26, 1793.

MIGUEL ISNARDY.

St. AUGUSTINE, May 10, 1793.

Let this be placed with the foregoing, and confirming by them the possession which the party has in the lands which Don Pedro Marrot refers to—this decree not opposing the former which he has from this government; and let him proceed to the survey of the hundred acres on the North creek, and the remainder, to complete what his family is entitled to, at the Old Savannas.

QUESADA.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

Be it known that I, Don Francisco Rovina, attorney and agent of the widow of Don Miguel de Isnardy, and charged by the said widow and the tribunal to adjust and liquidate the accounts which were pending by the death of said Isnardy, having examined the accounts pending between Dr. Don Thomas Travers and the deceased, it results in the property which I administer owing to the said Don Thomas the sum of four hundred dollars; in virtue of which, and the said doctor having proposed to me that he would take in payment of the balance in his favor a piece of land which the said Isnardy obtained and cultivated, situated on the Little beaches of Santa Lucia, and having been informed by men who have a knowledge of the said land that it is well paid for at that sum, I have agreed, in the name of the said widow and the other heirs, to sell them; and by this document which, until the government permits a deed of sale to be made in form, shall serve as a title, I sell him the above-named piece of land for the precise sum of four hundred dollars—all accounts at both sides being settled and paid up to this date, without any claim remaining on either side. And I, Don Thomas Travers, acknowledge myself satisfied with the

settlement of accounts above mentioned, and receive in payment of the above balance in my favor the lands mentioned, and which I consider as delivered to me; and to confirm all, we sign this in St. Augustine, Florida, August 31, 1805.

THOS. TRAVERS.  
FRANCISCO ROVINA,

*For Donna Juana de la Torre, and as her Attorney.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Here follows translation of a survey dated April 25, 1819, and a royal title dated July 9, 1819.]

*EAST FLORIDA, St. Augustine, St. John's County:*

This day personally appeared before me, the subscriber, one of the justices of the peace of the county aforesaid, Bartolome Leonardy, who, being duly sworn, doth depose and say that he was well acquainted with Don Miguel de Isnardy, and recollects of his planting for many years up the North river, at a place called the *Old Savannas*, distant about fifteen miles north from St. Augustine, and adjoining to the north by the place now in the occupation of this deponent; that he has always understood that the land in question belonged to said Miguel Isnardy; that he never heard it disputed to the contrary.

BARTOLOME LEONARDY.

Sworn to before me July 20, 1824.

BERNARDO SEGUI, *J. P.*

#### DECREE.

*Heirs of Thomas Travers vs. The United States. For one thousand acres.*

The board having ascertained the above to be a valid Spanish concession, but the quantity of land being, in their opinion, undefined, they report the same accordingly for the consideration of Congress. September 27, 1825.

No. 3.—See REPORT No. 6.

*Bartolome Mestre vs. The United States. For three hundred acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

Bartolome Mestre, jr., for his mother, Mariana Mestre, respectfully represents: That your memorialist claims title to a tract of land consisting of three hundred acres, situated on Thompson's branch, on the opposite side of the Matanzas river from the Little bar, which has not been surveyed; that the same was granted to her husband, Bartolome Mestre, without specifying the number of acres, but according to the number of his family, which consisted of himself, his wife, and three children, and to take possession in one month; which conditions were performed. And your memorialist states that the said Bartolome Mestre afterwards abandoned his family, and left his children with the said Mariana, who has supported them for many years, and ever since the said Bartolome abandoned his wife and family; which title your memorialist derives from a grant made to the said Bartolome Mestre by Governor White, in virtue of the royal order of 1790, June 23, 1796, as appears by the memorial and decree herewith presented. And your memorialist further sheweth that the said Mariana Mestre is in legal possession of said lands, and was at the time of the cession, and has been ever since the grant; that she is a citizen of the United States and resident of Florida. St. Augustine, October 11, 1825.

JOHN B. STRONG, *Attorney for Claimant.*

[Translation.]

*To the Governor:*

Bartolome Mestre, an inhabitant of this city, with due respect, submits to your excellency that, finding himself obliged to attend to the daily support of his family, and not having the means to do it in this city without the greatest toil, by reason of his not meeting with a vacant place in which to employ himself; and as he has always lived desirous of complying with his duties, he desires to employ himself in some honest calling which, by its produce, may lead to this intent; and finding himself well acquainted with country labor, which he has exercised for some time, as his Majesty has deigned to grant to the inhabitants of this province lands in proportion to the family which each person may have, embracing this favor he has solicited a piece of land on which to settle himself—he met one in front of the Little bar, on the river Matanzas, named Thompson's branch, which no person is in possession of. Wherefore, he supplicates your excellency to be pleased to grant him the said land until the survey and distribution of lands already commenced, which has been put a stop to by the declaration of the last war; he followed up a request which he promises himself from the goodness of your excellency. Florida, June 21, 1796.

The memorialist not knowing how to write his name, I sign for him at his request.

JOSE DE ZAVALIA.

#### DECREE.

St. AUGUSTINE, June 23, 1796.

Let the commandant of engineers report if the land asked for, being settled, would embarrass the defence of this city and province.

WHITE.

#### REPORT.

All the uncultivated land from the tower of Matanzas to the south would be very useful for the support of the province, the cultivation of it not being in any respect prejudicial to the defence of the city

or province; and as the land which the memorialist asked for is comprised in that part, there being no objection to your excellency's granting it, it being on the main land, at a small distance; and opposite the Little bar there is a small island named the Rock, or Large bar, where the predecessor of your excellency permitted the inhabitants to make lime, but ascertaining that his partner, Bike, raised some stone from the borders of the bar in order to sell it to individuals of the city, with manifest injury to the entrance of vessels by it, it being now capable of admitting small canoes, deponent was ordered by the government to quit that post, and not use the license granted to him. If the land which the party asks for is at the said Large bar, and if it be on the main land, there is no inconvenience in your excellency's granting it, if it be your pleasure, for the purpose he pretends, which is all I can report to your excellency in compliance with your preceding decree. St. Augustine, Florida, June 27, 1796.

PEDRO DIAZ BERRIO.

CONCESSION.

St. Augustine, Florida, June 28, 1796.

The land asked for not being that referred to in the foregoing report, let it be granted to the petitioner, without injury to a third person, and on the conditions allowed to other settlers or inhabitants.

WHITE.

Licentiate ABREU.

Certificate is granted.

PENGIL.

I certify that the foregoing is a true and correct translation from a document in the Spanish language on file in the public archives of St. Augustine.

F. J. FATIO, S. B. L. C.

TERRITORY OF FLORIDA, County of St. John's:

Francis Pelliser, jr., being duly sworn, doth depose and say that he was acquainted with Bartolome Mestre, of this county; that about twenty years ago, or something more or less, he settled a tract of land on the Matanzas river, west of the Matanzas fort, and is the same tract of land for which he obtained a grant from the Spanish government about that time. This deponent knows he was there making improvements for some time, but cannot say precisely how long; he had a wife and several children; his wife's name is Mariana Mestre, and now resides in the city of St. Augustine. The said Bartolome Mestre, some time after, left his said wife and family, and has never afforded them any support for many years, his wife having supported and raised the children. The said Bartolome went to Darien, and has there lived with a colored woman, by whom he has had children, as this deponent has been informed and believes. The tract of land above alluded to is said to contain about three hundred or three hundred and fifty acres.

FRANCIS PELLISER, JR

Sworn before me April 26, 1825.

W. H. ALLEN.

DECREE.

*Bartolome Mestre vs. The United States. For three hundred acres of land.*

The board having ascertained the above to be a valid Spanish concession, but undefined in quantity, do therefore report it to Congress. June 14, 1825.

No. 4.—See REPORT No. 6.

*Jehu Underwood vs. The United States. For six hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Jehu Underwood, a citizen of the United States, residing in the county of Camden, in Georgia, sheweth: That your memorialist claims title to a tract of land situated in the county of Duval, on a creek called Black creek, containing six hundred acres, lying in the following form, to wit: the first line running east twenty chains; second, south eighty-six chains; and the third, west twenty chains, bounded, as your memorialist believes, on all sides by vacant lands; which said tract of land your memorialist claims as follows: first, under a concession made to him on May 20, 1805, granting him the privilege of building a mill thereon, and cutting timber, which said concession is hereunto annexed, marked A; that, in virtue of said concession, shortly thereafter the said Jehu Underwood went into possession of said tract of land, namely, the same year, and built a saw-mill on said Black creek, and continued in the possession of the same until 1812, when the said mill was burnt down by the Indians, and he was driven off by them; that as soon as with safety he could, which was some years after, he went on to said tract of land again, and recommenced another saw-mill, which he shortly thereafter completed, in consideration of which, on February 20, 1821, he obtained a royal title to six hundred acres of land as above described, which said tract of land he was in actual possession of on the day East and West Florida were transferred to the United States. Your memorialist refers, as evidence of such royal title, as per exhibit marked B, which he hereby introduces, not as direct evidence of the derangement of the title, but as collateral evidence, to establish the fact of the quantity of land he was in possession of by virtue of the concession marked exhibit A, at the time of the transfer of this Territory to the United States. All which is humbly submitted to your consideration. August 27, 1823.

BELTON A. COPP.

A.—[Translation.]

*To the governor:*

Don Jehu Underwood, inhabitant of this province, to your excellency respectfully sheweth: That in April, 1804, he swore allegiance to his Catholic Majesty; that in December last he began to culti-



vate a tract of land, which he has hired on the river St. John's, with fourteen negroes and six white laborers, where has the pleasing prospect of an abundant crop of provisions; that his intention was, from the moment of his arrival in this province, to ask of the government, for the purpose of cultivating them, but has neglected doing so until the present moment; that the government could not doubt his intention of establishing himself in this province; that, lastly, being convinced of the abundance of timber therein, he has determined to erect two saw-mills on the banks of the river St. Mary's, on two creeks, the one called Dunn's creek the other Deep run; the first is situated three miles west from Pigeon creek, appertaining to Don Thomas Travers, bounded on the north by the river St. Mary's, and on all other sides by vacant lands; the last mentioned is situated about ten miles from the first; its front is bounded by the river St. Mary's; on all other sides by vacant lands; the intention of your memorialist being that of erecting the said two saw-mills immediately, with a part of his said laborers, and thirty new negroes, for whom he has written, and expects them very soon. He therefore prays your excellency will be pleased to grant him your super~~ior~~ permission for that purpose, conceding him the land sufficient, that the said two saw-mills may have sufficient quantity of pine timber for their use in their respective neighborhoods. St. Augustine, Florida, May 20, 1805.

JEHU UNDERWOOD.

St. AUGUSTINE, May 20, 1805.

Agreeably to his request, without injury to a third person, give him the corresponding license from the secretary's office.

WHITE.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives.

F. J. FATIO, S. B. L. C.

[Translation.]

In the city of St. Augustine, Florida, May 16, 1818, before his excellency, Don José Coppinger, colonel of the royal armies, political and military governor of this city and its province, appeared Don George Fleming, captain of militia, with the rank of provincial in this city, and planter, native of Ireland, of the married state, from whom his excellency, in virtue of the information moved for by Don Jehu Underwood, received the oath which he made, according to law, under the obligation of which he promised to tell the truth to the best of his knowledge, in what should be asked him; and, having been questioned as to the tenor of the memorial, said that he knows positively that Don Jehu Underwood built the water saw-mill to which he refers in his representation, in virtue of the permission granted by this government, in which he invested, according to the opinion of the deponent, about eight or ten thousand dollars, which water saw-mill remained working until the year 1812, when the insurrection of this province took place; at which time the deponent knew, by persons worthy of credit, that the said Underwood was ruined, because of fire having been set to the said water saw-mill, and he lost what he had there; that all that he has set forth is amply public, and well known, as also that Underwood was one of the faithful subjects at the time of the said insurrection; so that, to avoid following the course of the malcontent inhabitants of the province, he absented himself from it for the United States, after having been harassed by the said insurgents; and that, further to confirm the deponent that the said saw-mill was in operation at the period referred to, he obtained from it quantities of lumber, which he bought for his own use; further, he does not know that, at the present day, what Underwood says is right, because he has not been at that place since said rebellion, and he answers that all is truth, by virtue of his oath; that he is of the age of sixty years; that the exceptions of the law, which he was made acquainted with, do not affect him. And having been also apprized of the contents of this, his declaration, he signed it with his excellency; which I attest.

[A signed.]

JORGE FLEMING.

Before me—

JUAN DE ENTRALGO.

On the same day, month, and year, Don Jehu Underwood, for the information which he is giving, presented as a witness Don Fernando de la Maza Arredondo, jr., native, resident, and planter in this city, from whom his excellency, before me, the notary, received on oath, which he made according to law, under the obligation of which he promised to tell the truth, to the best of his knowledge, in what should be asked him; and, examining the tenor of the foregoing memorial, said that it is very certain, public, and notorious, that Don Jehu Underwood built a water saw-mill on the place pointed out in his representation, where the deponent was with the schooner Palafox, in the year 1810, to load her with lumber, which he effected, carrying it to the Havana; that said mill was in full operation, and very effective; since, for its establishment, the said Underwood expended about ten thousand dollars, which accounts the deponent had in his hands, as they came through those of his father, Don Fernando, is in said Havana; but that, in the year 1812, said mill was destroyed by the fire which the Indians put to it—the said Underwood having been ruined, having lost what he had there, being, as he was, a faithful inhabitant, who did not meddle in said insurrection; that he does not know if said water saw-mill has been actually re-established, because he has not been since at that place; and answers that all is the truth, by virtue of his oath; that he is thirty years of age; not affected by the exceptions of the law; and he signed this, with his excellency; which I attest.

[A signed]

FERNANDO DE LA MAZA ARREDONDO, JR.

Before me—

JUAN DE ENTRALGO.

On the same day appeared before his excellency Eleazer Stafford, an inhabitant of this province, and laborer in it, native of South Carolina, of the married state, from whom his excellency, before me, the notary, received the oath, which he made in form of law, promising to tell the truth, to the best of his knowledge, in what should be asked him; and being so, in the same manner with the former, he said that, since the year 1805, when he was established in this province, he saw that Don Jehu Underwood built a water saw-mill on Black creek, which he put in good order in every respect, and had it working until 1812, when the insurrection of this province took place, at which time said water saw-mill was destroyed and

burned by the Indians, by which Underwood suffered losses which left him unable to rebuild said mill, which he has now returned to re-establish, although not with all perfection; but as the deponent lives near the said establishment, he has seen that it has been sawing for these six months; and that, according to the declaration of the deponent, he has sawed since last spring about 100,000 feet of lumber, being at present fit to continue if the waters permit; and answers that all is the truth, by virtue of this oath; that he is of the age of forty-five years, and that the exceptions of the law, which were explained to him, do not affect him. And, being informed of what is contained in this declaration, he said that it was faithfully written; and signed it, with his excellency; which I attest.

[*A signed.*]

Before me—

ELEAZER STAFFORD.

JUAN DE ENTRALGO.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives.

F. J. FATIO, *S. B. L. C.*

B.

[Here follows the translation of a royal title made by Governor Coppinger, dated February 17, 1821, for six hundred acres of land.]

#### DECREE.

*Jehu Underwood vs. The United States. For six hundred acres of land.*

The board find the above to be a valid Spanish concession, the conditions of which have been complied with; but as the quantity of land is undefined by it, and the royal title confirming and ascertaining the quantity is dated after January 24, 1818, they report to Congress for decision. September 27, 1825.

No. 5.—See REPORT No. 6.

*Francis P. Sanchez vs. The United States. For six hundred acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Francis P. Sanchez respectfully sheweth: That he claims title in and to a tract or parcel of land consisting of six hundred acres, situated and being in East Florida aforesaid; that the said tract of six hundred acres is part of a grant of two thousand acres originally made to one Roque Leonardy, now deceased, by three several concessions, one of which was made on December 24, 1792, and one on April 11, 1793, by Governor Quesada, the governor of East Florida, and the other on January 3, 1799, by Governor White, the governor of East Florida; which several concessions were made under and in virtue of a royal order of the King of Spain, bearing date October 29, 1790—all which will fully appear by a reference to a certified copy of the said concession now here submitted and filed, and marked exhibit A; that the said Roque Leonardy, upon the obtaining said concession, took immediate and actual possession of the lands, and improved and cultivated them, and remained in the actual possession and occupancy of them till his death, which took place about the year 1803, and that his heirs are now in the actual occupancy of this part of the said lands now sold to your memorialist; that the said lands were surveyed very soon after their concession by the surveyor general of the province of East Florida, Pedro Marrot, but this plat having been lost, application was made by the heirs of the said Leonardy for a resurvey of them, which was ordered April 5, 1819, as will appear by a reference to a certified copy of the application and order for the said resurvey herewith submitted and filed, and marked exhibit B; that the said concession of two thousand acres were located by the said Roque Leonardy in two distinct tracts—one of which consisted of one thousand four hundred, and the other of six hundred, the latter of which is that claimed by your memorialist, as appears by the certified copies of the plat thereof now submitted and filed, and marked exhibits C and B; that the said tract of six hundred acres is situated on the North river, about sixteen miles from the city of St. Augustine, between the road to San Vincent Ferrer and lands of John Andrew, and has the following lines and dimensions, that is to say: the first line begins at a pine marked +, and runs north 77° east, 60 chains, to another pine, marked +; the second line runs north 13° west, 100 chains, to another pine marked +; the third line runs south 77° west, 60 chains, to another pine marked with a +; the fourth runs south 13° east, 100 chains, to the place of beginning. The said land was, at the time of the survey thereof, bounded on the south by lands of the heirs of Thomas Travers, on the north by vacant lands, on the west by the road to San Vincent Ferrer, as will more distinctly appear by the plat thereof contained in exhibit D. Your memorialist further shows that, May, 25, 1821, a grant in absolute property of the aforesaid tract of six hundred acres of land was made by Don José Coppinger, the governor of East Florida, to the heirs of the said Roque Leonardy, as will appear by a certain certified copy thereof now herewith submitted and filed, and marked exhibit E; and that Bartolome Leonardy, Juan Leonardy, and Maria Ugarti, the heirs of the aforesaid Roque Leonardy, afterwards, that is to say, March 20, 1822, for a valuable consideration paid to them by your memorialist, conveyed to your memorialist in fee simple absolute the said tract or parcel of six hundred acres of land, and its appurtenances, as will appear by original conveyance thereof to your memorialist, now herewith submitted and filed, and marked exhibit F. And your memorialist further avers and shows that the said Roque Leonardy was, at the time the said six hundred acres of land were conceded to him as aforesaid, and at his death, an inhabitant and settler of East Florida, and a subject to the King of Spain; and that his heirs were, at the time of their father's death, also settlers of East Florida, and subjects of the King of Spain, and were settlers of East Florida at the time they conveyed the said land to your memorialist; that your memorialist was, at the time of the cession of this Territory to the United States, an inhabitant and settler of East Florida, and has so continued ever since. Wherefore, he prays confirmation of his title to the said six hundred acres of land and its appurtenances, &c.

FRANCIS P. SANCHEZ,

By his attorney, JOHN DRYSDALE.

[Translation.]

MEMORIAL.

SEÑOR GOVERNOR: Don Roque Leonardy, an inhabitant of this city, with due respect, states to your excellency that about fifteen miles to the north of this city there is a piece of land belonging to the King, which in former times was planted by a certain Mr. Menn, and at present, for want of a person to possess it, is uncultivated. Wherefore, he prays the goodness of your excellency to be pleased to grant him the said land, by which he will receive a singular favor, which he hopes from the well-known justice of your excellency.

ROQUE LEONARDY.

St. AUGUSTINE, December 24, 1792.

As he requires, without injury to a third person, let this party be permitted to establish himself where he solicits until the commissioners appointed for the general survey of lands shall assign him those which correspond to his family.

QUESADA.

MEMORIAL.

SEÑOR GOVERNOR AND COMMANDER-IN-CHIEF: Don Roque Leonardy, resident of this city and inhabitant of the province, with all respect, states to your excellency that his only business being that of a laborer, by which he has to maintain his large family, and for this same reason your excellency having done him the favor to grant him the plantation called Mr. Menn's, agreeably to the distribution of lands to the other inhabitants, and having resulted to be in possession of another individual by a former decree and disposition of the superior government. Wherefore, he prays your excellency to be pleased to grant him three hundred acres of land, the boundary of which, to the north, is where the cutting of wood for the King takes place, without injuring in any manner said place for cutting wood, the land being open and worked for a few years, and in the whole there is scarcely wood of any consideration; furthermore, those which your excellency should think proper to grant him four miles more to the north of that place at the Rice plantation, so called, as your memorialist has family and slaves enough for the cultivation of said lands, and the three hundred acres which he has set forth not being sufficient, which is a favor he hopes for from the justice of your excellency.

ROQUE LEONARDY.

St. AUGUSTINE, April 11, 1793.

If the lands which this party solicits be not destined for the King's woods, nor previously to any other inhabitant of the province, the captain, Don Pedro Marrot, commissioned for the general distribution of them, shall assign those which correspond to him in the places which he points out.

QUESADA.

MEMORIAL.

St. AUGUSTINE, January 3, 1799.

SEÑOR GOVERNOR AND COMMANDER-IN-CHIEF: Don Roque Leonardy, inhabitant of this city, with due respect, states to your excellency that when the lands were surveyed there remained a piece near his plantation, and to the south of it, which bounds that of Don Teresa Gill; this said piece of public land consists of a scrub, very thick, and full of palmettos, although there is a small part a little cleared; but, although that which corresponds to him of the uncleared is but small, he receives much injury from the vicinity of it to the house of your memorialist. He humbly prays your excellency to be pleased to give him a piece of land, good and bad, that, by this means, he may lessen the increased damages which he receives in clearing and cultivating it, a favor which he hopes to receive from the equitable charity of your excellency.

ROQUE LEONARDY.

St. AUGUSTINE, January 3, 1799.

Let the commandant of engineers report.

St. AUGUSTINE, January 3, 1799.

SEÑOR GOVERNOR: The lands on which the petitioner has his plantation correspond to those of North creek, and he sees no objection that the lands which he solicits shall be increased in his possession and placed in cultivation, it being not only useful to shun the damages which the thickness of the woods occasions him, but also advantageous to the improvement of the agriculture of the province, which is all he has to inform your excellency of in compliance with the foregoing decree.

PEDRO DIAZ BERRIO.

DECREE.

St. AUGUSTINE, January 3, 1799.

Let there be granted to this party, without injury to a third person, the lands he solicits until, agreeably to the persons he may have for its cultivation, the corresponding quantity be assigned him.

WHITE.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.

[Translation.]

The legitimate heirs of Don Roque Leonardy and Don Aguida Coll, now deceased, with due veneration, represent to your excellency, through the medium of Don José M. Urgarte, as husband of Donna Maria



Leonardy, one of them, and the only one present, that there belonging to them by concessions, which the annexed documents prove, as also long possession and constant cultivation for more than twenty-six years, the following lands, to wit: beginning by a line which should run east and west from that of their bounding neighbors; on the south, the heirs of Francisco Aman; on the creek named the King's landing, distant twelve miles to the north of this place; on the margin of the West river, until it terminates to the north, with the lands and appurtenances of the old plantation named Mesta Man, as all must run under the same lines, and amongst them the said possession of Menn, three hundred acres marked out from the said boundary of Aman to the land also granted January 3, 1799; also what is called the Rice plantation, distant sixteen miles, on the said North river, from this place, also to the west, which, with their appurtenances, as well one as the other, have been formerly surveyed and laid off, except the scrub under the commission of Captain Don Pedro Marrot at that time placed in the general plan of surveys of this province, the place of deposit of which is unknown, and is wanting to the injury of the memorialists. Wherefore, they pray your excellency to have the goodness to permit that the private surveyor, Don Andres Bergevin, may pass to said lands to make new surveys of them under the regulations established in such cases; and that being effected, the corresponding documents be delivered to them to proceed to prove the other circumstances which consolidate the right of property which they ought to enjoy from having complied with the conditions imposed by the regulations of this government on this matter, they being ready to pay in full the expenses due. St. Augustine, Florida, April 3, 1819.

JOSE MARIA UGARTE.

DECREE.

ST. AUGUSTINE, April 5, 1819.

Let it be granted as asked for, agreeably to the forms of law, and with notice to the bounding neighbors.

COPPINGER.

ST. AUGUSTINE.

On the same day, month and year the foregoing decree was made known to Don José Maria Ugarte; which I attest.

ENTRALGO.

On the same day Don Andres Bergevin was notified of the appointment made of him as surveyor, and, on being informed of it, said that he accepted of it, and promised under oath, in due form, well and faithfully to discharge the duties intrusted to him according to the best of his knowledge and understanding, and signed it; which I certify.

ANDRES BERGEVIN.

Before me—

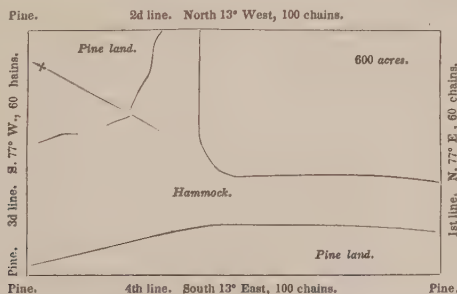
JUAN DE ENTRALGO, &c.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

[Translation.]

Don Andres Bergevin, as surveyor appointed by government by decree made on the 5th instant in favor of the interested: I certify that I have measured and laid off for the heirs of Don Roque Leonardy and Don Aguida Coll a piece of land which contains six hundred acres, situated on the western bank of the North river, twelve miles from this city, beginning on the southern boundary with the north line of the heirs of Don Francis Aman, ending to the north with the first salt creek to the east of said river, and to the west with vacant pine land, and being in its other circumstances conformable to the following plat, to confirm which I give these presents; which I sign in St. Augustine, April 28, 1819.

ANDRES BURGEVIN.



I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

[Here follows a deed of conveyance from the heirs of Roque Leonardy to claimant, dated March 21, 1822.]

DECREE BY THE BOARD.

The claimant, in support of his title, exhibited in evidence three concessions of different dates made to Roque Leonardy, deceased; the last of which, by Governor White, is dated January 3, 1799, the quantity

of land conceded not specified nor defined in the second concessions. The board not being authorized to decide finally on claims when the amount claimed is undefined, they order that all the documents filed in this case be forwarded to Congress for their determination. April 14.

No. 6.—Sec REPORT No. 6.

*Gabriel W. Perpall vs. The United States. For six hundred and forty acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of G. W. Perpall sheweth: That your memorialist claims title to a tract of land consisting of a mile square, (640 acres,) situated on the river St. Sebastian, about one mile in a southwest direction from this city; bounded on the east by the river Matanzas and St. Sebastian; on the south by a little creek called Julia; on the north by another creek called Gonzalez; and on the west by the pine barren; which title your memorialist derives from a judicial sale by Governor Quesada to Thomas Travers, and by him sold to George Taylor, who, by his attorney, F. M. Arredondo, sold to your memorialist. And your memorialist further sheweth that he is in actual possession of said lands; that he is a citizen of the United States and resident of St. Augustine. November 10, 1823.

G. W. PERPALL.

[Translation.]

JUDICIAL SALE.

Don Juan Nepomuceno de Quesada, colonel of the royal armies, governor, and commander-in-chief of this city and province of St. Augustine, Florida, for his Majesty, says that an official letter was transmitted to me from the accountant's office of the royal ——— of this said city, dated 9th October of the year last past, 1790, showing me that, by the decease of Don Jesse Fish, of the English nation, under which Protestant religion he died, there remained a piece of cultivated land called the Grove, and that a son of the said deceased had retired to the dominions of his Britannic Majesty, and that the laws of these kingdoms forbid that foreigners should hold real property unless they are established in our dominions, soliciting said minister that thus the said landed property, as well as whatever others are found in this province and belong to said Fish, their rents and arrears, should belong to his Majesty, requesting me, at the same time, to take the necessary measures for the investigation of this business. In virtue of which, by a judicial decree of the same month and year, I ordered that, being included in one of the resolutions which the said official letter from the accountant's office points out in law 34th, book 2d, and chapter 32 of the recopilatos (abridgment) of these kingdoms, to give completion to the said estate, testimony is to be taken by the notary of the testamentary disposition of Fish, or any other under which he may have died, informing his executors or other persons; certifying also, and warning the tenants previously to anything else, that they have to account to the royal administration for the rents; that it ought to be made known that, unless lawful creditors appear, the King, our sovereign, is to enter subsequently into possession of the whole. In attention to which the said notary, having a copy of the will annexed, certified that the property of which he had notice, what the said Fish left, besides what the said will contained, consisted of copies of deeds which he produced; in which stage the executors, Don Thomas Travers and Don John Leslie, presented themselves, setting forth the just reasons which hindered them from soliciting a writing of inventory, and referring to the property in the said notice which the notary presented—they asked for a postscript, "that many of the goods were of these that were purchased (servando servare non passunt) and others, as the houses which were every day losing their value for the want of repairs, so that their total ruin was to be dreaded in a little time, to the injury of the creditors or his Majesty. I did order, having previously, according to law, received information of it, that all should be valued and sold regularly; that the proceeds might be placed or deposited in the royal coffers until the issue; and, by a decree of the 6th of November of said year ago, I ordered that the master carpenter and masons should proceed to a valuation of the houses which were pointed out; also explaining, by a sworn return, what they think as to the necessity for selling them, and that, along with what the accountant's office had to say, whose duty it is to interfere in said business, there shall be a decree. In attention to which the valuation and survey of the houses and lots was proceeded to, the said master's swearing in due form that, in the state in which they found this property, it was threatened with entire ruin; that the sale of it would be favorable, since, if not, they would be exposed to the loss of their value, which, being seen by the accountant's office of the royal domain, it was their opinion that the said sale should be proceeded to, and by a decree of the 15th December of the said year I ordered that the sale should be proceeded to; for which purpose handbills were posted up at the public places for the lawful time, and the day of the sale being made known, it was carried into effect at the gates of this government house in legal form; and various bids, offers, and outbids being made for said goods, the hour appointed for its conclusion having arrived, the said auction was concluded of the houses and lots referred to, by various individuals. In consequence of which, by a decree of January 3, 1791, I ordered that what is contained in the proceedings at auction, being prepared, let each person deposit, respectively, the sums which correspond to him, and in its virtue they shall prove the production of the said sums, as appears from the letters of payment which they produced, made by the royal treasury of this place, with the intervention of the accountant's office of the royal domain, and my approval thereof. By my decree of the 17th of February of the said year, 1791, I commanded that there should be delivered to each purchaser a competent deed of property, and concluded with the corresponding note in the proceeding that may be brought, said deeds being executed as well for the houses and lots referred to, as also the negroes belonging to said estate, which were also auctioned with due solemnity to several individuals, depositing also its proceeds in the royal coffers. I commanded, by a decree of the 2d April of the said year, there shall be given to each interested the copy which he requires, he paying the proper cost, and at the same time the cost of the judicial decrees, and its amount be paid out of the proceeds of the auctions deposited in the royal coffers, and, when done, let it be brought forward, that what is necessary may be decreed in this stage; and various creditors of the said deceased having come forward claiming his credits, and as the tribunal has been informed that there are several others having presented

what Don Thomas Travers and Don Juan Leslie in their representation in the 8 volio of the said proceedings, and having in every respect to act according to law, I have commanded that the proceeds of the whole sale being presented, as it was in the royal coffers until another thing is determined on testimony of the accounts of the debts which are pointed out in said 8 volio, and, in every case, that Don Manuel Fernandez Beudicho be presented, who was named as defender of said estate, that, having previously accepted and taken the oath, he shall explain what is necessary of the state and nature of the cause, calling together the present creditors by handbills; and, as respects the absent in the city of Havana and the Island of Cuba, a despatch shall be forwarded to the captain general, to the end that he may order edicts to be posted up that, by themselves or their attorneys, they appear within the term of six months to allege their debts, and in the meanwhile everything shall remain suspended, with the exception of whatever the said defender may move, who renounced the charge, for which purpose he presented a representation, setting forth in it that he did not consider himself to possess the necessary information for this delicate affair; that he found it necessary to give his attention to various business now pending of the rents of the post office which he administered, on views of which I have admitted the said renunciation, and in consequence name in his place Don Fernando de la Maza Arredondo, to whom, having previously notified said appointment, and taken his oath, the above-mentioned judicial decrees shall be handed over: all being concluded, and the new defender having accepted of and sworn to his charge, he came forward representing and saying in his petition of the 2d July of the same year of 1791, that, having examined attentively the steps taken in the said decree, and in as far as they have proceeded all appears to have been very regular, and that he agreed to the whole; but, as many individuals who have to appear at said meeting may delay some time in coming or presenting their powers, he judged that, until they appeared, it would be proper not to cause them any delay afterwards, and to prevent every contingency of damage of the property which remains, that it be valued in due form, and auctioned as the former, passing the proceeds to the deposit before provided, setting forth at the same time, in addition, that, inasmuch as the place named the Grove belonged to the deceased, although it does not appear in the deed of title with which he enjoyed it, being certain that he had an immemorial possession, I should be favored by having it ordered that the trees and buildings should be valued, and that they should go to auction with the rest, determining on what may be most correct as to the land. To all which I have acceded by my decree of the said month and year, commanding that all should be done as required and in proper form, which proceeding has been delayed some time by the great business of the notary, and sometimes by sickness, which prevailed at that time. The said defender represented again, stating that, from the well-known injury sustained by the property of the deceased, Fish, from want of a master who would take care of it as his own, he prayed that I would order that, without loss of time, the valuation should be made, and the sale provided for; explaining by an addition, for the better understanding, that inasmuch as by the deed of property of the possession of the said Don Juan Eliju de la Puente had not sold them under any survey, only marking the limits with creek, salt marshes, roads, and other marks, which are yet in being; in virtue of which he asked that two measurers or surveyors should be hired, and it would be sufficient to name only two skilful persons, who, informed of the places more or less advantageous, and instructed of what lands produce in this country, should value said possession, accompanied by the individuals who may find it convenient to choose, that, in the place of a notary, supposing there was not one, if said valuation should be presented—it being well understood that the lots which were within the city were to be measured and valued without fail, in the regular form, for which he asked for the judicial and final decrees by my decree of the 16th January of the present year—I commanded, among other things, that, it resulting that the valuation and sale referred to had not had effect, it should be proceeded to in presence of the said defender of Don Vicente Maria and Fran. Kovira, for want of a notary, and Don Manuel Solana and Don Roque Leonardy, who were named as skilful men; that the boundaries being regulated according to what is certain from the deeds of sale of the land, they may proceed to its valuation, having first performed the customary forms, and may successively make the sale of the whole at public outcry in favor of the best bidder, for which purpose the corresponding commission shall be expedited, with an insertion of the lands which ought to be valued, with the boundaries assigned, that orders may be complied with; which being done, it being added to the judicial decrees on the business to confirm them; and as respects what relates to the lot, it may be done as the said defender proposes; in consequence of which, the said commission was delivered, and the said valuation made as was ordered. I commanded him to show it to the office of royal accountant general, to say if there was anything to be said relative to the royal interests; and in order that, in the accustomed manner, the survey and valuation of the lots should be proceeded to with its knowledge, which, notwithstanding, resulted without this circumstance, and, in consequence, to the sale of all, naming as master carpenter John Purcell, and mason Joaquin Sanchez, who, in compliance with orders, and by virtue of the concurrence of the said royal accountant general's office communicated in the opinion of the 11th February, they proceeded to the sale at auction, which was done in form of law, and various bids, offers, and out-bids having been offered, the hour appointed for its conclusion having taken place, there remained auctioned in favor of Don Thomas Travers the savannas of St. Sebastian, which are situated at the distance from this city, to the southwest, of more than a quarter of a league on the west side of the river of this name of St. Sebastian; and the said savannas, from a creek which leaves said river and turns to the west, which is called Gonzalez Mendez, runs to the south more than a quarter of a league on the banks of the salt marshes this way, which runs towards the bar at Matanzas until it bounds with other salt marshes which divide the savanna of Briosio, which is the last of St. Sebastian, with another which is called de Julia. The breadth of said savannas is, from east to west, more than a quarter of a league; the boundaries of which are: on the north of the said creek of Gonzalez Mendez; on the west by a pine barren and a gravelly place, from which proceeds a branch which runs to the south; on the south, the said salt marsh of Julia; and on the east, said river St. Sebastian and its salt marshes, and that which communicates, as is already set forth, with the bar of Matanzas; which sale was verified in favor of said Don Thomas Travers for the sum of fifty dollars, there being no person who would give more, and I have approved it in favor of the aforesaid; and by my decree of the 22d of March, I have ordered that it should be notified to those contained in the proceedings of sale, that within three days they should each produce into the accountant general's office the sum which respectively corresponds to them, that it might be deposited in the royal coffers, placing a note to that effect on the judicial decrees, and, that being done, I would give a provisional judgment; after which, and having continued in various other proceedings relating to the said property, some of it being already sold, that they have not had a bidder for the former; and having already decreed, provisionally, on various memorials of some creditors to the said property, Don Felipe de Aguirre, one of the purchasers, presented



himself, praying me to order what may be convenient, in order that a deed or document of property should be delivered to him, which would accredit what had been performed relative to the land referred to, called the Five Miles, and as he had satisfied the amount and presented the receipt for payment, which prove it, to the notary; in attention to which, by my decree of the 28th July, that it being certain that the said amount was satisfied, the corresponding deed should be formed, which was solicited, and the same to other persons in a similar case. In virtue of which, and there being no person to represent the rights of the said Fish, with the exception of the said defender, given officially, with whose concurrence said sale was carried into effect, and that the said Thomas Travers may have a legitimate title to the said property or land sold to him at auction, and my orders the due effect, I declare by these presents, in the name of his Majesty, (whom God preserve,) and of his royal justice, which I administer, that I sell, and give in absolute sale forever, to the said Don Thomas Travers, for himself and his heirs, the said lands of the savannas of Sebastian, free of all tribute or mortgage, at the price of the said fifty dollars, which he gave in silver, paid and deposited in the royal treasury of this city, for which there was given a receipt of payment, and, it being necessary, let it be given anew, with the renunciation of the laws which may be necessary; and from hence and for the future I take from him, the said Jesse Fish, the power, and separate him from the right which he, his heirs, or other persons, may have to the possession, property, seignior, title, power, appeal, and any other right which appertained or belonged to said savannas; since I cede, renounce, and transfer it all to the said purchaser and his representatives, that, as their own, they may possess, sell, and alienate the said savannas at their will, in virtue of this deed, which I deliver in their favor, by which they can take and acquire the possession when it best suits them; and for its better validity and firmness, I interpose my authority and judicial decree, as I can and of right ought to contribute thereby to the good administration of justice; and I deliver these presents in this city of St. Augustine, Florida, November 22, 1792, there being witnesses, Don Manuel Rengil, Don Thomas Aguilar, and Sylvester Miranda, inhabitants present, and his excellency signed it, and whom I, the undersigned notary, know, and hold as such governor and commander-in-chief of this said city and its province, he as such exercising the administration of the royal justice in it. All of which I attest.

QUESADA.

Before me—

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

I, William Reynolds, keeper of the public archives, do hereby certify that, on August 29, 1803, Thomas Travers sold and conveyed to George Taylor a tract of land, situated on St. Sebastian river, containing an undefined number of acres, being the same which he bought at government sale March 21, 1792, all which appears on record in my office. In testimony whereof, I hereunto set my hand and seal of office, at the city of St. Augustine, this 7th day of September, 1824.

[L. S.]

WILL. REYNOLDS, *Keeper of the Public Archives.*

[Translation.]

GENERAL POWER.

Be it known that I, George Taylor, a new settler of this province, received under the protection of his Catholic Majesty, declare that I give all my full, ample, and sufficient power, as may be required in law and necessary, to Don Fernando de la Maza Arredondo, of this place, that, in my name, and representing my proper person, rights, and actions generally, he may have, demand, receive, and recover, judicially or extra-judicially, of all and every person, of whatever state, quality, and conditions they may be, all the sums of money, gold, silver, jewels, slaves, merchandise, goods, property, and effects, of whatever kind or quality they may be, which may be owing to me, and may be due to me henceforward, in virtue of public or simple instruments, and without them, all the debts, persons, cause or reason of proceeding, quality, quantity, time, form, or other circumstances necessary in law, are not declared, because, under the generality of this clause, I have comprised whatever particularity may arise; and that he may demand and take accounts of my debts, and give them to the persons who may owe me, and make charges, and allow their acquaintances, with the approval or contradiction of the terms, until the conclusion or liquidation of the balances which he may receive and recover agreeably to the same; and, in case of doubts or differences arising which cannot be conveniently adjusted, he may refer them to judges in arbitration, friendly referees, and umpires, that in arbitrating, adjusting, and compounding, they may decide and determine them, obliging myself to stand and abide by their decision. That he may be able to administer all and every my goods, real and personal, movable and immovable, sell some and buy others, rent and mortgage them, for the prices and terms which he may adjust and agree to, delivering the deeds, receipts, and letters of payment necessary, which I approve and ratify, as if I myself were present at the delivery; and that he may defend me in all my lawsuits, causes, and business, civil and criminal, ordinary and executive, moved and to be moved, with all persons whatsoever, demanding and defending, presenting petitions, deeds, witness, testimonials, certificates, proofs, bonds, accounts, balances, and other instruments, see presented, sworn to, and consented to those on the contrary side, make objections and find defects, guarantee depositions and persons, hear judicial decrees and sentences, interlocutory and definitive, consent to what is favorable, and appeal from what is adverse, and petition when he can and ought lawfully to do so, follow the course of law or desist from it, refuse judges, lawyers, notary, and other law officers, proving the causes of his refusals, or withdrawing himself from them as may best suit, and finally proceed, act, and do whatever may be in my favor, so that, for want of my power, clause, requisites, or precise circumstance, he may fail to act, since, in every respect, I give him full power, without limitation, with free, open, and general administration, incidences, and dependencies, power to prepare causes for judgment, to swear, omit, and substitute, make substitutes, and name others with substitution in form; and for the fulfilment of what he shall perform, I bind myself, with my property, present and future power, and submission to the tribunals of his Majesty, that they may compel me to its performance, as by sentence consented to and passed in authority of an adjudged case; on which I renounce all laws, customs, rights, and privileges, in my favor, and the general in form which prohibits it. In testimony of which, this is dated in the city

of St. Augustine, Florida, February 18, 1804. I, the notary, attest that I know the grantor who signed this, being witness, Don Francisco Rovira, Don Juan de Entralgo, and Don Bernardo José Seguí, inhabitants present.

Before me—

GEORGE TAYLOR.

JOSÉ DE ZUBIZARETTA, *Notary of Government.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

[Translation.]

CONVEYANCE.

Be it known that I, Don Fernando de la Maza Arredondo, merchant of this city, general attorney of Don George Taylor, who is absent, and which power he has conferred on me before the present notary, February 15, 1804, which power has not been revoked, and is sufficient for what shall be said: I declare that I really sell to Don Gabriel G. Perpall, also of this place, certain savannas belonging to my principal, known by the name of St. Sebastian, and which are situated to the southwest of this city, at the distance of a quarter of a league, on the west side of the river of St. Sebastian, which, from a creek which it forms and turns to the west, called Gonzalo Mendez, runs to the south more than a quarter of a league on the bank of salt marshes on this course to the bar of Matanzas, which divide the savanna of Briesto, which is the last of St. Sebastian, with another called Juta, having a breadth east and west a little more than a quarter of a league, whose boundaries are on the north of said creek of Gonzalo Mendez, on the west the pine barren and a gravel bank, from which arises a creek, turning to the south on this side the said salt marsh of Juta, and on the east the said river St. Sebastian and its salt marshes, and of that which communicates, as said before, with the bar of Matanzas, which said savanna my principal had and bought from Don Thomas Travers, deceased, by deed, which he made in these archives August 29, 1803; and I make him the said sale, with all its entrances, outlets, uses, customs, rights, and services, which belong and appertain to the said savannas, and free of all encumbrance, as I, the said notary, certify, from the results of the book of mortgages in my charge, which I have searched for the purpose, at the price of six hundred and fifty dollars, which the purchaser has paid me in cash, which sum I acknowledge as delivered to my will; on which I renounce proof, laws of delivery, exception to money not counted, fraud, and everything else in the case; for which I separate my said principal from the right of property, possession, use, seignior, and other rights, real and personal, which he had or held to the said savannas of St. Sebastian; that I cede, renounce, and transfer them to the purchaser, and his representation, that, as his own, he may possess, sell, and alienate them at his will, in virtue of this writing, which I deliver in his favor as a token of real delivery, by which it is seen that he has acquired the possession, without occasion for further proof, from which I release him, and oblige myself to the eviction and guarantee of this sale in due form, and as may best suit, in favor of the purchaser, with my property, present and future power, and submission to the tribunal of his Majesty, that they may force me to compliance, as by sentence consented to and passed in authority of a thing adjudged, on which I renounce all laws, customs, rights, and privileges in my favor, and everything in form which prohibits it. And I, the said Don Gabriel W. Perpall, being present, accept in my favor this writing, and by it receive as purchased the said savannas of St. Sebastian, at the price and agreement on which they were sold to me, and I acknowledge them as delivered to my will. I renounce proof, laws of delivery, those of a thing not seen or received, fraud, and everything else in the case; for which I deliver a receipt in form. In testimony of which, this is dated in the city of St. Augustine, March 18, 1809. I, the notary, attest that I know the parties who signed this, being witnessed by Don Juan de Entralgo, Don Bernardino Sanchez, and Don Bernardo José Seguí, inhabitants present.

FERNANDO DE LA MAZA ARREDONDO.

GABRIEL G. PERPALL.

Before me—

JOSÉ DE ZUBIZARETTA, *Government Notary.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*

DECREE BY THE BOARD.

The claimant in this case exhibited a judicial or government sale of the land by Governor Quesada to Thomas Travers, which sale we ascertain was made in conformity to the laws and usages of the late Spanish Government, and dated November 22, 1792. An abstract from the office of the public archives was also exhibited, by which it appears that Travers sold and conveyed the land to George Taylor, by his attorney, Fernando de la Maza Arredondo, who sold and conveyed the same to the claimant. The board having ascertained from the exhibits offered that the quantity of land claimed is undefined, they order that this case be reported to Congress for their determination. April 14.

No. 7.—See REPORT No. 6.

*Robert Gilbert vs. The United States. For one hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Robert Gilbert respectfully sheweth: That your memorialist claims title to a tract of land consisting of one hundred acres of land, situated on the Matanzas river, and has not been surveyed, the original documents of which are in the office of the archives, as is supposed, and a certificate of which from the government secretary is herewith presented, dated March 1, 1798; which title your memorialist

derives from a grant made to him by Governor White, in virtue of the royal order of 1790; and your memorialist further sheweth that he is not in actual possession of said lands, they not having been set off to him by the government, but were granted to him on account of grievances which he had suffered by the government; that he is a citizen of the United States and resident of Florida.

JOHN B. STRONG, *Attorney for Claimant.*

St. Augustine, November 24, 1823.

[Translation.]

Don Juan de Pierra, sub-lieutenant of the fourth company of the third battalion of the infantry regiment of Cuba, and secretary of this government, and commanding general: I certify that a memorial presented by Robert Gilbert the 27th of last month, soliciting, in virtue of the definitive sentence in the decrees against various inhabitants for the crime of rebellion, lands which are vacant in the place named Mosse, this day the following decree was made: "This party having made it appear that the lands which he solicits are not in Mosse, but in Matanzas, this error originating from the mistake of the writer, let those he solicits be granted him, without prejudice to a third person, until, according to the persons he may have for its cultivation, the corresponding quantity is assigned. This writing having to be passed to the military assessor in order that it may be united to the proceedings instituted against the petitioner for the crime of rebellion, and that it may serve for the interested, I give these presents at St. Augustine, Florida, March 1, 1798.

"JUAN DE PIERRA."

I certify that the foregoing is a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

#### DECREE OF THE BOARD.

The claimant exhibited to the board a certified copy of concession for the land by Governor White to him, dated March 1, 1798; quantity undefined. The board not being authorized to decide finally on claims of this nature, they therefore order that the documents accompanying the memorial be forwarded to Congress for their determination. December 1.

No 1.—See REPORT No. 7.

*William Travers vs. The United States. For four hundred and twenty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Travers, son of Thomas Travers, late of St. Augustine, deceased, for himself and the other heirs of the said Thomas Travers, respectfully sheweth: That your memorialist claims title to a tract of land containing four hundred and twenty acres, situated about two or two and a half miles west of St. Augustine, and bounded as follows: beginning at a pine marked with a cross; running thence north 63° east, 70 chains 71 links, to a pine marked with a Roman number XII; thence south 27° east, 52 chains, to a pine marked with a cross; thence south 74° west, 24 chains, to a pine with III; thence north 34° west, 12 chains, to a pine with III; thence north 63° west, to a pine with a cross; thence north 27° west, to the beginning; which title your memorialist derives from a sale made to Joseph Peavitt, May 18, 1779, by Henry Skinner, of the said land; and your memorialist further sheweth that the said Peavitt cultivated the said lands, and had possession of them up to the time of his death, when they came legally into possession of Maria Evans, wife of the said Peavitt, who, by her last will and —, devised them to your memorialist's father, Thomas Travers. Your memorialist further shows that he is in actual possession of said land, and that he is an American citizen, and a resident of St. Augustine.

WILLIAM TRAVERS.

[Here follows a mutilated instrument of writing, purporting to be a lease from Henry Skinner to Joseph Peavitt for one year, dated May 17, 1775; also a mutilated release in fee, dated May 18, 1779, and also an order of survey directed to Benjamin Lord by Governor Pat. Tonnyn, dated March 10, 1783.]

[Here follows the translation of the certificate and plat of survey, by A. Burgevin, of the 428 acres, dated December 20, 1819.]

EAST FLORIDA, *St. John's County:*

This day personally appeared before me, the subscriber, one of the justices of the peace for the county aforesaid, Gabriel Triay, who, being duly sworn, doth depose and say that he has resided in and about St. Augustine near fifty-five years; that he knew Joseph Peavitt as early as 1779, and remained acquainted with him up to the time of his death; that Peavitt remained here after the cession of the country by Great Britain to Spain in 1784, and became a Spanish subject; that he, this deponent, was employed by Peavitt, whilst the British had possession of the country, to build houses, &c., upon a plantation belonging to the said Peavitt, at a place about two miles west from St. Augustine, at a place called Peavitt swamp; that Peavitt retained possession of the said lands up to the time of his death, which took place some time after the Spaniards came into the country; that he never heard the right of Peavitt's heirs to this property questioned. The improvements made upon this plantation were burnt by the Indians, and the plantation broken up many years ago. A man by the name of Penman had a plantation about a mile and a half to the northward of the place described by this deponent. Deponent knows that Joseph Peavitt had negroes upon Penman's place for several years, and cultivated that place at the same time that he planted the plantation in Peavitt's swamp. Deponent does not know how much land Peavitt owned in the swamp, but always thought the whole belonged to him. Deponent knew Maria Evans, the wife of Peavitt, well; after the death of Peavitt she married a man by the name of Hindson, who died here some time since—some time before the death of Maria Evans. Peavitt had no children, and, after his death, his wife had possession of all his property to the time of her death. The house built by Peavitt was from thirty to thirty-five feet long, and sixteen or seventeen broad; he had about twenty-eight negroes, workers, and all



necessary houses for them, and had about forty or fifty acres cleared and in cultivation for them, besides a considerable quantity of pine land.

GABRIEL + TRIAY.  
his  
mark.

Sworn to before me July 19, 1824.

BERNARDO SEGUI, J. P.

EAST FLORIDA, *St. John's County* :

This day personally appeared before the subscriber, one of the justices of the peace for the county aforesaid, Nicholas Estefanopoly, who, being duly sworn, doth depose and say that he has resided in St. Augustine for many years; that he was acquainted with Joseph Peavitt before and after the cession of this country by Great Britain to Spain, and knew of the said Joseph Peavitt becoming a Spanish subject; that he, this deponent, was employed by Peavitt at sundry jobs at said Peavitt's plantation, situated about two miles west from St. Augustine, and at a place called Swamp—this ——— whilst under the government of Great Britain; but that he knows Peavitt remained cultivating the said land up to the time of his death, and that he has not a doubt his widow continued in possession for many years after, and planted the same; that he never heard the right of Peavitt's heirs to this land questioned. Deponent knew Maria Evans, the wife of Peavitt; after the death of Peavitt she married a man by the name of Hudson, who died here some time before the death of Maria Evans.

NICHOLAS + ESTEFANOPOLY.  
his  
mark.

Sworn to before me July 21, A. D. 1824.

BERNARDO SEGUI, J. P.

DECREE BY THE BOARD.

In this case we ascertain that the land was originally granted to one Skinner by the British government; that he conveyed it by deed to Joseph Peavitt; that Peavitt, after the cession of this country to Spain, continued to occupy and cultivate it; that he became a Spanish subject, and died without issue; that his wife continued to occupy, and cultivated the same until her death; that in her last will and testament she bequeathed the land to Thomas Travers, deceased. We confirm the title to claimant. April 15.

[Nos. 2, 3, 4, 5 were not returned to the General Land Office by the commissioners.]

No. 6.—See REPORT No. 7.

*Charles W. and Geo. J. F. Clarke vs. The United States. Claim for three hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Charles W. and George J. F. Clarke respectfully sheweth: That your memorialists claim title to a tract of land consisting of three hundred acres, situated on the Matanzas river, at a place called Worcester; the first line beginning at a stake, and running west, forty-seven chains, to a pine; second line, south, fifty-five chains, to a blank corner; the third, east, sixty-seven chains, to a pine; fourth line formed and bounded by the marshes of Matanzas river; which title your memorialists derive from a British title made to Thomas Clarke, their father, by Governor Grant, as will appear by an original grant accompanying this petition. The original instrument showing the Spanish recognition of this title has been already presented to your honorable board by George J. F. Clarke in another petition. And your memorialists further show that they are in actual possession of said lands; that they are natives and residents of Florida. Your petitioners will, as in duty bound, forever pray, &c.

GEORGE J. F. CLARKE,  
For CHARLES AND GEORGE CLARKE.

[Here follows a grant of the British governor, James Grant, to Thomas Clarke, dated April 2, 1770.]

[Here follows a recognition of the above grant by the Spanish government, dated November 15, 1787.]

*Charles W. and George J. F. Clarke vs. The United States. Claim for three hundred acres of land.*

The board having ascertained that the above is a valid British grant, and that it has been duly recognized by the Spanish authorities, and that the claimants are the legitimate heirs of the grantee, do confirm it to them accordingly.

No. 7.—See REPORT No. 7.

*James and George Clarke vs. The United States. Claim for five hundred acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of James and George J. F. Clarke respectfully sheweth: That your memorialists claim title to a tract of land consisting of five hundred acres, situated on the west of Matanzas river; first line, south sixty-six degrees west, eighty-two chains, from a pine to a pine; second line, north twenty-four degrees west, sixty-one chains, to a stake; third, south sixty-six degrees west, eighty-two chains, to a stake; fourth, twenty-four degrees east, sixty-one chains, to the pine of beginning; which title your memorialists derive from a British title made to Honoria Clarke, their mother, by Governor Tonyn, as per original grant herewith presented; the recognition thereof will be found in a Spanish original instrument already presented by George J. F. Clarke in another memorial. Three hundred and fifty of these five hundred are the property of said James Clarke, of the Spanish army in Europe, and the remaining one

hundred and fifty are that of your petitioner present. And your memorialists further show that they are in actual possession of said lands. Both your petitioners are natives of East Florida, and the present a resident. Your petitioners will, as in duty bound, pray, &c.

GEO. J. F. CLARKE,  
For JAMES AND GEORGE CLARKE.

[Here follows a grant of the British governor, Patrick Tonyn, to Mrs. Honoria Clarke, dated September 29, 1780.]

[Here follows a recognition of the above grant by the Spanish government, dated November 15, 1787.]

DECREE.

*James and G. J. F. Clarke vs. The United States. For five hundred acres of land.*

The board having ascertained that the above is a valid British grant, and that it has been duly recognized by the Spanish authorities, and that the claimants are the legitimate heirs of the grantee, do confirm it to them accordingly. October 10, 1825.

[No. 8 was not returned by the commissioners to the General Land Office.]

No. 1.—See REPORT No. 8.

*Farquhar Bethune vs. The United States. For a lot in Fernandina.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Farquhar Bethune respectfully sheweth: That your memorialist claims title to a lot in the town of Fernandina, designated on the plan of said town by the number seven of the ninth square, measuring in front seventeen varas, and in depth thirty-four, bounded on the north by White street, on the east by another lot belonging to your memorialist, on the south by Joseph Gantt's lot, and on the west by Joseph Hernandez's lot; which title your memorialist derives from a grant in fee simple made to George Atkinson by Governor Kindelan, August 16, 1814. Your memorialist further sheweth that he is in possession of said lot, and was so at the time of the cession. That he is an inhabitant of Florida, and a resident of Amelia island, having purchased said lot from George Atkinson September 1, 1814. The bill of sale, marked A, is annexed, as also the grant marked B. All of which is respectfully submitted, &c.

FARQUHAR BETHUNE.

[Here follows the translation of the royal title made by Kindelan to George Atkinson for the lot of land, dated August 16, 1814.]

[Here follows the translation of a sale from Atkinson to claimant, dated September 1, 1814.]

DECREE.

The board ascertain this to be a valid Spanish grant made previous to January 24, 1818, and confirm the title to claimant. April 25.

No. 2.—See REPORT No. 8.

*Farquhar Bethune vs. The United States. For a lot of land in Fernandina.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Farquhar Bethune respectfully sheweth: That your memorialist claims title to a lot of land in the town of Fernandina, number five of the ninth square, bounded on the east by Daniel Hurlbert's lot, on the south by Josiah Grey's, on the west by your memorialist's lot number seven, on the north by White street, and contains in front seventeen varas, and in depth thirty-four; which title your memorialist derives from a grant made to Andrew Atkinson October 2, 1811, by Governor Estrada, from whom your memorialist purchased it September 1, 1814. Your memorialist further sheweth that the said lot was improved in compliance with the conditions imposed by the order of May 10, 1811, by the first occupant and by your memorialist; that he has been in possession of said lot since the year 1814, and is so now; that he is an inhabitant of Florida and resident of Amelia island. All of which is respectfully submitted.

FARQUHAR BETHUNE.

[Here follows the translation of a grant by Governor Estrada of the lot of land to Andrew Atkinson, dated May 2, 1811.]

[Here follows the translation of a sale of the lot from Atkinson to claimant, dated September 1, 1814.]

DECREE.

The board ascertain this to be a valid Spanish grant made previous to January 24, 1818, and confirm the title to claimant. April 21.

No. 3.—See REPORT No. 8.

*Zephaniah Kingsley vs. The United States. For a lot in Fernandina.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Zephaniah Kingsley, by George Gibbs, attorney in fact, respectfully sheweth: That your memorialist claims title to a lot of land consisting of seventeen varas in front and thirty-four varas

in depth, situated in the town of Fernandina, Amelia island, bounded on the north by the marsh of Egan's creek, on the south by a lot of John McClure, on the east by the street Pasco de las Damas, on the west by a lot of Philip R. Yonge; which title your memorialist derives from a royal title made to your memorialist by Governor Estrada July 7, 1815, marked A, herewith submitted. And your memorialist further sheweth that he is in actual possession of said lot; that he is now a citizen of the United States and resident of the Territory of Florida.

ZEPHANIAH KINGSLEY,  
By GEORGE GIBBS, *Attorney in fact.*

[Here follows the translation of the royal title made by Governor Estrada for a lot, dated July 7, 1815.]

DECREE.

The board ascertain this to be a valid Spanish grant made previous to January 24, 1818, and confirm the title to claimant. April 26.

No. 4.—See REPORT No. 8.

*Zephaniah Kingsley vs. The United States. For a lot.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Zephaniah Kingsley, by George Gibbs, attorney in fact, respectfully sheweth: That your memorialist claims title to a tract of land consisting of about one hundred and seventy feet north and south, situated in the town of Fernandina, about ninety-three feet from east to west, which is equal to about fourteen hundred and seventy square yards, bounded on the north by a creek called Egan's creek, on the east by vacant marsh, on the south by other lands belonging to your memorialist, and on the west by the canal belonging to Hibberson and Yonge, being from north to south forty-seven varas, and from east to west thirty-four varas; which title your memorialist derives from a royal title made to your memorialist by Governor Coppinger, per memorialist's decree dated July 8, 1815, marked A, herewith enclosed, and reference to the documents in the office of the archives of the Territory will more fully appear. And your memorialist further sheweth that he is in actual possession of said lands; that he is now a citizen of the United States and resident of the Territory of Florida.

ZEPHANIAH KINGSLEY,  
By GEORGE GIBBS, *Attorney in fact.*

[Here follows translation of a royal title made by Governor Coppinger, dated March 27, 1817.]

DECREE.

*Zephaniah Kingsley vs. The United States. For a marsh lot in the town of Fernandina.*

The board ascertained this to be a valid grant made to memorialist previous to January 24, 1818, and therefore confirm the same to claimant. April 29, 1825.

No. 5.—See REPORT No. 8.

*Farquhar Bethune vs. The United States. For a lot in Fernandina.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Farquhar Bethune respectfully sheweth: That your memorialist claims title to a lot of land in the town of Fernandina, designated in the plan of said town by number nine of the ninth square, containing in front seventeen varas, and in depth thirty-four, bounded on the north by White street, on the east by another lot of your memorialist, on the south by Damian Rainey's lot, and on the west by Joseph Bergallos; which title your memorialist derives from a grant made to Francis Entralgo January 31, 1811, by Governor White. Entralgo dying without heirs, said lot became his mother's, Catalina Hijuelos, according to Spanish laws, who sold said lot to Francis Marin, by his attorney, John Entralgo, from which Marin your memorialist purchased said lot. At the time of issuing this grant there was no regularly laid out town, but, May 10, 1811, orders were had for forming a regular plan, and decree passed that those who should build and improve on said new plan should be entitled to a grant in fee simple, which was not previously the case. Your memorialist further sheweth that the said lot has been duly improved by the first occupants and by himself; that he is now in possession of said lot, and was so at the time of the cession; that he is an inhabitant of Florida and a resident of Amelia island. All of which is respectfully submitted, &c.

FARQUHAR BETHUNE.

[Here follows translation of a concession made by Governor White January 31, 1811, to Francis de Entralgo.]

[Here follows translation of a conveyance from Catalina Hijuelos, legal heiress of Francisco de Entralgo, to Francisco Marin, dated December 28, 1816.]

[Here follows translation of a conveyance from Francisco Marin, by his attorney, Pedro Pons, dated September 12, 1818.]



## DECREE.

*Farquhar Bethune vs. The United States. For a lot in Fernandina.*

The board having ascertained the above to be a valid Spanish concession, and the deraignment to claimant being regular, the same is confirmed accordingly. April 29, 1825.

No. 6.—See REPORT No. 8.

*George Fleming's heirs vs. The United States. For a lot in Fernandina.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the heirs of George Fleming, deceased, by Sophia Fleming, widow and relict of said decedent, respectfully sheweth: That your memorialists claim title to a tract of land consisting of one lot, situated in the town of Fernandina, designated as lot number seven; which title your memorialist derives from a concession made to George Fleming May 2, 1811, by Governor Estrada, which is herewith exhibited, marked B. And your memorialists show they are in actual possession of said lot, and were so by themselves ancestor before the cession of this Territory to the United States by Spain, as well as at that time, and ever since; that they are citizens of the United States and residents of East Florida. They pray confirmation of title, &c. All of which is submitted, &c.

SOPHIA FLEMING,

*For herself and the heirs of George Fleming.*

[Here follows the translation of a decree of concession by Governor Estrada, dated May 2, 1811.]

## DECREE.

*George Fleming's heirs vs. The United States. For a lot in Fernandina.*

The board having ascertained the above to be a valid Spanish concession to George Fleming, deceased, do confirm it to his heirs accordingly. April 29, 1825.

No. 7.—See REPORT No. 8.

*William Hobkirk vs. The United States. For a lot in Fernandina.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of William Hobkirk respectfully sheweth: That your memorialist claims title to a tract of land consisting of a town lot, situated in the town of Fernandina, numbered square eighteen, and lots three and four in the plan of said town, measuring seventeen varas front and thirty-four varas in depth; which title your memorialist derives from a royal title made to memorialist by Governor Coppinger, a copy of which said royal title is herewith filed, dated January 13, 1816, marked A; and your memorialist further sheweth that he is legally seized and ——— possession of said lands; that he is a citizen of the United States and resident of East Florida, and was so at the time and before the cession of this province. He prays confirmation of title, &c.

WILLIAM HOBKIRK.

[Here follows translation of a royal title from Governor Coppinger, dated January 13, 1816.]

## DECREE.

*William Hobkirk vs. The United States. For a lot in Fernandina.*

This being a valid Spanish title, made previous to January 24, 1818, it is therefore confirmed. May 30, 1818.

No. 8.—See REPORT No. 8.

*George Atkinson vs. The United States. For a lot in Fernandina.*

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George Atkinson, by George Gibbs, attorney in fact, respectfully sheweth: That your memorialist claims title to a lot consisting of seventeen yards in front, and thirty-four in depth, situated in the town of Fernandina, bounded on the north by San Fernando street, on the east by the lot of the black woman Flora, on the south by the lot of Henry Quible, and on the west by the lot of Anna Wiggins; which title your memorialist derives from a grant made to your memorialist by Governor Coppinger, May 7, 1817, as will more fully appear by reference to the said grant, herewith exhibited, of the above date, marked P. And your memorialist further sheweth that he is in legal possession of said lot; that he is a citizen of the United States and resident of Darien, Georgia.

GEORGE ATKINSON,

By GEORGE GIBBS, Attorney in fact.

[Here follows translation of a royal title by Governor Coppinger, dated May 7, 1817.]

## DECREE.

*George Atkinson vs. The United States. For a lot in Fernandina.*

This being a valid Spanish title made previous to January 24, 1818, it is therefore confirmed. June 6, 1825.

No. 9.—See REPORT No. 8.

*John Middleton vs. The United States. For a lot.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of John Middleton, by his attorney, Farquhar Bethune, respectfully sheweth: That your memorialist claims title to a lot in the town of Fernandina, known in the plan of said town by the number six of the first square, containing in front seventeen varas, and in depth thirty-four, bounded on the north by Mrs. Jane Sibbald's lot, on the east by William Hall's, on the south by Constitution square, and on the west by Joseph Arredondo's lot; which title your memorialist claims from a grant in fee simple made to James Cashen by Governor Kindelan on the thirtieth March, one thousand eight hundred and fourteen, and by said Cashen conveyed to Middleton and Sibley by the deed bearing date November 20, 1817; and your memorialist further sheweth that he is in actual possession of said lot, and was so at the time of the cession; that he is a citizen of the United States and resident of Fernandina. The title above referred to, marked A, and the deed, marked B, accompanies this memorial. All of which is respectfully submitted.

JOHN MIDDLETON,

By his attorney, FARQ. BETHUNE.

[Here follows translation of a royal title, dated March 30, 1814, made by Governor Kindelan to James Cashen.]

[Here follows a conveyance from James Cashen and Susannah, his wife, to John Middleton and John Sibley, dated November 20, 1817.]

## DECREE.

*John Middleton vs. The United States. For a lot in Fernandina.*

The board having ascertained the above to be a valid Spanish grant made to James Cashen, and by him conveyed to John Middleton and John Sibley, the same is confirmed to them accordingly. May 12, 1825.

No. 10.—See REPORT No. 8.

*George Atkinson vs. The United States. For a lot in Fernandina.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George Atkinson, by his attorney, George Gibbs, respectfully sheweth: That your memorialist claims title to a tract of land consisting of a lot of land in Fernandina, situated in Amelia island, containing seventeen yards in front, and thirty-four yards in depth, bounded on the north by a lot belonging to memorialist, on the east by a lot of Joseph Alvarez, on the south by a lot of George Clarke, and on the west by Constitution square; which title your memorialist derives from a royal title made to him by Governor Kindelan August 16, 1814, as will more fully appear by reference to the grant herewith exhibited, of the above date, as marked below. And your memorialist further sheweth that he is legally in possession of said lands or lot called No. 11, per exhibit G A, No. 11; that he is a citizen of the United States and resident of Darien, Georgia.

GEORGE ATKINSON,

By GEORGE GIBBS, Attorney in fact.

[Here follows translation of a royal title by Governor Kindelan, dated August 16, 1814.]

## DECREE.

*George Atkinson vs. The United States. For a lot in Fernandina.*

The board having ascertained the above to be a valid Spanish title to claimant, do confirm the same accordingly. July 8, 1825.

No. 11.—See REPORT No. 8.

*George Atkinson vs. The United States. For a lot in Fernandina.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George Atkinson, by George Gibbs, his attorney in fact, sheweth: That your memorialist claims title to a tract of land consisting of seventeen yards in front and thirty-four in depth, situated in the town of Fernandina, bounded north by the lot of José M. Arguelles; east by the lot of Felicia, a free woman of color; on the south by White street; and on the west by the lot of Charles Clarke; which title your memorialist derives from a grant made to him by Governor Coppinger May 7, 1817, as

will more fully appear by reference to the said grant herewith submitted, of the above date, marked R. And your memorialist further sheweth that he is in legal possession of said lot; that he is a citizen of the United States and resident of Darien, Georgia.

GEORGE ATKINSON,  
By GEORGE GIBBS, *Attorney in fact.*

[Here follows translation of a royal title made by Governor Coppinger, dated May 7, 1817.]

DECREE.

*George Atkinson vs. The United States. For a lot in Fernandina.*

The board having ascertained the above to be a valid Spanish title, do confirm the same accordingly. July 8, 1825.

No. 12.—See REPORT No. 8.

*Lindsay Todd's executors vs. The United States. For a lot in Fernandina.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of the executors of Lindsay Todd, by George Gibbs, attorney in fact, sheweth: That your memorialists claim title to a tract of lot consisting of seventeen yards in front and thirty-four yards in depth, situated in the town of Fernandina, bounded on the north by the lots of Diana Domingo, on the east by Commandant street, on the south by White street, and on the west by the lot of Maria Clark; which title your memorialists derive from a grant made to ——— by Governor Kindelan, in virtue of ———, June 7, 1814, as will more fully appear by a reference to the grant herewith submitted, of the above date, marked W. And your memorialists further show that they are in actual possession of said lot; that they are citizens of the United States and residents of Darien, Georgia.

GEORGE ATKINSON, } *Executors,*  
DAVID KIDD, }  
By GEORGE GIBBS, *Attorney in fact.*

[Here follows translation of a royal title made by Governor Kindelan, dated June 7, 1814.]

DECREE.

*Executors of Lindsay Todd vs. The United States. For a lot in Fernandina.*

The board having ascertained the above to be a valid Spanish title made to Lindsay Todd, deceased, do confirm the same to his executors. July 8, 1825.

No. 13.—See REPORT No. 8.

*Henry Yonge vs. The United States. For a lot in Fernandina.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Henry Yonge respectfully sheweth: That your memorialist claims title to a tract of land or lot consisting of seventeen yards in depth and the same number in breadth, situated in the town of Fernandina, bounded on the north by the street of St. Fernando, on the east by another lot belonging to Henry Yonge, on the south by another lot belonging to John Forbes, and on the west by Marine street; which title your memorialist derives from a grant made to Henry Yonge by Governor Kindelan, who sold the same to your memorialist; which grant is dated January 31, 1814, as will more fully appear by reference to the said grant and transfer herewith exhibited, of the above date, marked X. And your memorialist further shows that he is in actual possession of said lot; that he was a subject of Spain and resident of the United States.

HENRY YONGE,  
By GEORGE GIBBS, *Attorney in fact.*

[Here follows translation of a royal title by Governor Kindelan, dated January 31, 1814.]

DECREE.

*Henry Yonge vs. The United States. For a lot in Fernandina.*

The board having ascertained the above to be a valid Spanish title to claimant, do confirm it to him accordingly. June 11, 1825.

No. 14.—See REPORT No. 8.

*Hibberson & Yonge vs. The United States. For a lot in the town of Fernandina.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Hibberson & Yonge, by their attorney, George Gibbs, respectfully sheweth: That your memorialists claim title to a tract of land consisting of a lot of land situated in the town of Fernandina, Amelia island; which said lot extends two hundred feet northeast from their storehouse,



thence to the southwest; which title your memorialists derive from a license made to them to build a wharf by Governor Estrada, December 4, 1811, as per exhibit U, as by reference to the said grant, herewith submitted, will more fully appear. And your memorialists further show that they are legally in possession of said lands; that they were subjects of Spain and residents of the United States.

HIBBERSON & YONGE,  
By GEORGE GIBBS, *Attorney in fact.*

[Here follows translation of a concession by Governor Estrada, dated December 4, 1811.]

DECREE.

*Hibberson & Yonge vs. The United States. For a lot in Fernandina.*

The board having ascertained the above to be a valid Spanish concession do confirm the same accordingly. July 11, 1825.

No. 15.—See REPORT No. 8.

*Hibberson & Yonge vs. The United States. For four and a quarter acres of land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Hibberson & Yonge, by George Gibbs, attorney in fact, sheweth: That your memorialists claim title to a tract of land consisting of one and three-quarters acre of high land and two and a half acres of marsh, situated in the town of Fernandina, on the north by Egan's creek, on the east by Amelia street, lots of different individuals, and marshes of the said creek, on the south by San Fernando street, and west by the lots of James Cavedo and James Cashen, Estrada street and swamp; which title your memorialists derive from a grant made to them by Governor Coppinger, in virtue of \_\_\_\_\_, February 1, 1816, as will more fully appear by reference to the said grant herewith submitted, of the above date, marked Z. And your memorialists further show that they are in legal possession of said lands; that they are subjects of Spain and residents of the United States.

HIBBERSON & YONGE,  
By GEORGE GIBBS, *Attorney in fact.*

[Here follows translation of a royal title by Governor Coppinger, dated February 1, 1816.]

DECREE.

*Hibberson & Yonge vs. The United States. For four and a quarter acres of land.*

This being a valid Spanish title made previous to January 24, 1818, it is therefore confirmed. July 11, 1825.

No. 16.—See REPORT No. 8.

*Hibberson & Yonge vs. The United States. For thirty-four yards of marsh land.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Hibberson & Yonge respectfully sheweth: That your memorialists claim title to a lot of land consisting of thirty-four yards of marsh land, situated in the town of Fernandina, on the north by a marsh granted to D. la M. Arredondo, on the east by Marius tract, on the south by vacant marsh, and on the west by the river; which title your memorialists derive from a grant made to them by Governor Coppinger February 1, 1816, as will more fully appear by reference to the grant herewith exhibited, of the above date, marked Y. And your memorialists further show that they are in actual possession of said lot; that they were subjects of Spain and residents of the United States.

HIBBERSON & YONGE,  
By GEORGE GIBBS, *Attorney, &c.*

[Here follows translation of a royal title by Governor Coppinger, dated February 1, 1816.]

DECREE.

*Hibberson & Yonge vs. The United States. For thirty-four yards of marsh land.*

The board having ascertained the above to be a valid Spanish title, do confirm the same accordingly. July 11, 1825.

No. 17.—See REPORT No. 8.

*Hibberson & Yonge vs. The United States. For a lot.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Hibberson & Yonge, by George Gibbs, attorney, respectfully sheweth: That your memorialists claim title to a tract of lot consisting of thirty-four yards of marsh land, situated in the town

of Fernandina, on the north by vacant marsh, on the east by Marius tract, on the south by Sommeruelos street, and on the west by the river; which title your memorialists derive from a grant made to them by Governor Coppinger, in virtue of the royal order, February 1, 1816, as will more fully appear by reference to the said grant herewith exhibited, of the above date, marked H. And your memorialists further show that they are in actual possession of the said lot; that they were subjects of Spain and residents of the United States.

HIBBERSON & YONGE,  
By GEORGE GIBBS, Attorney in fact.

[Here follows translation of a royal title by Governor Coppinger, dated February 1, 1816.]

DECREE.

*Hibberson & Yonge vs. The United States. For a lot in Fernandina.*

The board having ascertained the above to be a valid Spanish title, do confirm the same accordingly. July 11, 1825.

No. 18.—See REPORT No. 8.

*Domingo Fernandez vs. The United States. For a lot in the town of Fernandina.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Domingo Fernandez respectfully sheweth: That your memorialist claims title to a lot of land in the town of Fernandina, designated in the plan of said town by the number four, of square twenty-three, measuring in front seventeen varas, in depth thirty-four varas, bounded on the north by John Moore's lot, on the east by William Garvin's lot, on the south by White street, and on the west by your memorialist's lot; which title your memorialist derived from a grant in fee simple made to him by Governor Coppinger April 10, 1817. Your memorialist further sheweth that he is now in possession of said lot, and was so at the time of the cession; that he is an inhabitant of Florida and a resident of Amelia island. All of which is respectfully submitted, &c.

DOMINGO FERNANDEZ,  
By his attorney, FARQUHAR BETHUNE.

[Here follows translation of a royal title made by Governor Coppinger, dated April 10, 1817.]

DECREE.

*Domingo Fernandez vs. The United States. For a lot in the town of Fernandina.*

The board having ascertained the above to be a valid Spanish grant, do confirm the same accordingly. August 9, 1825.

No. 19.—See REPORT No. 8.

*Domingo Fernandez vs. The United States. For four half lots in Fernandina.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Domingo Fernandez, by his attorney, Farquhar Bethune, respectfully sheweth: That your memorialist claims title to four half lots in the town of Fernandina, known in the plan of said town by the numbers five, six, seven, and eight, of square number twenty-three, and containing in front seventy-eight varas, in depth seventeen varas, bounded on the north by St. Fernando street, on the east by John Moore's and John Lofton's lots, on the south by White street, and on the west by New street; which title your memorialist derives from a grant made to him by Governor Coppinger April 10, 1817; which grant is hereunto annexed, marked A. Your memorialist further sheweth that he is an inhabitant of Florida and a resident of Amelia island. All which is respectfully submitted, &c.

DOMINGO FERNANDEZ,  
By his attorney, FARQUHAR BETHUNE.

[Here follows translation of a royal title by Governor Coppinger, dated April 10, 1817.]

DECREE.

*Domingo Fernandez vs. The United States. For four half lots in Fernandina.*

The board having ascertained the above to be a valid Spanish title, do confirm the same accordingly. August 9, 1825.

No. 20.—See REPORT No. 8.

*Domingo Fernandez vs. The United States. For a lot in the town of Fernandina.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Domingo Fernandez, by his attorney, Farquhar Bethune, respectfully sheweth: That your memorialist claims title to a lot in the town of Fernandina, designated in the plan of said town by

the number two, of square number eighteen, containing in front seventeen varas, and the same in depth, bounded on the north by John Sharp's lot, on the east by Commandant's street, on the south by William Hobkirk's lot, and on the west by Zephaniah Kingsley's lot; which title your memorialist derives from a grant made to him by Governor Coppinger, March 27, 1819, in consequence of your memorialist's having complied with the conditions on which such grants were made, as appears from the certificate of the surveyor general, dated June 1, 1817, referred to in the title. Your memorialist further sheweth that he is now in possession of said lot, and was so at the time of the cession; that he is an inhabitant of Florida and a resident of Amelia island. The grant above referred to is annexed to the memorial. All of which is respectfully submitted.

DOMINGO FERNANDEZ,

By his attorney, FARQUHAR BETHUNE.

[Here follows translation of the certificate of George J. F. Clarke, surveyor general, accrediting the compliance with the conditions prescribed by the government, and stating the boundaries, dated June 1, 1817.]

[Here follows translation of a memorial to the governor, with his decree granting the prayer of the same, that a royal title should be given for the above lot, dated March 27, 1819.]

[Here follows translation of the royal title, dated March 27, 1819, by Governor Coppinger.]

#### DECREE.

*Domingo Fernandez vs. The United States. For a lot in the town of Fernandina.*

The board having ascertained that the title to the above was a valid Spanish concession made previous to January 24, 1818, and that the necessary proceedings were afterwards taken in confirmation thereof, do confirm it accordingly. September 2, 1825.

#### No. 21.—Sec REPORT No. 8.

*Joseph Allen Smith vs. The United States. For a lot of land in St. Augustine.*

#### MEMORIAL.

TERRITORY OF FLORIDA, *East Florida:*

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of J. Allen Smith respectfully sheweth: That your memorialist claims title to a certain lot or parcel of ground situated and being in the city of St. Augustine, in East Florida aforesaid, having the following lines, dimensions, and boundaries, that is to say: the north line thereof is ninety varas long, and is bounded by lands belonging to George J. F. Clarke; the east line is eighty-four varas long, and is bounded by the head of Matanzas river; the south line is eighty varas in length, and at the time of the survey thereof was bounded by lands of the King; and the west line thereof is two hundred and seventy-five varas in length, and is bounded by the road or street which leads from the powder-house to the city. The said lot of ground is situated near the southern extremity of the boundaries of the city called Sully's Buildings Stand; which said lines and several boundaries will fully appear by a reference to the description of the said lot, as it is contained and set forth in the royal title to the same granted March 9, 1818, which is of record in the office of the keeper of the public archives of East Florida. Your memorialist further shows that the said lot of land was originally granted in or about the year 1793, to one José Ximenes, under the royal order of the King of Spain of March 29, 1790; that possession of said lot was actually taken and kept by the said Joseph Ximenes until his death; that the original grant or concession to the said José Ximenes has been lost, and appears to have been lost before the royal or absolute title thereto was granted; that Catalina Acosta, after the death of her husband, the said José Ximenes, applied for said royal title, alleging the loss of the original concession, making proof of its existence, the possession and actual occupancy of the said lot of land from about the year 1793, by her husband and his family, and after his death by herself; and of the cultivation thereof, and her right to an absolute title: Whereupon, an absolute or royal title was made to the said Catalina Acosta, the widow and heir of the said José Ximenes, March 9, 1818, and the said allegations with respect to the right of the said Catalina Acosta will appear by a reference to the said original grant, of record as aforesaid. Your memorialist further shows that the ancient concession and grant of the said lot of ground to the said José Ximenes is further proved by the original plat and certificate of the first survey of the same for the said José Ximenes made in the year 1797, which is of record in the office of the keeper of the public archives, and to which your memorialist prays a reference; that the said lot of land and its appurtenances were, on the 12th of March, conveyed by the said Catalina Acosta to the late Michael Crosby, deceased, and by the said Michael Crosby to your memorialist on June 25, 1821, for a valuable consideration paid to him by your memorialist, as will appear by a reference to the original conveyances of record in the office of the keeper of the public archives, since which your memorialist has erected three large dwelling-houses, and otherwise improved the said lot of ground, and the said houses are occupied by tenants of your memorialist. Your memorialist further shows that the said José Ximenes, and Catalina Acosta, and Michael Crosby, were severally, at all the times herein mentioned, inhabitants and settlers of East Florida and Spanish subjects; and that your memorialist was a resident of East Florida at the time of the conveyance to him of the said lot, and at the cession of this Territory to the United State. Wherefore, your memorialist prays confirmation of his title to the said lot of land and its appurtenances; and he will ever pray, &c.

J. ALLEN SMITH,

By his attorney, JOHN DRYSDALE.

[Here follows the translation of a certificate of survey, dated January 3, 1797.]

[Here follows the translation of an order from Governor Coppinger, directing a royal title to be issued for the above, dated March 8, 1819.]

[Here follows the translation of a royal title to Catalina Acosta by Governor Coppinger, dated March 9, 1819.]



[Here follows the translation of a conveyance from Catalina Acosta to Miguel Crosby, dated March 12, 1819.]

[Here follows the translation of a conveyance from Miguel Crosby to Joseph Allen Smith, dated June 25, 1821.]

## DECREE.

*Joseph Allen Smith vs. The United States. For a lot of land in St. Augustine.*

The board having ascertained the above to be a valid Spanish grant, and the deraignment to claimant regular, do confirm the same accordingly. September 6, 1825.

## TESTIMONY.

*J. Allen Smith vs. The United States. A lot of land in St. Augustine.*

John Drysdale, being sworn on the part of claimant, states that it is within his knowledge that the buildings which now stand on the lots claimed by the memorialist were erected by Chester Sully, as the agent for claimant, soon after the purchase of the property; that from that time until Mr. Sully left this city, which was about eighteen months ago, *had* charge of the property as agent for the claimant; that at the time when Mr. Sully left this, this deponent was appointed the agent of Mr. Smith for the purpose of taking care of said property; and that said property now belongs, as the deponent believes, to claimant; and that one of the houses on the said lot is now occupied.

JOHN DRYSDALE.

Before the board in session September 6, 1825.

No. 22.—See REPORT No. 8.

*J. Allen Smith vs. The United States. For seven and a quarter acres of land.*

## MEMORIAL.

TERRITORY OF FLORIDA, *East Florida*:

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of J. Allen Smith respectfully sheweth: That your memorialist claims title in and to a certain lot of ground in the city of St. Augustine, in East Florida aforesaid, containing seven acres and a quarter, and rather more; that the said lot of ground was originally granted, or many years ago belonged, to one Martin Floriand; and that the said lot was, in the year 1809, sold by the order of the Spanish government of East Florida at public sale, to raise certain duties which were due and owing by the said Martin Floriand to the Spanish government; at which sale one Francisco Rovira became the purchaser, as will fully and at large appear by reference to the proceedings under which the said lot of ground was sold, and of the sale thereof, which are of record in the office of the keeper of the public archives of East Florida; that the said Francisco Rovira afterwards, to wit, on October 21, 1810, conveyed the same to one Joseph Sanchez, as will appear by a reference to the original conveyance to the said Joseph Sanchez, of record as aforesaid; and that the said Joseph Sanchez, on October 3, 1821, for a large and valuable consideration paid by your memorialist to the said Joseph Sanchez, conveyed the said lot of ground and its appurtenances in fee simple absolute to your memorialist, as will appear by a reference to a recorded copy of the said original conveyance in the office of the clerk of the county court; that the said lot had, at the time of the survey thereof, the following boundaries, that is to say: it was bounded on the north by a lot belonging then to Francisco Perez, now to Josiah Smith, on the south by a lot belonging to Don Bartolome de Castro y Ferrer, on the west by the Ferry river, and on the east by lands belonging to the estate of Mr. William Lafont and to John Geiger; and that the said lot of land has been in the actual possession and occupancy of the aforesaid persons, under whom your memorialist claims title, for a great many years past, and has been in the occupancy of the agent of your memorialist ever since his purchase thereof; that the aforesaid Rovira and Sanchez were, at the times they respectively acquired the said lot, Spanish subjects, and inhabitants and settlers of East Florida; and that the said Sanchez was, at the time of the cession of this Territory to the United States, and at the time he conveyed the said lot to your memorialist as aforesaid, an inhabitant and settler of East Florida; and that your memorialist is a citizen of the United States, residing in Charleston, South Carolina. Wherefore, he prays a confirmation of his title to the said land and its appurtenances.

J. ALLEN SMITH,  
By JOHN DRYSDALE, *his Attorney*.

[Here follows translation of a conveyance made by Francisco Rovira to José Sanchez, dated August 21, 1810.]

[Here follows a conveyance from José Sanchez to J. Allen Smith, dated October 3, 1821.]

## DECREE.

*J. Allen Smith vs. The United States. For seven and a quarter acres of land.*

The board having ascertained that a judicial sale in due form was made of the above land on October 27, 1809, at which Francisco Rovira was the purchaser, and the deraignment being clear from him to the claimant, the same is confirmed accordingly. September 14, 1825.

## TESTIMONY.

*J. Allen Smith vs. The United States. For a lot of land at the back part of St. Augustine.*

G. W. Perpall, sworn on the part of the claimant, states that the lot in question has been known as private property for forty years; that Joseph Sanchez was the owner of it about eight or ten years ago,

and cultivated the same, and had people living on the same until he sold it to Mr. Sully, which was about the exchange of flags. Since that period Mr. Sully has had the management and care of it.

G. W. PERPALL.

Before the board in session September 14, 1825.

No. 23.—See REPORT No. 8.

*The wardens of the Roman Catholic church of St. Augustine vs. The United States. For thirty-one and a half acres of land.*

MEMORIAL.

*To the honorable the board of land commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of the wardens of the Roman Catholic church of St. Augustine, incorporated by law, respectfully sheweth: That your memorialists claim title to a tract of land containing thirty-one and a half acres, situated at the point called Esperanza, within the limits of the city of St. Augustine, bounded on the north by the lands of the heirs of B. Segui, deceased; on the south and west by St. Sebastian's river; and on the east by the creek called Bridge creek; which title your memorialists derive, as wardens of said church, from the will of the late Maria Evans, deceased, as will be seen by a reference to the third section of said will on record in the office of the public archives. And your memorialists further show that they will produce further evidence of title when required by the board.

For the board of wardens:

F. J. FATIO, *Secretary of Board of Wardens.*

[Here follows translation of an extract from the will of Maria Evans, deceased, dated July 29, 1792.]

[Here follows a conveyance from Alexander Todd to Joseph Peavett, esq., dated September 16, 1782.]

DECREE.

*Wardens of the Roman Catholic church of St. Augustine vs. The United States. For thirty-one and a half acres of land.*

The board having ascertained the above title to be a valid British one, and recognized by the Spanish government, and that the derangement to claimants is regular, do confirm the claim accordingly. October 26, 1825.

TESTIMONY.

*The wardens of the Roman Catholic church of St. Augustine vs. The United States. For thirty-one and a half acres of land.*

Charles W. Clarke, being duly sworn, doth depose and say that he was acquainted with Mrs. Peavett; that he knew her to have a framed house between Maria Sanchez's creek and St. Sebastian's river on the point, which she resided in for some time; she had, also, negroes planting there for some years, with the knowledge and acquiescence of the Spanish government. And further this deponent saith not.

CHARLES W. CLARKE.

Before me this 21st September, 1825.

DAVIS FLOYD.

No. 24.—See REPORT No. 8.

*The wardens of the Roman Catholic church vs. The United States. A lot of land in the city of St. Augustine.*

MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of the wardens of the Roman Catholic church of St. Augustine respectfully sheweth: That your memorialists claim title to a lot of land situated in the city of St. Augustine, on the north side of the public square, and upon which the church and school-house now stand, bounded on the west by St. George's street, on the east by the custom-house and the Marquis Fougere's lots, on the south by the public square, and on the north by the lots of Joseph M. Hernandez and the heirs of Peso de Burgo, measuring 72½ varas, Spanish yards, front on the square, and 58½ varas in depth; which title your memorialists derive from a judicial sale executed on April 12, 1793, as will more fully appear by a certified copy of the same herewith filed. And your memorialists, on behalf of the said church, pray confirmation of title to the said lots.

On behalf of the wardens of said church:

F. J. FATIO, *Secretary.*

[Here follows the translation of deed of sale dated April 12, 1793.]

DECREE.

*The wardens of the Roman Catholic church of St. Augustine vs. The United States. For a lot of land in the city of St. Augustine.*

It appearing in evidence before this board that this was a valid British grant confirmed by the Spanish government, and regularly conveyed by deed, bearing date April 12, 1793, to the King, in trust for the Roman Catholic congregation of St. Augustine, for the purpose of building a church thereon, it is therefore confirmed to said wardens in trust for said congregation. October 29, 1825.

*The wardens of the Roman Catholic church of St. Augustine vs. The United States. For a lot of land in St. Augustine.*

G. W. Perpall, sworn and examined on the part of claimants, says that Mrs. Humbert, who, by her attorney, M. Lazaga, sold the lot on which the Roman Catholic church and the new city council chamber stands, was the sister of the witness; and that the whole of said lot was at the time of said sale an orange grove, that is, from St. George's street to the late custom-house square. Witness says that the whole of the lot was sold for the purpose of building the church. The house of the city council was then a dwelling-house, and was intended for a parsonage house, but as the parsons or priests usually had houses of their own in which they preferred living, the house on the lot was used for the purpose of a public school. The members of the Catholic church, at the purchase of the lot, and the commencement of building the present church, raised sums as large as they were able, by subscription, for the purchase of the lot and building of the same; but as they were unable to complete the said church, Governor Quesada made a representation to the King of Spain, who directed that the church should be finished at the King's expense.

G. W. PERPALL.

Before the board in session October 27, 1825.

No. 25.—See REPORT No. 8.

*Antelm Gay vs. The United States. For two lots of land in St. Augustine.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The memorial of Antelm Gay, a citizen of the United States, and resident of the city of St. Augustine, in East Florida, respectfully sheweth: That your memorialist claims title to two lots of land in the city of St. Augustine, which your memorialist purchased of Don Bartolome de Castro y Ferrer, on January 26, 1822—one of which said lots is bounded west on the street which passes to the east of the convent or barracks of St. Francis, on the east by the bay, on the south by the public land, and on the north by a lot the property of the said Bartolome de Castro y Ferrer; the other of the said lots is bounded west by the said street, on the east by the bay, on the north by the lot of Mariano Serra, and on the south by the lot of the heirs of Salvador Martin; which said two lots were purchased by the said Bartolome de Castro y Ferrer of Antonio Vallejo and his wife, at which time there were houses on the said lots, but which have been since destroyed, the said Antonio Vallejo having purchased one of the said lots of Miguel Rodriguez, as appears by the original deed deposited in the public archives, executed June 14, 1803; and the other lot was bought by Antonio Peter's wife of the said Antonio Vallejo of Pedro Fornells, as appears by a deed deposited in the public archives, executed April 10, 1799. Both of the aforesaid lots fell to the domain of the King of Spain after the evacuation of the British, but were delivered to the purchasers and occupants, and confirmed to them by a decree of the Spanish government of June 17, 1801; all which will more clearly appear by the certificate of José de Zubizarreta, the public escribano, dated July 30, 1812, herewith presented; and your memorialist has been in possession of said lots since his purchase, as before mentioned.

In confirmation of his title, the following documents are herewith respectfully presented:

1. Certificate of the above-mentioned of the public escribano, (deed from Don Bartolome de Castro y Ferrer to your memorialist,) recorded in the public office of records in St. Augustine, January 6, 1802. All which is respectfully submitted.

ANTELM GAY,

By his attorney, JOHN RODMAN.

St. AUGUSTINE, August 20, 1823.

[Here follows translation of the grant to Bartolome Cartado, dated November 17, 1792, by Governor Quesada, and a translation of a transfer to Pedro Fornells, dated April 14, 1795.]

[Here follows translation of a deed of conveyance from Pedro Fornells to Antonio Petrus, dated April 10, 1799.]

[Here follows translation of a concession to Bartolome Cartado by Governor Quesada, dated January 13, 1794, and a transfer to Pedro Fornells, April 14, 1795.]

[Here follows translation of a deed of conveyance from Bartolome Cartado to Pedro Fornells, dated April 14, 1795.]

[Here follows the translation of a deed of conveyance from Pedro Fornells to Miguel Rodriguez, dated November 6, 1799.]

[Here follows the translation of a deed of conveyance from Miguel Rodriguez to Antonio Vallejo, dated June 14, 1803.]

[Here follows translation of a deed of conveyance from Antonio Vallejo and Antonio Petrus, husband and wife, to Bartolome de Castro Ferrer, dated April 2, 1807.]

[Here follows deed of conveyance from Bartolome de Castro y Ferrer to Antelm Gay, dated January 26, 1822.]

#### DECREE.

*Antelm Gay vs. The United States. For two lots of land in St. Augustine.*

The board having ascertained the above to be founded on valid Spanish concessions, and the deraignment being regular, do confirm the same accordingly. October 29, 1825.

[Nos. 26, 27, and 28, were not returned to the General Land Office by the commissioners.]

[NOTE.—The commissioners returned no papers with report No. 9.]



## No. 1.—SEC REPORT No. 10.

*George F. and Oliver Palmes vs. The United States. For nine hundred and ninety-nine and three-quarters acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of George F. Palmes and Oliver Palmes respectfully sheweth: That your memorialists claim title to a tract of land consisting of nine hundred and ninety-nine and three-fourths acres of land, situated at the place called Turnbull, on both sides of Spruce creek, in the territory of Mosquito, bounded on the north by pine lands, on the south by lands belonging to William Williams, on the east by marsh; for which an absolute title was made to Robert McHardy by Governor Estrada July 3, 1815; which title your memorialists derive from a grant made to Robert McHardy July 21, 1803, by Governor White, in virtue of the royal order of October 29, 1790, who sold the same to Paul Dupon, by deed dated June 2, 1818, which is herewith submitted, who holds the same in trust for memorialists, as will be seen by bond filed in their claim for 245 acres. And your memorialists further show that they are legally seized and possessed of said lands by the trustee aforesaid, and were so at the time of cession; that they are citizens of the United States and residents of Savannah, in the State of Georgia. They pray confirmation of title, &c. All which is respectfully submitted, &c.

GEORGE F. PALMES.  
OLIVER PALMES.

[Translation]

*Title of property in favor of Don Robert McHardy. For one thousand acres of land.*

Don Juan José de Estrada y Toro, lieutenant colonel of the royal armies, &c., &c., &c.:

Whereas, by a royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and the two Floridas, it is provided, amongst other things, that lands shall be laid off gratis for those foreigners who, of their own free will, present themselves to swear allegiance to our sovereign, in proportion to the number of laborers each family may have; that Don Robert McHardy having presented himself as one of those, he solicited from the government, and there were granted to him July 21, 1803, one thousand acres of land at the plantation named *Dr. Trumbul*, situated towards a part of the river Mosquito, and at both sides of the creek named Spruce, as appears from the certificate which was issued on the same date by the secretary, and is annexed to the proceeding moved for, soliciting that the corresponding title of property to said lands should be delivered to him, the boundaries of which are as follows: on the north and west with pine lands, on the south by lands of the heirs of Don William Williams, and on the east by marsh, as the said proceeding sets forth. And as there has not been delivered to the said Don Robert McHardy any title for the security and confirmation of his dominion to the said land, in the form in which it has been granted to others who have already passed more than ten years of uninterrupted possession to obtain the useful and direct dominion to the said lands, made buildings upon them, cultivated them, and complied with the other conditions established by the government for concessions and grants of this nature existing in the titles delivered to other settlers in the proceedings set forth: Wherefore, and in consideration of everything, I have granted unto the said Don Robert McHardy the 1,000 acres of land, for himself, his heirs and successors, in absolute property; and in expediting to him, as by these presents I do, the corresponding title by which I separate the royal domain from the right and dominion it had to said lands; and I cede and transfer it to the said McHardy, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatsoever, with all its entrances, outlets, uses, customs, rights, and services, which it has had, and in fact and law belong and appertain unto it; and, at their will, sell, cede, transfer, and alienate it as may best suit them. To all of which I interpose my authority, as I can and of right ought, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary *pro tem.* of government and the royal domain, in the city of St. Augustine, Florida, July 3, 1815.

JUAN JOSÉ DE ESTRADA.

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, S. B. L. C.

[Translation.]

## CONVEYANCE.

Be it known that I, Don Robert McHardy, an inhabitant of this province, declare that I really sell unto Paul Dupon, a new settler in it, nine hundred and ninety-nine and two-thirds acres of land, situated in the territory of Mosquito, in this province, towards the river, at a place called Dr. Turnbull, and at both sides of a creek called Spruce, bounded on the north and west with pine lands, on the south by lands belonging to the heirs of Don William Williams, and on the east by a swamp, which lands are the same that were granted to me by the government July 21, 1803, and for which a title of absolute property was expedited to me to the number of 1,000 acres of land July 3, 1815, remaining only with one-quarter of an acre for my use and dominion, and I sell him the other 999 $\frac{2}{3}$ , with all its entrances, outlets, uses, customs, rights, and services, which it has and belong to it, free from all encumbrance, (as I, the said notary, certify, from the result of my search of the book of mortgages which I have made for the purpose,) at the price of one thousand five hundred dollars, which the purchaser has paid me in cash, which I acknowledge as delivered to my will. I renounce proof, laws of delivery, exception to money not counted, fraud, and anything else in the case, for which I grant a receipt in form. In virtue of which, I separate myself from the right of property, possession, use, seignior, and other actions, real and personal, which I had and held to the said lands, all of which I cede, renounce, and transfer to the purchaser and his representatives, that, as their own, they may possess, sell, and alienate it at their will, in virtue of this deed which I grant

in their favor as a token of real delivery, by which it is seen that he has acquired the possession without occasion for further proof, from which I relieve him, and oblige myself to the eviction and guarantee of said sale in due form, and as may best suit the purchaser, with my property, present and future, power and submission to the tribunals of his Majesty, that they may compel me to compliance as by sentence consented to and passed in authority of an adjudged case, on which I renounce all the laws, customs, rights, and privileges in my favor, and the general law in form which prohibits it. And I, the said Don Pablo Dupon, being present, accept in my favor this deed, and by it receive as purchased the said lands at the price and agreement on which they were sold to me, and I acknowledge them as delivered to my will. I renounce proof, laws of delivery, those of a thing not seen or received, fraud, and everything else in the case, for which I deliver a receipt in form. In testimony of which, this is dated in this city of St. Augustine, Florida, the second of June, one thousand eight hundred and eighteen. I, the notary, attest that I know the parties who signed this, there being witnesses present, Don José Mariano Hernandez, Don Eusebio Maria Gomez, and Don José Maria Bousquet, inhabitants present.

ROBERT McHARDY.  
P. DUPON.

Before me—

JUAN DE ENTRALGO, *Notary of Government.*

I certify the foregoing to be a true and correct translation from a document in the Spanish language.  
F. J. FATIO, *S. B. L. C.*

#### DECREE BY THE BOARD.

The claimant exhibited to the board a royal title made by Governor Estrada to Robert McHardy for the land for headrights, dated July 3, 1815, who sold and conveyed the same to Paul Dupon in trust for claimants, as per bond referred to and filed in the claim of Miss Palmes for 245 acres. The board having ascertained that the title of the claimants is interfered with by British titles, under which the heirs of Turnbull claim, they therefore order that the documents accompanying the memorial in this case be reported to Congress for their determination. September 24.

No. 2.—See REPORT No. 10.

*John Bunch vs. The United States. For two thousand one hundred and sixty acres of land.*

#### MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida :*

The petition of John Bunch respectfully sheweth: That your memorialist claims title to a tract of land consisting of two thousand one hundred and sixty acres, situated on the waters of Mosquito or Halifax river, and is bounded as follows, (as by survey herewith filed, marked B:) beginning at a cabbage tree near a marsh, and running west, 98 chains, to a pride of Egypt; thence north 80° west, to a pine; thence along the public road south 50° east, to a stake; thence east, 100 chains, to Tomoka river; thence with said river to its mouth; thence with Haulover river to the beginning; which title your memorialist derives from a grant made to him by Governor White, in virtue of the royal order of 1790, for headrights, on August 11, 1804, (see order of concession, marked A, filed herewith;) and your memorialist further sheweth that he has, since the 11th day of August, been in actual possession of said lands; that he has cultivated them up to the present period, and still continues to do so. Your memorialist further shows that he was, at the change of flags, a Spanish subject, and that he intends residing at Tomoka, his present home, in future. Your memorialist therefore prays that his title may be confirmed; and he will ever pray, &c.

JOHN BUNCH,  
By his attorney, GEORGE MURRAY.

[Translation.]

Don Juan de Pierra, lieutenant of grenadiers of the third battalion of the regiment of Cuba, and secretary of the government: I certify that to a memorial presented by Don Juan Bunch, soliciting that there should be granted to him in the territory of Mosquito the lands which corresponds to him, his wife, sixty-two negroes of more than twenty years, and thirty-four from eight to sixteen, which, in the time of the British dominion, were possessed by Moultrie and Moncrief; these, which were granted to Don Nicolas Turnbull, who did not take possession of them in due time, the following decree was made: "Let there be granted to the interested two thousand one hundred and sixty acres of land in the place which he solicits, without injury to a third person, and those are what he is entitled to; and until, according to the number of laborers he may have, when the general survey takes place, those which correspond to him be surveyed, he being bound to take possession of the said land within the term of six months."

WHITE.

And that it may serve for a security to the interested, I give these presents at St. Augustine, Florida, August 11, 1804.

JUAN DE PIERRA.

NOTE.—That by a decree of April 11, 1808, there were—— to Don Samuel Bunch, son of him contained in this certificate, 240 acres of land on the river St. Mary's, for nine negroes over sixteen years, and one of thirteen years; which number of acres are to be deducted from the two thousand one hundred and sixty of his father, on account of those which correspond to his son's ten negroes being included to this number of acres.

PIERRA.

I certify the foregoing decree and note are true and correct translations from their originals on file in the office of the public archives of St. Augustine.

F. J. FATIO, *S. B. L. C.*



## DECREE BY THE BOARD.

The claimant in this case produced a certified copy of concession for the two thousand one hundred and sixty acres of land, dated August 11, 1804, made by Governor White to him for "headrights." It appeared further to the board that the claimant occupied and cultivated the land ever since it was granted to him; but having ascertained that his title is interfered with by a British title, under which the heirs of Turnbull claim, we do therefore order that the documents accompanying the memorial be forwarded to Congress for their determination. October 11.

*John Bunch vs. The United States. For two thousand one hundred and sixty acres of land.*

Horatio S. Dexter, being sworn, states that in the year 1813 he was at the said tract of land occupied by Mr. Bunch, who had a considerable quantity of stock, and above forty negroes, and that it was a matter of general notoriety under the Spanish government that said tract of land was the property of said Bunch.

HORATIO S. DEXTER.

Before the board in session October 11, 1824.

G. W. Perpall, being sworn, states that he recollects Mr. Bunch having obtained possession of the above tract about a week after the grant was made him by the Spanish government, and has continued cultivating the same to the present period, and that the said Bunch has had continually on the place from thirty to forty negroes.

G. W. PERPALL.

Before the board in session October 11, 1824.



## No. 3.—See Report No. 10.

*Zephaniah Kingsley vs. The United States. For two thousand acres of land.*

## MEMORIAL.

*To the honorable the commissioners appointed to ascertain claims and titles to lands in East Florida:*

The petition of Zephaniah Kingsley, by his attorney, George Gibbs, respectfully sheweth: That your memorialist claims title to a tract of land consisting of two thousand acres, more or less, situated on the island called Drayton island, at the entrance of Lake George, bounded on all sides by the river St John's and Lake George, it being an island, as per royal title, certified by Juan de Entralgo, government notary, dated July 27, 1821, per exhibit K, to which, and to other documents in the office of the archives of the Territory, will more fully appear by reference to the same; which title your memorialist derives from a title made to George Sibbald for part by Governor Kindelan, in virtue of the royal order of October 29, 1790, who sold your memorialist fifteen hundred acres of the said island, being all his interest and right in the same; and the rest and residue of the said island was granted to your memorialist by the same Governor Kindelan, as per the aforementioned title—reference to the documents in the office of the public archives—will more fully appear. And your memorialist further sheweth that he is in actual possession of said lands; that he is now a citizen of the United States and resident of St. Augustine.

ZEPHANIAH KINGSLEY,  
By GEORGE GIBBS, Attorney in fact.

[Translation.]

*Title of property in favor of Don Zephaniah Kingsley, of Drayton island.*

Don Sebastian Kindelan and O'Regan, knight of the order of St. James, brigadier of the royal armies, political and military governor of the city of St. Augustine, Florida, and its province:

Whereas, in a royal order communicated to this government October 29, 1790, by the captain general of the Island of Cuba and two Floridas, it is provided, amongst other things, that lands should be granted and surveyed gratis to those foreigners who, of their own free will, offer themselves to swear allegiance to our sovereign, in proportion to the number of workers each family may have; that Don George Sibbald having persecuted himself as one of them, he solicited from the government, and had granted unto him, fifteen hundred acres of land, October, 5, 1804, in the island called Drayton, at the entrance of Lake George, in the river St. John's, which he ceded to Don Zephaniah Kingsley, with all its improvements, to whom it was adjudged in *soludune*, in virtue of the agreement of the parties authorized by a decree of this said government July 18, 1811; and afterwards, by a decree of the 4th of September of the same year, there were granted to the aforesaid Kingsley five hundred acres more, which were vacant in the said island, which in all may contain about two thousand acres, more or less, as appears more at length from the documents and certificates which are annexed to the proceeding moved by the said Kingsley, soliciting that there should be issued in his favor the corresponding title for the lands which the said island of Drayton contains: Wherefore, and considering that he has already passed more than ten years of an uninterrupted possession to obtain the useful and directed dominion to the said island of Drayton, made buildings on it, cultivated it, and finally complied with all the other conditions established by the government for grants and concessions of this nature existing in the titles delivered to other settlers, as is set forth and proved in the said proceeding, I have granted, as in the name of his Majesty I do grant, unto the aforesaid Don Zephaniah Kingsley the said Drayton island, for himself, his heirs and successors, in absolute property; and in despatching to him, as by these presents I do, the corresponding title, by which I separated the royal domain from the right and dominion it had to said land; and I cede and transfer it unto the said Kingsley, his heirs and successors, that, in consequence, they may possess it as their own, use and enjoy it, without any encumbrance whatsoever, with all its entrances, outlets, uses, customs, rights, and services, which it has had, has, and of custom and by law belong and may appertain unto it; and, at their will, sell, cede, transfer, and alienate it as may best suit them. To all which I give the sanction of my authority, as I can and of right ought to do, in virtue of the sovereign will.

Given under my hand, and countersigned by the undersigned notary of government and of the royal domain, in this said city of St. Augustine, Florida, January 7, 1815.

SEBASTIAN KINDELAN.

By command of his excellency:

JUAN DE ENTRALGO, Notary of Government pro tem.

I certify the foregoing to be a true and correct translation from a document in the Spanish language on file in the office of the public archives.

F. J. FATIO, S. B. L. C.

## DECREE.

The board having ascertained that this claim is covered by a British grant, they therefore order that it be reported to Congress for their determination. December 15.

19TH CONGRESS.]

No. 504.

[1ST SESSION.]

## NEW MADRID CLAIM IN MISSOURI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 24, 1826.

Mr. SCOTT, from the Committee on Public Lands, to whom were referred the petition and documents of Isidore Moore, of Perry county, in the State of Missouri, reported :

That on the 17th day of February, 1815, an act of Congress was passed for the relief of the inhabitants of the county of New Madrid, in the then Missouri Territory, who had suffered by earthquakes; that, amongst the other provisions of the act, Frederick Bates, esq., then the recorder of land titles in Missouri, was authorized to receive the evidence of actual damage done to lands in that quarter; and, on being satisfied that *material injury* had been done to the soil, the recorder was to take a release from the claimant of the land injured to the United States, and issue his certificate in favor of the party, authorizing him to locate the like quantity (not exceeding one section to any one claimant) on any of the public lands in the then Territory of Missouri, the sale of which was authorized by law. The law of February 17, 1815, authorized the recorder to issue to persons who held lots or pieces of ground of a less quantity than one hundred and sixty acres certificates of location calling for one hundred and sixty acres, notwithstanding the quantity of land injured was less than that quantity. The construction which the recorder gave this portion of the act was this: that for each lot or piece of ground less than one hundred and sixty acres a certificate for one hundred and sixty should issue, provided the whole did not exceed one entire section; so that, if one person held four lots or pieces of ground of only *one* arpent each, the recorder issued four certificates severally conferring the right to locate one hundred and sixty acres of land. When those certificates were issued by the recorder they went into circulation currently as land warrants issued by the proper and competent authority; they were transferred from hand to hand for large prices; some were purchased up on speculation, others were purchased up by the poor and industrious farmers to secure for themselves and families a home. It was never made a question whether the recorder had exceeded his power or misconstrued the law; the people confided in the act as correctly done, and expended their money in the purchase of those certificates under the full belief that the right to the land called for by this warrant was undoubted. Subsequently, however, when those certificates of the recorder were presented to the General Land Office for patents, the commissioner refused to issue a patent on but one of them, on the ground that the recorder had misconstrued the law, and issued to several claimants more certificates, and for a greater quantity of land, than he was authorized to do. This decision of the department was sustained by the opinion of the Attorney General, and patents in all cases suspended where more than one certificate had issued to any one person, predicated on lots or pieces of ground for a less quantity than one hundred and sixty acres. The number of cases in which patents are suspended is from eighty to eighty-five. The present petitioner, Isidore Moore, claims under one J. B. Chartier, who, it appears, relinquished four small lots or pieces of ground to the United States, amounting to two hundred and fifty-three arpents, and received from the recorder four certificates calling for one hundred and sixty acres each. It appears to the satisfaction of the committee that Isidore Moore is not a speculator, but an honest farmer, who has purchased and located for the express purpose of settlement, and that, to quiet the title, he has already purchased the same land twice. It also appears that the petitioner has actually improved and cultivated the land in question with a view to make it a permanent home. Without taking into consideration the question, or deciding whether the recorder did or did not exceed his powers in granting to the same person several certificates, and without deciding whether the government is or is not bound by the construction given and acts done by the recorder to and under the act of February 17, 1815, the committee think the case of the petitioner one of those to which relief ought to be granted:

1st. Because he has purchased the land in good faith, under a full belief and reliance on the propriety of the act and powers of the recorder to fully and finally decide on the law.

2d. Because the petitioner has already twice paid for the land, under the belief that the title was good, as it rested on the official acts of the agent of the government.

3d. Because the petitioner has purchased, not for speculation, but for agricultural purposes, and has actually improved and cultivated the same.

The committee have not decided the question of general relief in all cases. On that subject there is a bill before the House that has passed the Senate, and the committee, not having been able to recommend a course on that bill, submit the final decision of the House without prejudice.

The committee in the case of Isidore Moore report a bill.

19TH CONGRESS.]

No. 505.

[1ST SESSION.]

TO SET APART A PORTION OF THE NET PROCEEDS OF THE SALES OF THE PUBLIC LANDS FOR THE SUPPORT OF COMMON SCHOOLS, TO BE APPORTIONED AMONG THE SEVERAL STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 24, 1826.

Mr. STRONG, from the Committee on Public Lands, to whom was referred the resolution of December 21, 1825, instructing them "to inquire into the expediency of appropriating a portion of the net annual proceeds of the sales and entries of the public lands exclusively for the support of common schools, and of apportioning the same among the several States in proportion to the representation of each in the House of Representatives," reported:

That the subject referred to the consideration of the committee is manifestly of great interest. It has directly in view the improvement of the mind and morals of the present generation, and of generations to come. It contemplates giving additional stability to the government, and drawing around the republic new and stronger bonds of union. We are, indeed, a peculiar people. None enjoy more freedom than we do; and, though it be the price of blood, yet it is not founded in usurpation nor sustained by the sword. The most casual observer of human institutions at once perceives that our political as well as civil condition, in some essential particulars, differs fundamentally from that of every other nation. The Constitution under which we live is the only one, beyond the limits of this republic, which secures religious toleration and leaves the tongue and the conscience free. This was chiefly the result of education. Chastened liberty lives in the voluntary choice of an enlightened people, while arbitrary power depends for its existence upon the slavish fear of an ignorant multitude. Hence, a government like ours, which guarantees equal representation and taxation, trial by jury, the freedom of speech and of the press, of religious opinion and profession, not only depends for its energy and action, but for its very existence, upon the WILL of the people. They, and they only, can alter, or change, or abolish it. And are the rights of mankind and the obligations of civil society generally understood or respected by the ignorant? Has property, or reputation, or life, when left to depend upon the wisdom of ignorance, or the forbearance of passion, ever been accounted safe? And where is the human character usually found the most degraded and debased? Is it where schools and the means of education abound, or is it where the light of knowledge never illumined the human intellect? If, then, the habits, notions, and actions of men, which naturally result from the ignorance of letters, from the force of superstition, and the blind impulses of passion, are utterly incompatible with rational liberty, and every way hostile to the political institutions of freedom, how high and imperious is the duty upon us, living under a government the freest of the free—a government whose action and being depend upon popular will—to seek every constitutional means to enlighten, and chasten, and purify that will? How shall we justify it to ourselves, and to the world, if we do not employ the means in our power in order to free it from the severe bondage of ignorance and passion, and place it under the mild control of wisdom and reason? As large as the opportunities of acquiring knowledge are, and as much of common learning as the American people have, there are some growing into manhood around us who have neither learning nor the opportunity of acquiring it.

The resolution under consideration proposes to appropriate a portion of the proceeds of the public lands to a new and specific object; to convert it into a permanent fund for the sole use and support of common schools in the several States, and to divide this fund among the several States in proportion to the representation of each in this House.

*Of appropriating a portion of these proceeds to a new and specific object.*—A part of the public domain was acquired by the fortune of war, and a part by purchase. The whole constitutes a common fund for the joint benefit of the States and the people. This domain amounted to some hundred millions of acres, and of it probably some two hundred millions of acres of good land yet remain unsold. It is true that the proceeds of these lands, together with those of the internal duties, and the duties on merchandise, and the tonnage of vessels, to the amount of ten million of dollars annually, are appropriated and pledged to the "sinking fund." But is this a valid objection to the appropriation of the whole or of any part of the proceeds of these lands to any other proper object? Since the act of March, 1817, making this appropriation and pledge to the sinking fund, the annual average amount of the public revenue has been about twenty millions of dollars. So long, therefore, as ten millions of dollars are left to the sinking fund, the appropriation is answered and the pledge redeemed; and the surplus revenue, from whatever source derived, not having been appropriated or pledged, remains to be disposed of in such way and for such purposes as the Congress may direct. But are the public lands a source of revenue upon which a wise and prudent government ought to risk its credit? Will capitalists lend their money upon such vague and uncertain security? The land may be offered for sale, but no man can be compelled to buy. The purchaser is wholly voluntary. The promised revenue to be derived from it is altogether contingent. It depends not at all upon the power or the necessities of the government, but upon the will of the purchaser. Besides, the faith of the government does not consist in the intrinsic value of the thing pledged. This is not enough. No prudent man, for example, would lend his money to the government to be reimbursed out of the proceeds which may or may not accrue from the lead mines and salt springs belonging to the United States. The value of the pledge is the credit it secures. And the thing pledged is valued in proportion to its peculiar fitness and proper adaptedness to the end for which it was pledged. So that the faith of the government necessarily depends upon its ability to coerce the possession—to touch and turn the thing pledged into money. This the government cannot do with the public lands. They are, in deed, tangible; but neither the wishes, the will, nor the power of the government, can change them into money. They are, therefore, not a proper source of revenue upon which the faith or the credit of the nation should be hazarded. Congress seems to have considered them so. A township of land has been given to the "Nation's Guest." Large portions of land have, from time to time, been given to other individuals, and to public institutions. Now, if it be good faith to give away the lands from which the revenue pledged to the sinking fund is derived, it cannot be bad faith to appropriate a portion at least of their proceeds for the support of common schools.

*Of converting it into a permanent fund for the sole use and support of common schools in the several States.*—Unless children are taught how to govern themselves and how to be governed by law, they will



rarely make good citizens. It may be objected that the Constitution does not give to Congress the power to appropriate the proceeds of these lands for the purposes of education. The question is not whether Congress can superintend and control the private schools in the several States, but whether Congress can appropriate the proceeds of these lands for the use and support of those private schools to be applied by and under the exclusive authority of the several States? The only clause in the Constitution which, perhaps, can in any way restrain the general right of appropriating money is that which declares that Congress shall have power "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and to provide for the common defence and general welfare of the United States."

Can the proceeds of the public lands, in any sense, be considered a tax, duty, impost, or excise? A tax must be levied, and the obligation to pay it created by the authority of law. The money derived from the public lands is not levied, nor is the obligation to pay it created by law. Both the purchase and the obligation are voluntary. The Constitution gives Congress the power of disposing of the territory and other property of the United States, but it nowhere considers the proceeds of these lands as a revenue to be applied as the proceeds of taxes are directed to be applied. The Military Academy at West Point is an invaluable institution. If Congress has the constitutional power (and we believe no one denies it) to establish such a school, to draw money directly from the public treasury for its support, to pay for teaching a boy mathematics and engineering, it may be difficult to show that Congress has not the power to employ a few acres of the public domain to teach the poor man's son how to read. But did any doubt remain, that doubt would appear to be removed by referring to the facts that a portion of these lands has, from the beginning, been set apart for the purposes of common education, and that other portions of them have been given, from time to time, for the use of colleges, and of deaf and dumb asylums, and for the construction of roads and canals.

*Of apportioning this fund among the several States.*—Equality of rights and privileges, both as it regards citizens and States, is the fundamental principle of our government. Hence the people, so far as the integrity and independence of the States will permit, are equally represented in the popular branch of the national legislature. Guided by this rule, the committee have no doubt that the apportionment should be made among the several States according to the representation of each in the House of Representatives. This will distribute the fund, and dispense the blessings resulting from it, upon the strictest principles of equality. The ordinary disbursement of the public money does not directly benefit all alike. This apparently partial distribution of the money of the nation depends upon the nature of the objects to which it is applied. An army is stationed where its services are required; a fortress erected where it is wanted; a navy constructed where it can be done the safest and the best; and the money to pay for objects of this sort necessarily goes to those portions of the country only in which the services and labor have been performed. These great objects, which enter so largely into the defence of the nation, are local in their character; and hence it is that some of the States, and many portions of the country, receive no direct benefit from the annual expenditure of millions of the public money. But the proposed appropriation for the support of common schools is for an object general in its nature and benefits. It is an appropriation in which every American citizen has a deep interest, and by the operation and influence of which the ignorant and the wise, the rich and the poor, the government and the governed, will receive direct and lasting benefits. The ignorant and the poor will be aided and enlightened; the wise and the rich estimated and protected; and the government appreciated and defended. Common schools are the nurseries of youth; they are the most universal, as they are the most effectual means of opening the mind; of giving reason the mastery, and of fixing, in habits of sober industry, the rising generations of men. Can, then, a portion of the proceeds of the national domain be expended in any way which will more directly or forcibly come home to the wants and wishes, the business and bosoms, of the people?

The resolution before the committee does not indicate, in terms, whether the principal annually apportioned, or the interest of the principal only, shall be paid over to the States. Nor does it point out any mode, in case the interest only is to be applied, of investing the principal. This part of the subject merits some examination. It seems to be manifest, that the more certain and permanent the fund, the greater and more lasting will be the benefits flowing from it. To apportion and pay the principal annually to the several States will be doing equal and exact justice. But the principal, in that case, would be annually expended. The consequence of this will be, that, as the public domain diminishes by sales until the whole is sold, the fountain whence the fund is to be drawn will be gradually and finally exhausted, and the fund and its benefits, of necessity, diminish and cease altogether. As this domain is not exhaustless, if the principal set apart for the use of these common schools be annually expended, its benefits will be chiefly confined to our own time; but by investing the principal, and dividing the interest only, the fund will accumulate, and its benefits may continue to future ages. The committee, therefore, propose that the sum annually appropriated shall be invested by the United States in some productive fund, the interest or other proceeds of which shall be annually apportioned among the several States according to the representation of each State in the House of Representatives of the United States. This sum may be invested in various ways. It may be invested in bank, or United States stock; or a new stock may be created for the purpose; or portions of the redeemed stock of the United States may, from time to time, be set apart by the commissioners of the sinking fund, uncanceled, and bearing the former or a new rate of interest to meet the object. The general investment of the principal by the United States, and the division of the interest in the manner proposed, seems to be the only way by which all the States and the people can now and hereafter be equally benefited. The annual appropriation should, and may, be so invested as neither to affect for the worst the commercial relations of the country, nor to create artificial distinctions or moneyed aristocracies. It should, and may, be so invested and so applied as to satisfy the moral and intellectual wants of all, while it will supply the pecuniary wants of none. Should the interest, by any particular mode of investing the principal, become an annual charge upon the United States, still, as the whole matter will at all times depend upon the wisdom and pleasure of the States and the people, no man, we believe, can reasonably doubt that they will release this charge the instant its burdens exceed its benefits. Hence, the evils of the measure, if there be any, will be rather negative than positive, and always under the control of the people, who alone are to be benefited or injured by it.

In further discussing this measure, some of its obvious advantages must not be overlooked. It will give some aid to all in the acquisition of learning. It will give efficient aid to the destitute, without which aid they must be left uneducated and in ignorance. It will diffuse, in the quickest and cheapest way, the greatest amount of useful knowledge among the people. It will tend as much as anything else to make young men and old respectable, efficient, good citizens. These considerations, it would seem, cannot fail to awaken the attention of the State legislatures. They surely are not now to learn, for the first

time, that the success of good government, the independence of the States, and the permanency of their political institutions, are vitally connected with a well-educated yeomanry. Besides, the fact of there being a permanent fund, the interest of which is to be applied to the glorious purpose of training up the young mind in the way of knowledge and morals, will, in some degree at least, excite in these guardians of State rights a just emulation in promoting, to every practicable end, the great cause of common education.

It is a singular fact in the history of our species that nowhere has common education made any considerable progress among the people without the efficient aid and protection of the government. There is, generally, a prevailing indifference among the illiterate to the cultivation of the mind; were it not so, the poor man, though learned, can rarely instruct his children, because his time is necessarily occupied in earning their bread; and the ignorant man, though rich, cannot do it, because he is himself untaught. In other countries multitudes of the human race successively live and die as illiterate as they were born; and in our own favored land, with all the liberal patronage, private and public, which learning receives, we are not wholly exempt from these lamentable examples. Under a government like ours there should nowhere be left masses of mind, illiterate and humbled, over which, in an evil hour, some master-spirit may exercise a fatal control. Ignorance is the bane of liberty. Ordinarily, conspiracies and treasons are executed by the ignorant. These instruments of unholty ambition, however, are not selected from schools where letters and morals are taught. Are not, then, the national and State legislatures under the strongest obligations to the people of this country to provide and apply the means whereby every child may have the opportunity, in these nurseries of the mind, of acquiring some knowledge of letters, and of the various duties he owes to his country and his God?

It will moreover bind, by an additional and a stronger tie, the people to the States, and the States to the Union. There is something in this tie of mind, affection, and blood. It attaches itself to every father of a family, and to children's children. It successively connects with the present each succeeding generation. Common education can be estimated only in proportion as its necessities and advantages are felt; and as the same number of children, as there are dollars annually distributed from this fund, may receive, with proper management, about six months' common schooling, will not the people, witnessing these moral and intellectual improvements, look with intenser interest to their respective State legislatures as the immediate dispensers of these benefits? And will not the legislatures of each State, viewing the increase of common schools, and the augmented amount of schooling, and perceiving their benign and salutary effects upon the mind, morals, and habits of the rising generation, look with increased steadiness to the federal head, whence these blessings flow? Common schools, of themselves, will not multiply, nor learning spread; means and opportunity must be afforded. By affording them, schools will multiply, learning spread, and ignorance, idleness, and vice gradually give way to intelligence, industry, and virtue. Examples of these cheering results are not wanting. Let any man compare the calendar of profligacy and crimes among a given population where no schools have been kept, with that among an equal population where the means of common education have been abundant, and the great difference in favor of the latter cannot fail to convince him of the necessity of these initiatory institutions. The States and the people, perceiving these results, and learning from experience that the influence, respectability, and power of a State are in proportion to the intelligence and soundness of its citizens, will cherish the federal hand that aids them, and cling with stronger affection to the governments of their choice.

The committee are not unaware that there is, in this pecuniary connexion, a seeming tendency to produce an undue dependence of the States upon the federal government. They are persuaded, however, that a little examination will dissipate this cause of alarm. The strength of the tie, and the degree of the dependence, it is fair to presume, will always be in exact proportion to the actual benefits resulting from the proposed fund. If the fund be not beneficial it can have no influence, good or bad. Suppose great benefits to flow from it, what are they? Shall we hereafter look for them in the increase of ignorance and subdued spirits of our fellow-citizens? or shall we find and feel them everywhere in the rapid progress of education, and in the improvement of mind and morals? If it be true, as it unquestionably is, that the safety and success of our political institutions depend absolutely upon the intelligence and virtue of the people; and if it be true, also, that the direct effect of the proposed fund will be to increase that intelligence and virtue, then it is equally true that there can be no undue dependence of the people or the States upon the federal government. As these benefits increase, so also will increase the ability and means of detecting and resisting the encroachments of power. Although each part of our political system is dependent upon the other, yet there is a wide difference between that dependence which springs from mean or guilty motives, and which has for its end the union and strength, the happiness and glory of a generous people. And whatever other men may be disposed to do, that portion of the people to whom our governments, whether federal or State, in prosperity or adversity, must look for protection and defence, if intelligent and virtuous, will never do slavish homage, or tamely surrender their liberties to any earthly power.

The proposed measure, the committee are also induced to believe, will have a most salutary effect in respect to the public domain itself, and all the great interests connected with it. There is much apathy in the public mind in regard to the value and importance of these lands. Strong indications are manifested to reduce their price, and to bring the whole into market as speedily as practicable, and without any reference to the existing demand for them. Should this happen, the consequence will be, to depreciate the fair average value of land, whether cultivated or uncultivated, by putting more into the market than could be occupied perhaps in fifty or an hundred years to come; to fling the best of them into the hands of moneyed men and speculators by their cheapness and the prospect of gain; and to retard cultivation and population by the high prices at which they would be held. The committee think the proposed measure will produce a counteracting interest—an interest which, while it guards the public domain from sudden depreciation on the one hand, and from speculation on the other, will induce a more rapid and a sounder population.

There is another consideration connected with this subject which the committee cannot pass over in silence. Our government was the first successful effort among men to establish rational liberty. Our fathers instituted and secured, upon the broadest principles of equality, representation, trial by jury, freedom of speech, freedom of the press, and religious toleration; and to this hour it stands a proud example to the world, unsurpassed, unequalled. The young and interesting republics of Spanish America have, perhaps, come as near to it as the condition and habits of their people would permit. Still there is this marked difference: they retain in some degree the old connexion of church and state. They have an



established religion. Now, if any one proposition in politics or morals be more susceptible of demonstration than another, it would seem to be this, that, where any religion is established by law, there neither the tongue nor the conscience can be free. As ours was the first, so it may be the last hope of civil liberty. No other considerable place remains on the globe where a second effort can be made under like auspices. The continents and the islands of the sea are mostly inhabited by men born under governments and brought up under the influence of principles and habits, with a few exceptions, utterly hostile to our notions of freedom. Since this is so, our obligations do not end with ourselves. We owe much to the great cause of liberty. This debt we can discharge the best and the most honorably by securing well the foundation and superstructure of our own liberties; thus giving to the human family the influence of a perfect example of civil freedom. The foundation of our political institutions, it is well known, rests in the will of the people, and the safety of the whole superstructure, its temple and altar, daily and hourly depend upon the discreet exercise of that will. How, then, is this will to be corrected, chastened, subdued? By education—that education the first rudiments of which can be acquired only in common schools. How are the millions of American citizens to be enabled to compare their government and institutions with those of other countries; to estimate the civil and political privileges and blessings they enjoy; and to decide, understandingly, whether they ought or ought not to protect and defend the Constitution under which they live? By education. Has the legislature of each State provided all the means that are wanted to this end? Is there nothing more to be done? Are all sufficiently educated? There are some wealthy men, and many a poor man, in our land, whose family and fireside have never yet been cheered by the light and benefits of common education. Is there, then, no necessity for the proposed measure? Its advantages must be admitted. That there are heads and hearts among us waiting for instruction, cultivation, improvement, will not be denied; and that the means are still wanted (through the inability or indifference of individuals and of the States) to accomplish this great purpose cannot be doubted. Why, then, delay? We are at peace with the world. Our burdens are light. We have money to meet all the engagements and exigencies of the government, and some to spare.

But, if need be, push not so rapidly, nor so far, the costly defences of the country. The tooth of time will wear away the granite. Our strong fortresses and gallant ships will decay; but the young mind and heart, expanded, enlightened, and disciplined in common schools, will grow brighter and sounder by age. Besides, our reliance under God for protection is upon the arm of flesh. The impassable rampart to our liberties and institutions must be composed of intelligent heads and sound hearts. Our panoply, in peace or war, must be the heaving bosoms and vigorous arms of enlightened and virtuous freemen. Shall we not, then, afford to all, especially to the ignorant, the poor, the destitute, the means at our command,—the only means perhaps by which they can ever acquire knowledge? Who are first to be benefited? The children of farmers, mechanics, and manufacturers. Where do we look, and where must we look, for the moral and physical power of the nation? To the agricultural and mechanic interests—to the handicraftsmen of the land. Unsoundness here will be fatal. It is rottenness at the heart. Is knowledge power? Does our power, do our liberties, do all we hold dear, depend upon the will of our fellow-men, whether that will be left to the guidance of enlightened reason, or of untempered ignorance? And shall we not provide the means we have at hand of teaching the ignorant and destitute to range themselves beneath the eagle, and among the defenders of freedom? Or shall we neglect them altogether, and leave them to be schooled and disciplined by the Catilines and Cæsars of the day? Believing, therefore, that a portion of the proceeds of the public lands may be spared; that the diffusion of common education among the people is demanded by the highest considerations of national glory and safety; and that Congress possesses both the power and the right to appropriate them for this purpose, the committee submit a bill.

19TH CONGRESS.]

No. 506.

[1ST SESSION.]

# EXAMINATIONS OF LAND OFFICES AND COMPENSATION OF RECEIVERS FOR TRANSPORTING FUNDS.

COMMUNICATED TO THE SENATE FEBRUARY 28, 1826.

TREASURY DEPARTMENT, February 28, 1826.

SIR: I was honored with your communication of the 10th instant, making inquiry whether so much of the 14th section of the act of Congress of March 26, 1804, as relates to the examination of land offices might not be repealed without prejudice to the treasury; and also asking my opinion whether an additional compensation ought not to be given to receivers of public moneys in the several land offices for the transportation and depositing of those moneys, and by what rule such compensation should be fixed.

In reply, I beg leave to state that I believe the examination of the land offices under the law in question is, upon the whole, productive of advantages sufficient to counterbalance the expense attending it, and that, consequently, its repeal at this time would not be advisable. That the manner in which this duty is performed may be fully before the committee, I enclose herewith a copy of the instructions lately issued by the Commissioner of the General Land Office, bearing date the 24th instant, to one of the examiners appointed since the commencement of the present year. These instructions are such as are usually given to all the examiners.

In regard to the second point embraced in your letter, I beg to state that I am decidedly of opinion that additional compensation ought to be given to the receivers of public moneys for transporting and depositing those moneys. The allowance might be regulated by the Secretary of the Treasury; so, however, that it in no case exceeded one-half per cent. upon the amount deposited. This was the opinion



of the late Secretary of the Treasury, as contained in a report to the House of Representatives on the 17th of February of last year, in which I entirely concur.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

HON. DAVID BARTON, *Chairman of the Land Committee of the Senate.*

TREASURY DEPARTMENT, *General Land Office, February 24, 1826.*

SIR: By the 14th section of the act entitled "An act making provision for the disposal of the public lands in the Indiana Territory, and for other purposes," passed March 26, 1804, it was made the duty of the Secretary of the Treasury to cause, at least once every year, the books of the land offices to be examined, and the balance of public moneys in the hands of the several receivers of public moneys to be ascertained.

Agreeably to this provision of law, you have been appointed to examine the several land offices in the States of Illinois and Missouri, and Territory of Arkansas.

As it will seldom occur that your examination of any one office will be completed on the last day of a month, and as the balances due by receivers to be exhibited in your report should be stated in such a manner as will admit of a comparison with the monthly returns made by the receivers to the Treasury Department, you will therefore be pleased to state in your report the balances due on the last day of the month preceding that in which the examination shall be made, and also the balances due at the date of your examination.

Herewith is transmitted a statement showing the balances due on the date of the last examination of each of the offices you will examine.

You will form an account between ———, the receiver, and the United States, debiting him with the balance exhibited in the enclosed statement, and with all the moneys received by him since that period, and up to the date of your examination, and crediting him with all the items of cash deposited into bank to the credit of the Treasurer of the United States, drafts of the treasury which have been paid by him, the salary and commission of himself and the register, the incidental expenses of both offices; in short, all items to his credit which appear on his books, and for which he shall produce vouchers.

You will then take an account of all moneys in his hands, specifying distinctly the number of gold and silver coins, and the different species of bank notes, and ascertain the coincidence between the cash on hand produced to you, and the balance which you will have previously ascertained to be due.

You will examine the journal and the ledger of the receiver, and state to what period the entries of the former are posted into the latter; and make a comparison between the entries on the books of the receiver and those of the register, and see how far they agree. This comparison is expected to be only as regards results, as it will be impossible for you to enter into much detail.

You will examine the several books of the *register's office*, and see whether they wear the appearance of neatness and accuracy; also how far the journal entries of his office have been posted into his ledger.

You are requested very particularly to examine into the mode of marking the land sold in the township maps, and most particularly to urge on the registers the necessity of great punctuality in designating on the maps each tract sold so soon as the money is paid by the purchasers, in order to prevent the unpleasant mistakes which in some offices too frequently occur in selling the same land twice; which mistakes might be entirely prevented by observing punctuality in marking their maps.

You are requested also to observe the manner in which each one of the books is kept as to the handwriting; whether they are regularly brought up; also whether any additional supply of books is wanted in the offices respectively. The books alluded to are the *tract books*, in which all the tracts in the district subject to sale are entered in the first instance, and in which the land sold is noted as the sales are made from time to time. The entries in this book ought to correspond with the tracts sold as marked in the maps. The *sales books*, in which the sales are noted in the order of their dates, are also to be examined. In this book no blank spaces are admissible between the entries. You will note the necessary particulars respecting those books in your report, and distinctly state whether the tract book and the maps correspond.

On May 31, 1825, a circular letter was addressed to the several registers and receivers, a copy of which is enclosed, requesting them to procure such bookcases and desks, or boxes, as the case might be, as were actually necessary for the due preservation and safe-keeping of the public books and papers. Finding that many officers had misconstrued the intention of that letter, and had procured writing desks for their personal accommodation, which were not authorized and cannot be allowed, I was under the necessity of correcting the misapprehension by a second circular letter, dated August 20, 1825, a copy of which is also enclosed. I wish you to ascertain how far the instructions have been complied with; whether the cases and desks provided for the accommodation of books and papers are such as answer the purpose, and whether the papers are properly arranged; also whether the instructions as to binding the township plats has been complied with in the manner pointed out in the circular, and whether the charges for the articles procured are reasonable.

In all cases where the accounts for articles procured under the instructions have been necessarily returned for any cause which rendered the payment of them inadmissible, I will thank you to inquire into them, and certify your opinion as to their reasonableness.

A circular letter, dated the 22d instant, has been issued by the Secretary of the Treasury to the several receivers of public moneys in relation to the making of deposits into bank of public moneys in their hands. I will thank you to report whether these instructions have been received by them and duly attended to.

Your report will consist of two papers, to be marked No. 1 and No. 2.

No. 1. In account between the receiver and the United States, in which you will *debit* him as follows:

1st. With the balance due at the end of the last examination.

2d. With all the moneys received by him since, and to the end of your examination; the amounts of money received to be stated for each month, distinguishing between the moneys received under the cash and credit systems at these offices, which were in operation prior to July 1, 1820, when the system of selling lands on a credit was abolished.

The distinction between the cash and credit offices you will perceive is made in the statement sent herewith by the words "cash," "credit," marked opposite the offices respectively.

In the same report you will *credit* the receiver with all the items to his credit which appear on his books, and for which he will produce to you vouchers, or refer you to vouchers transmitted to the treasury in any instances when the duplicate of a voucher may have been transmitted to supply the loss of an original.

These credits will consist of the following items, to be stated by *months*:

1st. Payments into bank to the credit of the Treasurer of the United States, and payment of treasury drafts, specifying the number of each draft.

2d. Salaries of the register and receiver.

3d. Commissions of the register and receiver.

4th. Incidental expenses of both offices.

After the credits for the *last month* of your examination you will add a

5th item. "Balance due by the receiver, as ascertained by this report, and which, after counting all the moneys in his hands, I find to consist of the following denominations of money, viz:—"

Gold, foreign. . . . .	_____	} Specifying the principal coins, whether eagles, half, quarter, doubloons, &c.
Gold, domestic. . . . .	_____	
Silver . . . . .	_____	

Total . . . . . \$ \_\_\_\_\_

Bank paper, as follows:

Notes of the \_\_\_\_\_ Bank.

Notes of the \_\_\_\_\_ Bank.

Notes of the \_\_\_\_\_ Bank.

Total . . . . . \$ \_\_\_\_\_

No. 2 is to relate exclusively to the books and papers of the two offices; the period to which they have been respectively brought up; the arrangement of the papers into cases; the binding of the township plats, as required by the circular letter sent herewith; and the several particulars before noted.

In this paper you will refer to the registers' and receivers' offices, respectively, under *distinct heads*.

I will also thank you to examine into the coincidence between the amount of balances stated to be due from individuals on the books of the receiver with that stated on the books of the register of each of the credit system offices, and state the result in your report No. 2.

Enclosed is a circular letter addressed to the register and receiver of each of the offices you will examine, requesting them to afford you all the necessary facilities in making your examination.

With great respect, G. G.

JOEL JOHNSON, Esq., *Great Crossings, Kentucky.*

19TH CONGRESS.]

No. 507.

[1ST SESSION.]

APPLICATION OF ILLINOIS FOR GRANT OF LAND FOR A SEAT OF JUSTICE IN GALLATIN COUNTY.

COMMUNICATED TO THE SENATE MARCH 1, 1826.

STATE OF ILLINOIS, *Executive Department, January 30, 1826.*

GENTLEMEN: By request I transmit you a memorial addressed by the general assembly of this State to the Congress of the United States, asking its assent that one hundred acres of the tract of land granted to Illinois for the saline in Gallatin county may be given to said county for the purpose of locating, in a central position, the seat of justice of the county.

I am, respectfully,

EDWARD COLES.

J. B. THOMAS and E. K. KANE, Esqrs., *Senators in Congress from Illinois.*

*To the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the general assembly of the States of Illinois respectfully represents: That the said legislature have passed a law at their present session authorizing and giving their assent to the location of the seat of justice of Gallatin county, and within the saline reserve, and the lessee of the tract on which said location may be made, under and in pursuance of said law, having given his assent thereto, and executed a relinquishment of his title thereto; for such purpose your memorialists respectfully request that your honorable body will pass a law making a donation of one hundred acres within the said saline reserve, and as shall fall within the proposed location, so as to enable the citizens of said county to

establish their seat of justice on such reserve; and that for such purpose a survey may be made of such tract as the commissioners under said law of the State may select, so as to enable them to lay off the same into lots; and your memorialists will forever pray.

DAVID BLACKWELL,  
*Speaker of the House of Representatives*  
RAPHAEL WIDEN,  
*Speaker of the Senate pro tempore.*

Originated in the house of representatives.

CHAS. DUNN, *Clerk.*

*To the Hon. Elias K. Kane and Jesse B. Thomas, senators, and Daniel P. Cook, representative, in the Congress of the United States:*

The undersigned, citizens of the county of Gallatin, in the State of Illinois, having understood that the Congress of the United States have recently been memorialized by the legislature of the State to grant to this county a hundred acres of land within the tract reserved by Congress for the use of the Ohio and Wabash saline, for the purpose of removing the seat of justice of said county thereto, respectfully beg leave to remonstrate against such grant being made, or rather, the consent of Congress being given.

The county of Gallatin is one of the oldest in the State, and was formed under the Territorial government, and by the act of formation the county seat was established at Shawneetown, a place laid out under the authority of the United States, and very eligibly situated on the bank of the Ohio river, about ten miles below the mouth of the Wabash river. But as no public square had been reserved in the original survey of the town by government, a number of public-spirited individuals, at the sale of lots in the year 1814, joined together and purchased, by paying the first instalment thereon, two contiguous lots for that purpose, and dedicated them to the county as the site for the public buildings, not doubting but that Congress, when the matter should be properly represented to them, would remit the remaining instalments, and grant the lots to the county in absolute ownership, which, after repeated applications of many of the undersigned, was done by an act passed on March 3, 1823, entitled "An act to authorize the Secretary of the Treasury to remit the instalments due on certain lots in Shawneetown, in the State of Illinois." On these lots, thus become the public square, and property of the county, a contract has been made to erect a court-house and jail, under the authority of a special act of the legislature of the State, passed January 17, 1825, for the speedy completion of which, in a style suitable to the extent and respectability of the county, the contractor has given satisfactory security.

The removal of our seat of justice, therefore, at this time, would probably involve the county in great difficulty and embarrassment, and defeat, besides, the munificence of Congress, as displayed in the above-recited act. It would also greatly retard, if not entirely check, the growth and prosperity of Shawneetown, where the United States yet hold several hundred very valuable lots, and whence, from the sales of others, they have heretofore received into the public treasury many thousands of dollars.

Nor would the removal of the seat of justice to the centre of the county be otherwise desirable to any portion of our fellow-citizens, further than as it would be brought simply to the centre, whereas it is now situated on the Ohio boundary of the county, yet central as between the extremes of that boundary, and has the advantages of navigation, a yet thriving town, and an enterprising population.

The saline reservation is a tract of country containing about four townships of land, and is situated directly in the heart of the county. It would, therefore, be about in the centre of this tract of country, which must forever remain uninhabited, except by salt-makers, or short leases, uncultivated, except for timber, and unsold, except with the consent of Congress and the State, that the centre of the county would be found. The soil is generally very thin; the country quite unimproved, and offering no inducements to settlement, except to persons immediately engaged in the manufacture of salt.

The undersigned are aware that many of these arguments would have been more properly used in resisting the memorial before our own legislature. But as the act providing for the removal of our seat of justice makes the consent and grant of Congress a condition precedent to its taking effect, it is hoped they will not be considered as altogether impertinent. Many of the undersigned were not apprised that the legislature of the State would be solicited on this subject until that body had finally acted upon it; and others, though aware that petitions were in circulation in remote parts of the county, thought it unnecessary at the time to make any efforts against them, believing that, as the session at which the law was passed and the memorial adopted was an extraordinary one, convened for a special purpose, no business of a local nature would be taken up; and trusted confidently in the good sense and justice of the next general assembly, before whom it was designed to lay a remonstrance, to reject the application.

The undersigned have thus been taken completely by surprise; and though it is firmly believed that a large majority of the county, even with its present boundaries, if candidly appealed to, would give their suffrages in favor of keeping the seat of justice on the river, yet the legislature, acting from the *ex parte* representations before them, have passed the act, and thereby imposed upon the undersigned the only alternative, of appealing directly to Congress to arrest so ruinous and so unadvised a measure.

THOMAS C. BROWNE and 192 other persons.



19TH CONGRESS.]

No. 508.

[1ST SESSION.]

## APPLICATION TO CONFIRM THE TRANSFER OF A CHEROKEE RESERVATION.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 1, 1826.

Mr. VINTON, from the Committee on Public Lands, to whom was referred the petition of John Thompson and Elizabeth Thompson, his wife, reported:

That it appears, from the petition and papers accompanying it, that John Thompson was the head of an Indian family, who took a life estate in a reservation of six hundred and forty acres of land, with a reversion in fee simple to his children, under the eighth article of the treaty of July 8, 1817, between the United States and the Cherokee nation of Indians, subject to revert to the United States in case of removal from the reservation. The petitioners state that they are insolvent, and indebted to one William H. Salmon, of South Carolina, to whom they have assigned said section of six hundred and forty acres of land in satisfaction of his claim against them. They exhibit an assignment or transfer of an estate in fee simple, with a covenant of general warranty for themselves, their heirs, executors, and administrators, to said Salmon, his heirs and assigns, and pray that Congress would grant a patent of the land to Salmon in fee simple upon his paying the government price for the lands. Salmon is not a party to this application, and whether it is made with his knowledge, or at his instigation, does not appear, and is a matter of conjecture only, from the nature of the petition and the character of the evidence adduced in its support.

In looking at this application, an obvious and conclusive objection against it presents itself, arising from the form in which it is brought here. If the case made by the petitioner were a proper subject of relief, it would still be altogether irregular and anomalous to legislate upon it, on the application of third persons. In this case the person for whose benefit we are called upon to act is not a party to the petition. But waiving the form of the application, and admitting the facts stated in the petition to be true to their fullest extent, the committee are still of opinion the assignment is void, and that Congress has no power to give it validity. The attempt to transfer away the reversionary interest of the children of Thompson is clearly a fraud upon them, in case there are any children. That interest being secured to them under the treaty, it is not in the power of the United States to annul the title or give it any new direction. So far, then, as the children are to be affected, the grant to Salmon is of no avail; and so far as the grantors and the United States are concerned, the committee are also of opinion it is void, it being the evident intent of the treaty that those Indians to whom the reservations were made under that article of the treaty should not alienate but should reside upon their lands, which is demonstrated by the proviso in that article, "that, in case of removal, the land should revert to the United States." Should the petitioners surrender to Salmon, the right of the United States would attach under the proviso. The attempt to purchase this land, to say nothing of the suspicious circumstance of the Indians being the petitioners, is in direct violation of what your committee conceive to be the policy of the treaty and of the rights secured by it.

The committee therefore recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioners ought not to be granted.

19TH CONGRESS.]

No. 509.

[1ST SESSION.]

## APPLICATION OF LOUISIANA FOR LAND TO INHABITANTS OF POINT COUPEE FOR EDUCATION AND REPAIRING LEVEES, AND FOR HOUSE AND LOT TO THE PARISH OF PLAQUEMINES FOR A COURT AND PUBLIC SCHOOLS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 6, 1826.

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :*

The general assembly of the State of Louisiana respectfully represent: That the inhabitants of Point Coupee, within this State, a large and respectable class of the ancient population, sensibly impressed with the importance of education, have represented to this body their intention of establishing a public seminary of learning within their settlement; that the only obstacle to their progress in this useful undertaking has been the want of a suitable lot of ground, conveniently situated to the inhabitants, to fix the aforesaid seminary; that there is a tract of this description containing one hundred superficial arpents belonging to the public domain, and formerly an appurtenance to a military fort under the Spanish government, for a donation of which, for the aforesaid purposes, the said inhabitants have petitioned the general assembly to apply to your honorable body.

The general assembly further represent that the tract being small, the object highly useful, and as there are examples of the liberality of Congress in granting to public uses lands that were applied to the same objects under the former government of the country, they indulge the hope that the tract solicited will be granted by the national legislature to the inhabitants of Point Coupee for the purposes aforesaid.

They also state that the inhabitants of Point Coupee, situated near a remarkable bend of the Mississippi, have been compelled for many years to keep up and annually repair a levee of more than ordinary magnitude, in front of another tract of land belonging to the United States, of forty acres wide, on the river; that, otherwise, the plantations of the whole settlements, as well as the public lands for a great

number of leagues in extent, would be constantly overflowed; that, in consequence of the forty-acre tract aforesaid being subject to falling in on the river, it causes much damage to the levee, which had been made at the expense and by the labor of the inhabitants; that if, however, this tract belonged to the county of Point Coupee instead of the public, such would be the increased interest among the inhabitants to apply its avails to the keeping up the levee aforesaid as equally to protect their own plantations by a strong and durable levee, as well as to secure from future overflows the immense tract of public lands now exposed to annual inundation. The general assembly, therefore, sensibly impressed with the situation of the aforesaid settlement, beg leave to solicit a donation of the aforesaid tract of forty acres front, at the Point Coupee bend, to the county of Point Coupee, for the use of the inhabitants thereof in maintaining and keeping up the aforesaid levee.

*Resolved*, That copies of the foregoing memorial and this resolution be transmitted by the governor to each of our senators and representatives in Congress, and that they be requested to use their best exertions to obtain from Congress the donations solicited in the foregoing appeal.

D. C. KERR, *Speaker of the House of Representatives.*  
T. POYDRAS, *President of the Senate.*

A true copy from the original deposited in the office of the secretary of state.

[L.S.]

J. VILLERS, *Governor of the State of Louisiana.*

NEW ORLEANS, February 23, 1820.

*Resolved by the senate and house of representatives of the State of Louisiana in general assembly convened*, That the senators of this State in Congress be required, and our representatives invited, to solicit the general government to grant to the inhabitants of the parish of Plaquemines a lot of ground measuring three hundred feet square, together with the brick building thereon, for the reception of a parish court and for the keeping of a public school in said parish; which lot of ground formed a part of the quarantine ground established in the said parish in the year 1818.

A. B. ROMAN, *Speaker of the House of Representatives.*  
H. S. THIBODEAUX, *President of the Senate.*

Approved January 12, 1826.

H. JOHNSON, *Governor of the State of Louisiana.*

19TH CONGRESS.]

No. 510.

[1ST SESSION.]

# DEFENCE OF PROCEEDINGS OF COMMISSIONERS FOR ADJUSTING LAND CLAIMS IN EAST FLORIDA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, BY THE COMMITTEE OF PUBLIC LANDS, MARCH 6, 1826.

WASHINGTON, Monday, March 6, 1826.

SIR: Having been informed by the Hon. Joseph M. White that impressions unfavorable to the commissioners of East Florida had been made by a recent publication in one of the public prints of an extract from a letter purporting to have been written by a gentleman travelling through Florida, and also by the statements of certain individuals remonstrating against the continuance of the board, I feel that it is my duty to make a reply to your department, and refute, so far as in my power, such illiberal imputations. The most important complaint seems to be that the board have, in their adjudications, permitted counsel to consume the time of the board in argument (which made it necessary to have counsel on both sides) which ought to have been devoted to the adjudication of the claims, and this for the purpose of prolonging as much as possible the existence of the board. It is true that most of the claims are advocated by professional men, who claim the right of being heard on such questions as might arise, either as to the evidence or the merits of the grants themselves. That the exercise of this right, to present the cases in the most favorable light to the board, may in some measure have procrastinated and delayed the progress of the commission is admitted; but that it was a privilege that could not be denied or withheld, and is incident to the very nature of those claims, must be asserted. This has been alleged as the reason why the whole of the business has not been concluded.

The history of the commission since its establishment will prove that the translators employed could not by any industry translate more than they have done, and the proceedings of the board in no case have interrupted that part of their duty; that the business of investigating and probing into the secrets of Spanish grants, and bringing to light frauds and forgeries, would not be popular with persons interested; and that those who were the means of detecting and exposing such nefarious transactions would thereby make to themselves enemies, will be readily admitted, and was reasonably expected; that there are cases of a doubtful and suspicious character, and which have been held back by the claimants in the hope that the business might fall into more favorable hands, is confidently believed; and hence a solicitude for a change was calculated on.

Should those insinuations have weight, I conceive that it will be but justice to compare the report and labors of the commissioners of East Florida with the report of other commissioners, and see how far they have fallen short of others for the same length of time; and further, to examine the rules and principles which have governed them in their decisions; and, should the subject be examined according to the said rules, the commissioners of East Florida feel satisfied that they will be released from such ungenerous imputation.

I have the honor to be, sir, your very obedient, humble servant,

DAVIS FLOYD,

*Member of the late Board of Land Commissioners for East Florida.*

HON. RICHARD RUSH, *Secretary of the Treasury.*

P. S.—I regret that General Call did not file with your committee the documents to refute the imputation of Mr. Hamilton, that I had been employed as counsel in land cases the titles of which were before the commissioners.

D. F.

SIR: It is with no small degree of embarrassment that I feel myself compelled, as a member of the late board of land commissioners for East Florida, to assume the responsibility of giving more in detail a further explanation and comment on the report recently made by them to your department; and this embarrassment arises chiefly from the circumstance that, owing to a slight difference of opinion among the members of the board, no detailed report could be framed which would meet the views of each, and which I considered would be sufficient to show the course pursued by them. It will be unnecessary for me to include in the explanations now made matter which has already been communicated in former reports, except when, from further examination, I may be able to shed additional light on the subject, or show reasons why the rules and principles laid down in the first report for the government of our adjudications should be materially changed in their import.

No. 1 contains a register of claims to lands not exceeding three thousand five hundred acres, which have been confirmed by the board, and will be found to consist of royal titles, concessions without conditions, concessions with conditions annexed, and orders of survey. A royal title is the highest title known by any law, usage, or principle existing in the province of East Florida. It was designed to convey the fee simple to the grantee; was usually made by the acting governors of the province in the name of the King; contained the usual words of perpetuity, and generally had the metes and bounds specially set forth; and, although it is believed there are a few exceptions, yet this title may be said to be answerable to the patent issued by our government. A concession without a condition seems to differ from a royal title only in this: most of the royal titles have the metes and bounds designated, while the concession has seldom any identity other than that the grantee is entitled to the quantity of land named in the concession, which is conceded in absolute property; but when properly surveyed and certified, the concession was perfected by the royal title. In concessions with conditions it was always expected by the Spanish authorities that the grantee would comply with them, and not until then could he obtain a royal title; yet, in the proof of conditions performed, it is believed that they were never very rigorous. Orders of survey were generally predicated upon concessions previously granted, yet a few have come before the board that were not, but were made by the deputy governor (as he states in his testimony) under a verbal order from the governor. In no case, however, has the quantity, when confirmed, exceeded six hundred and forty acres, and not then until the claimant proved that he had been in the actual possession and cultivation of the land at and previous to February 27, 1819. In deciding on the cases comprised under the above heads, the board has in all cases of royal titles and concessions without condition, when the documents relating to them were found among the archives of the country, and nothing in behalf of the United States could be alleged against them, and when the quantity did not exceed one thousand acres, considered itself bound to grant certificates of confirmation to the claimants; and in all cases over one thousand and not exceeding three thousand five hundred acres, when the party, in addition to the above, proved that he was in the actual possession and cultivation of the land at the time of the cession of Florida to the United States, the board likewise considers itself bound to grant a certificate of confirmation to the claimant; and also, in addition to the above, in the case of a concession with conditions, when the claimant proved that the conditions had been substantially performed.

No. 2 contains a register of claims not exceeding three thousand five hundred acres, which, although found to be valid Spanish grants, have not been confirmed for want of proof of actual possession and cultivation at the time of the late cession. They will be found to consist of royal titles, &c., as in No. 1.

No. 3 contains a register of claims over three thousand five hundred acres, which have been found among the public archives of the country, and have been ascertained by the commissioners to be valid Spanish grants, and have been reported to Congress for confirmation. In reporting these cases, it is necessary to state that the commissioners, although this subject has occupied their continued and special examination, have been unable to arrive at any conclusion calculated to alter the rules laid down in their former report, by which their adjudications had been regulated and governed. From the most correct information which we have received, it is believed that rules and regulations for the granting of lands different from those in other Spanish provinces were established in East Florida. In East Florida the governors seem to have exercised a discretionary power in granting away the public land for various purposes, and to all such as applied to them for it; and the commissioners of East Florida have been much perplexed in endeavoring to find out the limits of their authority on this subject, but hitherto their researches and endeavors have been fruitless and in vain. That the governors have uniformly exercised a discretionary power is clearly to be inferred from their acts. The first governor after the cession of the province to Spain by Great Britain in 1783 made no grants for land, or but few, and those only for small quantities; the one who succeeded him, Governor Quesada, established and published rules and regulations for the distribution of the public lands, one of which was the appointment of a commissioner, who, with the assistance of a surveyor, was specially intrusted with the distribution of public lands. This they did in the following proportions: to the head of each family one hundred acres, and to other members of the family, whether of either sex, white or black, fifty acres; yet, notwithstanding, we find Governor Quesada making grants in violation of those rules. Governor White, the successor of Quesada, established different rules and regulations, reduced the quantity allowed to the heads and other members of the family, and added the condition of ten years' possession before the party was entitled to a royal title; he is also found to depart, in some cases, from the rules laid down by himself, and likewise by Governor Quesada. There is also a distinguishing peculiarity in the phrasology of the royal titles, for they invariably recite a right in the governors to grant the land, from which it is clearly to be inferred that the governors considered themselves entitled to and did exercise a discretionary power of granting the public land to such as made application for it, and in such quantities as they conceived tended most to the advancement of the population and improvement of the country. An examination of the correspondence between the King and the intendants shows that the latter were particularly charged, especially in East Florida, to promote the population and improvement of the provinces under their charge, by all the prudential means in their power. To this *avowed* end and purpose we find all the governors giving grants of land for agriculture, for pasture, for grist and saw-mills, for tanneries, and finally, for losses and military services, each of which seem to come within the scope of their discretionary powers; and I think (with a few exceptions) that, until about the year 1814, they may be considered to have been regulated by a sound discretion,



bounded by reason and justice. About the year 1814, either from the expectation that the country would in a short time be transferred to the United States, or from some other cause unknown, the governors of Florida lost sight of those great leading objects and principles of their sovereign, and were apparently regulated only by a wish to satisfy the avarice of all who applied to them for lands. There is one rule which it is considered it would not be unreasonable to apply in the adjustment of those claims; it is, that where an application was made for a grant of land as a remuneration for meritorious services, or other object embraced in the general policy of the government, and the grant was made accordingly, and the same individual made a second application for remuneration for the same services, which was also conceded, that it is but just to consider that the first was full and ample unless otherwise expressed in the grant itself; and that the subsequent grant was an assumption of power not warranted by the laws and usages nor the policy of the Spanish government. The commissioners have not considered themselves authorized to do more than prepare the cases in such manner as to enable Congress to come at the merits of the claims; indeed, it would seem too much like arrogance in them to point out rules to govern Congress, when their limited means of information are considered.

No. 4 contains a register of claims under the donation act of 1824, not exceeding six hundred and forty acres, which have been confirmed by the board upon satisfactory proof that the claimant was twenty-one years of age, the head of a family, and had never received from the British or Spanish governments any written evidence of a title to land, and was actually settled on and cultivated the same at and previous to February 27, 1819.

No. 5 contains the register of claims under the aforesaid act, which have been reported to Congress on the ground that the settlement was made between February 27, 1819, and July 17, 1821, the time of the change of governments.

No. 6 contains the register of claims derived from the Spanish government by written evidence, which have been ascertained to be valid Spanish grants, and have been reported to Congress on the ground that they were undefined in quantity.

No. 7 contains the register of claims not exceeding three thousand five hundred acres, founded on British grants, which have been confirmed by the board as valid on proof of their recognition by the late Spanish authorities, and of cases over one thousand where actual possession and cultivation has been shown.

No. 8 contains a register of town lots and out-lots founded on actual possession and occupation previous to February 22, 1819, and were confirmed upon proof that the claimants were in actual possession at and previous to the day and year aforesaid, by and with consent of the Spanish government.

No. 9 contains a register of a class of cases differently situated from all the foregoing, and hence entitled to different rules in their adjudication. Those contained in the foregoing numbers were regularly filed in the proper office, and were entitled to all the legal presumption in their favor which applies to records in our government; these grants were found in the possession of the claimants, while no trace could be found of their existence in the archives of the country, which circumstance, coupled with the notoriously bad character of the officer whose name and official certificate they all bear, cast a shade of suspicion over them, which applies to all those similarly situated. The board of commissioners, in adjudicating upon them, have required the claimant to prove the execution of them and to account for their not being among the archives of the country, although in many cases the proof is pretty positive; yet, from the situation and circumstances of the numerous cases of a similar character, it has not been of that description which is calculated to make an impression on the mind of the fact sworn to. The witnesses, although by the rules of evidence they are perfectly competent, yet, from their interest in the principle sought to be established, and on other grants of a like character, their credibility is much lessened. The board has considered itself justified, nay, bound by a sense of duty, to relax in some cases the rules of evidence; otherwise, many frauds and forgeries would remain undetected. That there are cases of that description is not to be doubted, but it will be found by the existing rules of evidence in courts of law, to be extremely difficult, if not impossible, to detect them. The board has used all the means in its power without as yet being able to report on any but a few. Indeed, such has been the reluctance in submitting these cases, the board was unable to pass an act upon them from an alleged ability and intention of the parties to remove the suspicion entertained of their validity. That many of the grants which have been withheld by the parties for the purpose of producing additional testimony are good and valid I would not be willing to deny, but that others are shrouded in doubt and suspicion I feel bound to assert. The commissioners, in reporting a grant as a valid Spanish grant and recommending it for confirmation, do not wish to be understood as intimating to what extent it ought to be confirmed; the known ability of the land committee and their superior knowledge of the various laws relative to the distribution of public lands in all the provinces of North America, together with the distinguished liberality of Congress, forbid it.

The circumstance of the board having been at all times pressed with business for its decision will afford a reason why many of the more important cases were not, by some coercive measure of the board, brought forward and determined. We conceived it just to give a reasonable time for preparing testimony, &c.

I would remark, further, that from reports which were circulating in the country, and from the instructions received from the President, we have been extremely cautious in passing on any grant until, on the part of the United States, every kind of examination had been made, not only of the original records and papers in the office, but even to inquire of the old inhabitants whether they knew of any circumstance which went to impeach the particular grant named. This duty devolved on the district attorney; and in no case whatever has the board finally passed on it until answered by that officer that he had nothing, or nothing further, to allege on the part of the United States.

It will be found by an examination of the cases reported, that to each is an opinion, stating, as concisely as practicable, the facts relating to it, and the deductions drawn from them. This course was thought better than to arrange any large number of claims together, and give an opinion embracing all, as, although similar to a certain extent, not so much so as to justify it. It is also a source of some mortification to me to understand that our reports are considered too voluminous. The act organizing the board requires the commissioners to appoint a secretary, whose duty it shall be to record, in a book for the purpose, the derangement of title, and also the proceedings of the board, and at particular periods to transmit copies to the office of the Secretary of the Treasury, to be by him laid before Congress. This, we

humbly conceive, is all that we have done; and if that is too much, we regret that we had not been sooner informed of our error. It proceeded from a mistake in judging of the provisions of the act.

For the royal orders, rules, and regulations, and more detailed comment upon each, see report No. 1 of our board, made to the sessions of 1823 and 1824.—(See No. 413.)

All which is respectfully submitted, &c.

HON. RICHARD RUSH.

DAVIS FLOYD.

19TH CONGRESS.]

No. 511.

[1ST SESSION.]

APPLICATION FOR FURTHER RELIEF TO PURCHASERS OF PUBLIC LANDS BY ADMITTING  
THE RETENTION OF A PORTION OF THE LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 7, 1826.

Mr. VINTON, from the Committee on Public Lands, to whom was referred the resolution of February 9, 1826, directing "an inquiry into the expediency of authorizing by law the legal holder of any certificate of further credit for the public lands to relinquish, by legal subdivisions to the United States, either by an east and west or by a north and south line, as may best suit the holder of any certificate as aforesaid, and also into the expediency of authorizing the holder of any certificate of further credit to relinquish, by a legal subdivision as aforesaid, any number of acres not less than one-fourth of a quarter section," reported:

That as early as the year 1796 the foundation of the present land system was established; that the acts of Congress of 1800 and 1804 were but modifications and improvements on the foundations of the act of 1796; all the laws that have been passed by Congress, from the origin of the plan to the present day, having relation to the surveying and disposal of the public lands, have only been to remedy defects discovered by experience in the operations of the system. A general uniformity in the manner of surveying and subdividing the public lands, as also in the mode of disposing of them, has always been in the view of Congress in every regulation on the subject. All the public surveying has been done, and all subdivisions of tracts made, to conform to the general system of surveying in squares. All the land offices created for the disposal of the public lands have been put into operation, and all sales and surrenders made have been in conformity to this admirable plan. All the maps and plans of the public lands are, so far as surveying has been done, made out with reference to this division by squares. The committee think that a large proportion of the purchasers of the public lands, for whose benefit the act of March 2, 1821, and the several acts extending and amending its provisions, was passed, have profited by those laws and obtained relief; and although the committee are prepared to extend to others, who have not availed themselves of those laws, further time to do so, yet the committee do not think it necessary to afford that relief, to change the whole land system of the Union, and introduce a new principle in reference to surveys that would not only be productive of additional expense to the public, but be the source of endless confusion in all the land department, from the General Land Office down to the most subordinate agent.

The committee therefore present the following resolution:

*Resolved*, That the Committee on Public Lands be discharged from the further consideration of the subject.

19TH CONGRESS.]

No. 512.

[1ST SESSION.]

TO VEST THE FEE SIMPLE IN SCHOOL LANDS IN INDIANA IN THE TRUSTEES APPOINTED  
BY THE LEGISLATURE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 7, 1826.

Mr. JENNINGS, of Indiana, from the Committee on Public Lands, instructed by a resolution of the House, of the 27th January, to inquire into the expediency of vesting the fee simple of the lands set apart for the use of schools in the Illinois grant in the trustees appointed, or who may hereafter be appointed, under the direction of the legislature of the State of Indiana, and their successors in office, reported:

That, by the act of Congress enabling the people of the Territory of Indiana to form a constitution and State government, approved April 19, 1816, the United States became bounded by compact to the State of Indiana, upon the admission of said State into the Union, where the sections numbered sixteen in each township had "been sold, granted, or disposed of, other lands equivalent thereto, and most contiguous to the same, should be granted to the inhabitants of such township for the use of schools."

That, in pursuance of such compact, an act of Congress was passed entitled "An act authorizing the location of certain school lands in the State of Indiana," approved May 7, 1822, by the provisions of which the register of the land office at Brookville was authorized to select school lands within the said district equivalent to the one thirty-sixth part of the reservation, commonly called Clark's grant, for the use of

schools within the same. The selection and location of said lands have been made in conformity to the provisions of the act aforesaid; but their relative situation in reference to Clark's grant is too remote to render it practicable for the inhabitants of said grant, for whose use those lands have been set apart, to preserve them from waste, or to avail themselves of such use without incurring considerable expense and ultimate losses. The committee therefore report a bill.

19TH CONGRESS.]

No. 513.

[1ST SESSION.]

## AUTHORITY TO MICHIGAN TO LEASE SCHOOL LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 10, 1826.

Mr. VINTON, from the Committee on Public Lands, to whom was referred the resolution of January 25, 1826, directing an inquiry into the expediency of granting to the legislative council of the Territory of Michigan, (agreeably to their memorial of November 23, 1824,) an authority to lease the school sections in each township in said Territory, and to make such other regulations as will prevent waste and render them productive, reported:

That the importance of these grants to new settlements, where the lands can be made immediately productive, and the proceeds applied to the support of schools, is so obvious, the earliest measures should be taken to give effect to the design of the government in making these appropriations.

The committee are informed that several sections of these lands in the Michigan Territory are already under a state of improvement; but, as no authority is vested in the local government to lease them, and appropriate the proceeds for the benefit of schools, the object for which they were designed is not only for the time being defeated, but the land is impoverished, and every year rendered less valuable by occupants over whom the local authorities have no control. Strong doubts, however, are entertained of the propriety of authorizing a territorial legislature to grant leases for a term of time beyond which the territorial government will probably exist. And in conferring the authority asked for upon the legislative council of Michigan, it is believed that it should be done with a limitation to a short period of time, and have fixed upon the term of four years.

The committee therefore beg leave to accompany their report by a bill to that effect.

19TH CONGRESS.]

No. 514.

[1ST SESSION.]

## CORRECTION OF AN ERROR MADE AT THE LAND OFFICE AT CINCINNATI.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 14, 1826.

Mr. TEST, from the Committee on Private Land Claims, to whom was referred the petition of Jacob Hampton, reported:

That they have given to the petition and the documents exhibited to them such consideration as they merit. The petitioner sets forth that in 1816 he purchased the fractional section No. 7, in township No. 14, and range 1 west, which called for 334.50 acres, at two dollars per acre; that previous to the purchase he had viewed the premises, and was under an impression that it contained something more; that, when they went to make the entry, they suggested to the register of the land office at Cincinnati, where they made the entry, that they thought there was more land in the fraction than 334.50, and that if there was he should not be able to pay it out of the office, as he had no more money than would pay for that quantity. The register assured them there was no more; but, for fear there was some mistake about it, they required him to search a second time, which he did, and told them he need not fear to buy it, for if there should be more, it would not justify them in being at the expense of resurveying it to correct the mistake; whereupon he concluded, and did purchase the said fraction, and paid the full amount thereof, and got a final receipt of the register, and sent on for his patent, which issued accordingly; that when it came to Cincinnati the register refused to give it up to him until he paid for the balance of the land, which he stated to be a very considerable sum of money; that they did not receive the patent at Cincinnati till sometime in June, 1824; that in the meantime, from his entering the land until the patent issued, being necessitated to do so, he sold all the land but 105 acres (which he conveyed by deed of gift) at so low a rate (supposing there could be no further demands on him concerning it) that he did not receive for the whole, including the 105 acres conveyed as above, the original purchase money and the interest thereon; that he has given his obligations to make titles in fee simple for the whole, which he is unable to do for the want of the patent; that if the mistake had been made known to him before he disposed of the land in the manner he did, or within five years after he made his entry, he could have made out to pay the balance in some way or other, but that it is now entirely out of his power to do so, and that he is placed in very embarrassed circumstances in consequence of having made sale of the land. Wherefore, he prays that he may be enabled to retain the land, and receive his patent by paying for the land one dollar and twenty-five cents per acre



the present minimum price. Your committee, from evidence submitted to them, are satisfied of the truth of the statements made in the petition, and that the petitioner ought to have relief.

It appears by the affidavit of Andrew Hampton, who entered the land for him, that the mistake originated with the register of the land office at Cincinnati, and after a caution by the affiant, and on a second examination by the register; that the petitioner acted fairly and honestly in the whole transaction. It further appears by the letter of the Commissioner of the General Land Office that the petitioner has paid up the full amount for the fraction according to the representation made to him, and that a patent has issued to him for the land. It appears from the same letter that the number of acres actually paid for by the petitioner was 334 $\frac{1}{2}$ ; that the quantity contained in the fraction is 525.84. Calculating these 334 $\frac{1}{2}$  acres at two dollars per acre, and the quantity ultimately discovered to be contained in it at one dollar and twenty-five cents per acre, it will appear that he has overpaid for the whole eleven dollars and eighty-five cents. Wherefore, your committee report a bill for his relief.

19TH CONGRESS.]

No. 515.

[1ST SESSION.]

# CLAIM FOR INDEMNITY FOR LOSS OCCASIONED BY DEFECT OF TITLE TO LAND IN THE VIRGINIA MILITARY RESERVE DERIVED FROM THE UNITED STATES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 14, 1826.

Mr. CAMPBELL, of Ohio, from the Committee on Private Land Claims, to whom was referred the petition of Joseph Miller, reported:

The petitioner states that Justus Miller, deceased, in his lifetime, purchased of Seymour Powell seven hundred and eighty-nine acres of land lying in the Virginia military district, in the State of Ohio, for a valuable consideration; that, by a decision of the Supreme Court of the United States, the heirs of the said decedent, of whom the petitioner is one, have been deprived of the said tract of land: Wherefore, Congress is solicited for relief.

The committee find in *Wheaton* a report of the decision alluded to, the style of which is *Miller and others vs. Kerr and others*. It appears that, through mistake, a warrant for 2,663 $\frac{2}{3}$  acres issued to Seymour Powell, as heir-at-law of Thomas Powell, for services rendered in the Virginia continental line, when it should have been for services performed in the State line; that, July 10, 1800, Justus Miller purchased seven hundred and eighty-nine acres of land, covered by a part of this warrant, received an assignment of the plat and certificate, and, in February, 1808, obtained a patent. The same land was entered by John Neville in May, 1806, in virtue of a warrant granted for services in the Virginia continental line, and was patented to his heirs April 30, 1807. Neville's heirs, having the elder patent, instituted an action of ejectment against Miller's heirs, who, supposing themselves possessed of the earlier and better equitable title, filed their bill to stay the proceedings at law, and to compel the defendants to convey.

The question presented by the facts for the consideration of the Supreme Court was, shall a prior entry and survey on a warrant issued through mistake prevail over a senior patent? Their answer is in the negative. Judge Todd, however, who rendered the opinion of the court, declares the case on the part of the plaintiffs a hard one, and that "they have strong claims on the liberality and justice of the United States, or of Virginia."

The committee will remark that the State of Virginia, in ceding to the United States the territory northwest of the river Ohio, reserved that portion of it which is situated between the Little Miami and Scioto rivers to satisfy the holders of warrants which emanated for services performed in the Virginia line on continental establishment. By the act of cession the general government acquired the fee simple as a trustee, and became bound to prescribe, by legislative provisions, the manner of making grants. This was done in due time.

With this view of the facts, and in full conviction of the justness of the decision of the case by the Supreme Court, the committee are unable to discover any obligation on the general government to grant the relief sought by the petitioner. Therefore, the following resolution is recommended:

*Resolved*, That the prayer of the petitioner be not granted.

19TH CONGRESS.]

No. 516.

[1ST SESSION.]

# CLAIM TO LAND IN MISSISSIPPI DERIVED FROM THE SPANISH GOVERNMENT.

COMMUNICATED TO THE SENATE MARCH 14, 1826.

GENERAL LAND OFFICE, *March 11, 1826.*

SIR: I have the honor to enclose herewith, for the consideration of Congress, a copy of the evidence taken, and of the decision of the register and receiver of the land office at Jackson Court-house, in the

State of Mississippi, in relation to the claim of Woodson Wren, in pursuance of the requisitions of the act of Congress passed March 3, 1823, entitled "An act for the relief of Woodson Wren."

With great respect, your obedient servant,

GEO. GRAHAM.

HON J. C. CALHOUN, *Vice President, and President of the Senate of the United States.*

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*Report on the claim of Woodson Wren.*

LAND OFFICE AT JACKSON C. H., *Miss., July 12, 1823.*

The register and receiver of the land office for the district of Jackson Court-house, Mississippi, to whom the claim of Woodson Wren to a tract of land situated on the east side of the bay of Biloxi, between Belle Fountain Point and the Old French fort, claimed by virtue of a purchase from Littlepage Robertson, has been referred by the act of Congress entitled "An act for the relief of Woodson Wren," approved the — day of —, 1823, report:

That they have taken into consideration the documents of claim submitted to them by the claimant, Woodson Wren, which consist of—1st. A permission of settlement granted by Don Henry Grimarest, civil and military governor of the town of Mobile and its jurisdiction, to Littlepage Robertson, as a settler on the lands he occupied at the bay of Biloxi, dated at Mobile, June 9, 1782; 2d, a deed of conveyance from Littlepage Robertson to Woodson Wren of a tract of land lying on the east side, on the bay of Biloxi, claimed under a Spanish *grant* or *requête* from Don Henry Grimarest, the Spanish commandant at Mobile, dated in the year 1812, regularly and duly authenticated under the act of Congress in such cases; 3d, the affidavits of Pierre Carco and Susan Fayer, taken before Willoughby Barton, register of this office, August 8, 1820, proving that Littlepage Robertson settled with his family on the place now claimed by Woodson Wren, situated on the northeast side of the bay of Biloxi, adjoining *View Fort*, about two or three years after the capture and occupation of Mobile by the Spaniards, and that the said Littlepage Robertson continued to inhabit and cultivate the said place for many years, until he raised his children to manhood.

REMARKS.

The ordinary conditions on which gratuitous concessions of lands were made by the Spanish authorities of Louisiana were, that the settler should commence his establishment within the peremptory term of one year, the concession to be held null if, at the expiration of the precise period of three years, he had not contemplated his establishment by putting under cultivation ten arpents in every hundred, &c., and made the regular *barrancas*, or levees, bridges, &c. A substantial compliance with these conditions, however, seems only to have been required—the usages and customs of the province; the title in form being granted, as a matter of course, after three consecutive years inhabitation and cultivation.

The concession or permission of settlement in question contains no special condition by which the claim may be excepted from the operation of the general regulations of the Spanish government for the allotment of lands; and a substantial performance of the usual conditions of inhabitation and cultivation, according to the regulations, having been established by the evidence of the witnesses, Pierre Carco and Susan Fayer, we are therefore of opinion that the claim aforesaid of Woodson Wren, under Littlepage Robertson, is valid, agreeably to the laws, usages, and customs of the Spanish government, and that the same ought to be confirmed by the United States for a quantity not exceeding eight hundred arpents.

W. BARTON, *Register.*

G. B. DAMERON, *Receiver.*

JOHN MCLEAN, Esq., *Commissioner of the General Land Office, Washington.*

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LAND OFFICE, *Jackson C. H., Mississippi, July 12, 1823.*

SIR: We have the honor to transmit herewith a report on the claim of Woodson Wren, under Littlepage Robertson, prepared in obedience to the requisition of an act of Congress passed the last session entitled "An act for the relief of Woodson Wren."

We have the honor to be, very respectfully, sir, your obedient servants,

W. BARTON, *Register.*

G. B. DAMERON, *Receiver.*

JOHN MCLEAN, Esq., *Commissioner of the General Land Office, Washington.*

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LAND OFFICE, *District of Jackson C. H., Miss., Augusta, September 8, 1824.*

I, George B. Dameron, receiver of public moneys at Jackson Court-house, Mississippi, do hereby certify the foregoing is a correct transcript of the report of the register and receiver in relation to the claim of Woodson Wren, made in obedience to an act of Congress entitled "An act for the relief of Woodson Wren," approved the — day of —, 1824.

G. B. DAMERON.

19TH CONGRESS.]

No. 517.

[1st Session.]

## CLAIMS TO LAND IN THE ST. HELENA LAND DISTRICT, IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 17, 1826.

Mr. WHIFFLE, from the Committee on Public Lands, to whom was referred the report of the register and receiver of St. Helena on land claims in that district, with the supplement thereto, reported:

On April 25, 1812, Congress passed an act "for ascertaining the titles and claims to lands in that part of Louisiana which lies east of the river Mississippi and island of New Orleans." By this act it is provided that the country between the Mississippi river and island of New Orleans and the Perdido shall be divided into two land districts, the dividing line between which is the Pearl river. For each of these districts a commissioner is to be appointed, whose duty it is made to receive from those claiming lands in said districts all grants, orders of survey, or other evidence of claim whatsoever, derived from the French, British, or Spanish governments, and to record the same in a book of records to be by them kept for the purpose.

The commissioners provided for by this act are vested with a general power to inquire into and decide upon the justice and validity of the claims filed with them. The act further provides for the classification and report of the claims filed under it to Congress for their revision and confirmation.

By the act of April 18, 1814, the time for filing titles and claims under the former act is extended to the first day of November then next.

The commissioners reported, under the provisions of the foregoing acts of Congress, such claims and titles filed with them as they judged entitled to confirmation by the government of the United States.

By the act of March 3, 1819, Congress confirmed all the titles and claims reported by the commissioners of the land districts east of the river Mississippi and island of New Orleans which depended upon the following principles, viz:

1st. All complete grants from the Spanish government, which were by the commissioners deemed "valid, agreeably to the laws, usages, and customs of the said government."

2d. All claims founded on British grants, made while the Floridas were held by Great Britain, which had been sold and conveyed according to the provisions of the treaty of peace between Great Britain and Spain, September 3, 1783, or which were settled and cultivated by persons having legal title at the date of said treaty.

3d. All claims founded on orders of survey, requête, permission to settle, or any written evidence of claim derived from the Spanish authorities, which originated prior to December 20, 1803, where the land claimed was inhabited and cultivated on or before that day. In this class of claims, where the plat and certificate of survey, made prior to April 15, 1813, under the authority of the Spanish government, had not been filed with the commissioners at the date of the act, the quantity of land confirmed to one individual was restricted to 1,280 acres.

4th. All other claims to lands comprised in the reports of the commissioners which, in their opinion, ought to be confirmed, were confirmed as donations, but were restricted in quantity to 1,280 acres to an individual claimant.

5th. Persons who inhabited and cultivated lands, and who had no written evidence of claim, where habitation and cultivation were proved to have commenced on or before April 15, 1813, were granted a donation of 640 acres, if no other tract had been confirmed to them in either of the foregoing classes.

On May 8, 1822, Congress passed an act confirming to claimants, in the town of Mobile, certain lots, upon the same principles and under the same restrictions as are contained in the act of March 3, 1819, except as to quantity. On the same day Congress passed an act confirming to claimants to lands east of the island of New Orleans their titles and claims, under the same restrictions and upon the same principles as those contained in the act of March 3, 1819, in cases where the commissioners had made favorable reports upon such claims and titles.

On May 26, 1824, an act was passed giving to claimants further time (until the first day of January then next) to file their claims with the register and receiver, and to said officers to report upon further claims thus filed, under the restrictions and limitations of the act of March 3, 1819.

The register and receiver, under the authority of this act, have reported sundry claims, which they have classified according to the provisions of the act of March 3, 1819.

In some of these classes claims are reported which do not come within the provisions of the several acts which have been previously passed by Congress relating to land titles east of the river Mississippi and island of New Orleans, but the register and receiver have recommended confirmations of titles only to the extent that they were authorized by the act of March 3, 1819.

The committee being of opinion that the former legislation of Congress relative to land titles in this district of country has been sufficiently liberal, and such as justice and equity required, have reported a bill to confirm the titles and claims reported by the register and receiver of St. Helena land district, so far as they come within the purview of the act of March 3, 1819, and the several other acts relating to the same subject.



19TH CONGRESS.]

No 518.

[1ST SESSION.]

## TO PROVIDE AGAINST FRAUDS IN THE RESALE OF RELINQUISHED LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 17, 1826.

TREASURY DEPARTMENT, *March 15, 1826.*

SIR: In obedience to a resolution of the House of Representatives of the 8th instant, directing the Secretary of the Treasury to report to the House any information in the possession of the department evincing the propriety of legislative enactment to guard the public interest against the fraudulent practices of combinations of individuals in the resale of relinquished land, and whether, in his opinion, the interest of the purchasers of public land, and the interest of the government, will not be greatly promoted by enacting some provision which will extend to the person, or his legal representative, the right of repurchase in the land he may have relinquished at a certain proportion of the price for which it was originally sold, I have the honor to transmit herewith a letter, dated the 14th instant, from the Commissioner of the General Land Office, with the extract of a communication, to which it refers, from the register and receiver of the land office at St. Stephen's, in Alabama, and the copy of a letter from Mr. Owen, of Alabama, and to express my concurrence in the views presented by the Commissioner upon the subject of the resolution.

I have the honor to be, with very great respect, your obedient servant,

RICHARD RUSH.

Hon. the SPEAKER of the House of Representatives.

GENERAL LAND OFFICE, *March 14, 1826.*

SIR: The resolution of the House of Representatives of the 8th instant having been referred to this office, it is herewith returned, together with an extract of a letter from the register and receiver of the land office at St. Stephen's, which shows the nature, object, and effects of the combinations which are formed by individuals to purchase up the public lands at public sales.

These combinations take place, for the most part, at the sales of lands that are valuable from their situation, or from the improvements that have been made upon them by settlers. It appears that the sale of the town lots at the Big Spring, in the Huntsville district, was postponed in consequence of such a combination of individuals; and at the sale in the Choctaw land district of the lands situated in the county of Monroe, which lands had been settled previous to the sale, one of the officers states the speculators had received as much money at the sale as the United States had.

The relinquished lands which were offered for sale at St. Stephen's and at Cahaba sold in but few instances for more than the minimum price, although much of this land was originally purchased at very high prices. It is understood that this was, in a great measure, occasioned by combinations of individuals, and it is apprehended that similar combinations will prevent the relinquished lands, which are advertised for sale in May and June next, at Huntsville, from yielding to the treasury the amount which, from their real value, they ought to sell for.

The relinquished lands which are now subject to sale are lands that were originally purchased at a high price, and the real value of which has been increased by the progress of population and by improvements made upon them. It is this value, compared with the minimum price at which they are subject to be sold at public sale, that is the foundation of all the combinations of individuals, by which they obtain from the settlers the difference between that value and the minimum price.

I am therefore of opinion that the most effectual enactments to guard against such combinations, and to give to the persons who relinquished the land an opportunity to repurchase those improved by them at a fair and reasonable price, would be to increase the minimum price at which the lands that have been relinquished should be sold at public sale, and to permit the persons who relinquished to enter the lands relinquished by them within a given time, at such given graduated prices, being a fixed percentage upon the prices originally given, as Congress in their wisdom may deem proper; and I would recommend that such graduated prices be established as the minimum price at which the relinquished lands should be sold at public sale, provided no relinquished lands should be sold at private or public sale for less than two dollars per acre.

As it relates to the lands that have been relinquished, the enactment of the foregoing provisions would be essentially beneficial to the government, and they would effectually prevent the combinations complained of; but as the adoption of them may materially affect the operation of any act that may be passed for the further relief of the purchasers of the public lands, and may induce individuals to relinquish lands which they otherwise would not, it would be advisable to guard against such relinquishments by declaring that lands *hereafter* relinquished should not be subject to entry by the party relinquishing previous to public sale, and that they should be sold at public sale on the terms and conditions provided by the act for lands *heretofore* relinquished.

It may be proper to add that the lands relinquished in the Huntsville land district, amounting to four hundred and sixteen thousand three hundred and fifty-six and twenty-one hundredths acres, which sold originally for \$3,147,232 15, are proclaimed for sale in the months of May and June next, and that, if any provision is made in relation to the sale of the relinquished lands, it is desirable that it should be made in time to postpone the sale of these lands.

I enclose a letter from Mr. Owen relating to the subject of the resolution.

All of which is respectfully submitted.

GEO. GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury*

LAND OFFICE, *St. Stephen's, May 2, 1819.*

It would not be proper to omit noticing the prevalence of a system of combination at the public sales, which it rests with the government either to counteract or permit.

Its extent in point of numbers, influence, and capital, put it beyond the ordinary control of the superintendents. From its success it may be probably continued at future sales here and elsewhere.

The principles on which it was formed will therefore be proper to be mentioned. By the exertions of a few speculating gentlemen, a coalition was formed with all the men of any tolerable capital, and who were disposed to purchase lands. Each deposited a given sum, and became pledged to act in concert; a few were appointed to manage the funds, and, in this manner, competition was, in a considerable degree, silenced. Many of the lands were, in consequence, purchased at low rates, and, after several townships were offered, public resales were held by this association, attended with the gain of considerable profit. In a few instances a conflict between this company and actual settlers has produced the government extraordinary prices; this has resulted in the compromises in subsequent instances. This combination had been formed, and was in operation, several days before it was discovered by the superintendents. No mode of resisting its effects were in their power, but exercising their private right of bidding up for the lands. Where the prices were known to be greatly inadequate, this was exercised, in some cases, by the superintendents.

ISRAEL PICKENS, *Register.*  
WILLIAM CRAWFORD, *Receiver.*

JOSIAH MEIGS, Esq., *Commissioner of the General Land Office.*

TREASURY DEPARTMENT, *July 31, 1820.*

SIR: I am this day authorized by the President to request that you will instruct the registers and receivers of the land offices, especially in the State of Alabama, whenever they perceive that combinations are formed and acted upon to prevent a competition, that they are authorized to bid a reasonable price for the tracts as they are set up, according to the information they have in their possession, and if no higher bid is offered to declare that the tract is reserved from sale. In the exercise of this power it is expected that they will not bid the value of the land, and always cease the competition on their part when it exists among the bidders.

In this manner the necessity which has, in several instances, been supposed to exist of postponing the sales generally will probably be avoided.

The single fact that the land does not sell at its supposed value is not sufficient to justify the exercise of the authority intended to be given. A combination to prevent competition at the sales for the benefit of those associated must exist. The combination may, however, be inferred from the general absence of competition and other concurrent circumstances, of which the register and receiver will judge.

I remain with respect, &c.,

WM. H. CRAWFORD.

JOSIAH MEIGS, Esq., *Commissioner of the General Land Office.*

NOTE.—Instructions were issued to land officers August 2, 1820.

WASHINGTON, *January 2, 1826.*

SIR: From the conversation we had some days ago relative to the future sales of our relinquished and forfeited lands, I am induced to communicate to you more fully my ideas upon that, to us, all-important subject. The more reflection I bestow upon it the more strongly I am convinced that the two important objects that should be regarded in all legislation on this subject will be more completely attained—that is, to secure the revenue arising from this source to the government, and, at the same time, preserve the interests of that most important and valuable class of our citizens—the planters or purchasers who seek land for actual settlement.

I will not say that the modes heretofore pursued were unjust, but that they did operate *hardly* upon this class of our people all readily admit; and that, too, when no relative increase was added to our revenue. The systems of speculation which have and which will ever exist under the present policy were destructive to the honest planter when the receipts into the treasury were not increased. Such has been their systematic organization that the minimum was received by the government when the planters had to give fourfold that amount for their lands. This, so far from its being the policy of the government to encourage, should by all means be provided against.

The plan I propose is based upon the principle that the lands relinquished or forfeited have, in every instance, sold for more than their value. This was from causes now well known, and gave rise to the policy of extinguishing the land debt—a policy, by experience, proved to be beneficial towards our fiscal operations and productive of great good to the people.

I therefore take the liberty respectfully to submit to your consideration the propriety of recommending to Congress the adoption of the following system for the future disposal of relinquished and forfeited lands—that is, to graduate their prices, conforming to the original price at which the person who has relinquished or forfeited may have the right of preference in purchasing. Thus, to exemplify my idea, when lands have been sold at twenty dollars or more, the right of purchasing at private sale at the sum of ten dollars per acre; when it has sold at ten dollars, and not more than twenty, the right of purchasing, in like manner, at five dollars per acre; when it has been sold at five dollars, and not exceeding ten, at two dollars and fifty cents per acre; and when it has been sold at two dollars and fifty cents, and not exceeding five, at one dollar and twenty-five cents per acre. This graduation has been taken to explain the system. Any other, making it more minute or extensive in detail, if deemed proper, can be taken; but that something upon this system can be advantageously done, as well to the public treasury as to the individuals, I am well convinced. To avoid competition, and the painful solicitude therewith connected, the advancement of the minimums stipulated would be invited. That great benefit would result to this class of people will be admitted, and that no diminution in the receipts at your land offices would be the consequence I am also well convinced; for the system, as before mentioned, adopted by speculators, at

the same time that they oppress and ruin the actual settler, prevents the fair competition which would result beneficially to government. They cause the lands to be sold at the minimum; these bring from the occupant an advance with which they enrich themselves.

The plan I propose would give you a fair value for the public lands; your offices would be at all times open; the extra expenses attending a public sale would be greatly diminished; the amounts received in your offices would be increased instead of lessened; the price paid for the lands by the purchaser would go into your treasury and not into the hands of men combined and associated together to extort from the planter the means of his subsistence.

This system I am well satisfied will meet the views of our administration, when we, with grateful feeling, acknowledge the kind notice taken of our situation in recommending a continuance of our *relief systems*. I hope you will view it as I have, and express your assent to its adoption for a limited time at least.

I am, respectfully, your obedient servant,

G. W. OWEN.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

P. S.—You will oblige me by favoring me at an early day with your views upon this subject.

19TH CONGRESS.]

No. 519.

[1st Session.]

## REDEMPTION OF LANDS SOLD FOR TAXES IN THE TERRITORIES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 20, 1826.

Mr. STRONG, from the Committee on the Territories, to whom was referred the resolution of December 28, 1825, instructing them "to inquire into the expediency of providing by law that sales of land for the non-payment of taxes laid thereon by authority of the territorial governments shall not be made in a shorter period than one year after such taxes shall have become payable; that two years shall be allowed for redemption upon payment of a penalty not exceeding fifty per centum on the amount of the tax; and that the Commissioner of the General Land Office, or other proper officer of the government residing at the city of Washington, be authorized to receive such tax and penalty from non-resident proprietors, and required to deposit the same in bank to the credit of the proper territorial officer, and make to him quarterly returns of the sums thus deposited," reported:

It is very common for considerable quantities of land in the Territories of the United States to belong to persons who do not reside in them. In each of the Territories, but especially in that of Arkansas, numerous tracts of land are owned by non-residents. By the act of May 6, 1812, two millions of acres were set apart in what is now the Territory of Arkansas for military land bounties. This tract has been surveyed by the United States, and many of the soldiers of the late war have drawn their bounty lands in it. The existing law of Congress exempts these lands from taxes for three complete years after the issuing of the patent to the soldier, provided the title for that time remains in him or his heirs. These lands have been taxed by the territorial authority. In 1824 and in 1825 several hundred quarter-sections were sold for the amount of the taxes due on them. On referring to an act passed by the legislature of Arkansas October 29, 1823, to regulate the collection of taxes on military bounties, it appears that the lands are to be sold at public sale, and that the sheriffs of the several counties are required to give "sixty days' notice of the time and place" of the sale. This notice is too short. The proprietors of these lands reside, in greater or less numbers, in every State in the Union. And it is plainly impossible for a soldier, or any other man, who lives in the remote parts of New Hampshire or Maine to receive information by the ordinary course of the mail that his lot has been advertised for the taxes, and to send to Arkansas and pay them before the expiration of the sixty days.

This necessarily produces manifest injustice. As it respects the most distant proprietors, their lands might as well be sold without any notice. The committee do not mean to impute bad faith to the local legislature, or to intimate that the authorities of Arkansas have not been governed by those pure and exalted principles which ought to direct and control every legislative body. But they owe it to candor to remark that the whole course of legislation upon this subject is characterized by a looseness altogether unusual. One year is allowed for redeeming the lands sold. It does not appear, however, that any officer or other person in the Territory has been authorized to receive the redemption money; and the unfortunate soldier, whose lot has been sold, is left to seek the purchaser, and if he cannot find him he loses his land. The difficulties do not end here. It seems, in some cases at least, that the purchaser gets the possession of the land before the time for redeeming it expires, and when application is made to him to redeem it he demands pay for his improvements.

As more or less land in the Territories will naturally be owned by non-residents, the committee have thought it advisable to adopt some general rules in regard to lands thus held, applying to all the Territories; and in doing so they have endeavored to consult the interest and convenience as well of the Territory as of the citizen. To remedy the present, and to guard against future evils, the committee propose the following plan:

1. To give one year's notice of the time and place of sale, and allow two years to redeem in, upon paying the amount of the tax and twenty-five per cent. per annum. This will afford time enough, and not too much, to distant proprietors to pay the taxes on their land when it is advertised for sale, or to redeem it when it has been sold.
2. To require the appointment by the local authority of some proper person to receive the taxes, and who shall reside at the seat of the territorial government. By this arrangement, which justice and prudence equally require, soldiers and others who hold lands will know where to send to redeem or to pay the taxes on them. To be compelled to seek the purchaser to redeem is, in most cases, tantamount to a denial of the right to redeem.
3. To secure the proprietor the legal title and possession of his land until the time for redeeming it



has elapsed. It is certainly great injustice to permit the purchaser to take possession of land which is redeemable, and to exact, in addition to the purchase money and the premium, pay for his improvements. This regulation, therefore, while it will not interfere with the interest of the Territory, will secure the acknowledged rights of the proprietor.

4. To appoint an agent for non-residents, at the city of Washington, to receive taxes and redemption money, and to place the same to the credit of the proper Territory. And for the purpose of lessening still further the expense to soldiers and others, to require the governor of each Territory to send to the Commissioner of the General Land Office complete lists of the lands advertised for sale and of those sold, for the benefit of the agent for non-residents.

It is further proposed to oblige this agent to give bonds for the faithful performance of his duties; to allow him a small percentage and fees, to make the office no charge to the United States; and to limit the period of the agency. The committee think this agency will result in the following advantages:

1. It will afford to the soldier and others the safest and cheapest mode of paying their taxes and redeeming their lands.

2. It will secure to the Territory, especially when lands are bid off for its benefit, more money and a sound currency. This will be of no small advantage when it is considered that the value of the local currency is often greatly depreciated.

At the sales of the military bounty lands for taxes in Arkansas, in 1824-'25, many of them were struck off to the Territory. As the usual power of Congress, reserved in all other cases, of disapproving of the legislative acts of a territorial government has not been reserved in the case of Arkansas, the committee doubt the right of authorizing the redemption (where the time has expired) of these lands thus acquired and held by the Territory. Believing, however, that the government of Arkansas does not mean to become a land speculator, they cannot doubt that the local authorities will immediately extend the time for redeeming all the lands thus held. In too many instances this pittance of acres is the only reward the poor but patriotic soldier has left of all his toils and perils.

To prevent any attempts which may hereafter be made to discriminate between the lands of residents and non-residents, a provision is inserted to prohibit any higher tax from being imposed upon the latter than is imposed upon the former.

The legislature of Arkansas, by an act of October 25, 1820, limited the writ of right and the right of entry to seven years. This was an extreme hardship upon non-resident landholders. In 1823, however, this act was repealed and a new one passed extending the time to fifteen years. Upon this subject the committee think the rules of the common law ought to be recognized and established.

In conformity with the preceding suggestions a bill is submitted for the consideration of the House.

19TH CONGRESS.]

- No. 520.

[1ST SESSION.]

# OPERATION OF THE "ACT TO PROVIDE FOR THE EXTINGUISHMENT OF THE DEBT DUE THE UNITED STATES BY THE PURCHASERS OF PUBLIC LANDS PRIOR TO JULY 1, 1820."

COMMUNICATED TO THE SENATE MARCH 20, 1826.

GENERAL LAND OFFICE, March 6, 1826.

SIR: I enclose a statement showing the quantity of land relinquished, and that fully paid for, under the provisions of the act of May 18, 1824. This statement exhibits the quantity of land on which a further credit of four years was obtained under the act of March 2, 1821, and which has reverted to the United States in consequence of the failure to make complete payment therefor; and it also shows the quantity of land on which the holders have not availed themselves of the benefit of any of the provisions of the laws for the relief of the purchasers of the public lands, and which is now subject to be sold by the registers of the land offices in pursuance of the 5th section of the act of May 10, 1800, (Laws U. S., vol. 3, p. 388.)

In compliance with your request, I also enclose a substitute for the second section of the bill reported by you, making provision for the extinguishment of the debt due by the purchasers of the public lands. This substitute embraces three descriptions of land which would not be covered by the provisions of the first section of the bill as reported:

1. The lands which had been further credited for four years, and which reverted to the United States on the 10th of April last, in consequence of not having been fully paid for. The quantity of land thus forfeited is 17,183.56½ acres, on which \$87,776 68 has been paid.

2. The lands on which the holders have not availed themselves of the benefit of any of the provisions of the laws for the relief of the purchasers of the public lands, and which are now subject to be sold by the registers of the land offices, in pursuance of the provisions of the 5th section of the act of May 10, 1800, (Laws U. S., vol. 3, p. 388.) The quantity of land of this description is 126,933.48½ acres, and the amount paid thereon is \$103,806 58.

3. The land which, agreeably to the provisions of the 5th section of the act of May 10, 1800, has become forfeited to the United States since July 1, 1820, and which has not been sold. The quantity of land of this description cannot be ascertained without much labor, but it cannot be great, as it is presumable that much of that which might have been redeemed has been sold.

With great respect, sir, your obedient servant,

GEORGE GRAHAM.

HON. DAVID BARTON, *Senate United States.*

P. S.—The words "and of the several acts therein recited," in the 6th and 7th lines of the 1st section, should be stricken out.

Statement exhibiting the operation of the act of Congress passed on May 18, 1824, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of the public lands prior to July 1, 1820," exhibiting the total amount of debt liquidated under that law, and also the amount of land reverted, and of moneys forfeited thereon, under the provisions of the sixth section of the relief law of 1831, and the amount of forfeitures liable to accrue under the provisions of the fifth section of the act of May 10, 1800.

	LAND REINVESTED.		LAND COMPLETELY PAID FOR.							FORFEITURES.		
	Quantity.	Purchase money.	Quantity.	Purchase money.	Amount of principal and interest due and paid by cash.	Amount of interest accrued and included in the total amount due.	Amount paid by transfer at the time of relinquishment.	Amt paid in cash to complete balances remaining due after transfer from lands relinquished.	Amount of discount at 3½ per cent. allowed.	In the third class of further credit.		Aggregate of the debt liquidated by relinquishment and final payments under the act of May, 1831, including interest accrued.
										Amt of money paid thereon.	Quantity of land.	
	<i>Acres.</i>		<i>Acres.</i>							<i>Acres.</i>	<i>Acres.</i>	
Ohio .....	87,346.21	\$307,423.33	195,131.38	\$325,773.53	\$325,785.47	\$18,566.60	\$37,154.50	\$103,394.72	\$63,360.81	\$6,478.17	3,736.31	\$973,178.86
Indiana .....	202,000.43	404,385.47	155,460.69	315,300.71	175,942.57	17,461.10	104,038.52	46,254.74	27,749.31	5,972.27	21,707.69	475,390.52
Illinois .....	207,465.72	416,907.50	100,960.71	303,554.31	127,847.63	10,768.56	115,331.46	7,786.74	4,669.40	2,775.24	37,002.61	452,353.43
Missouri .....	159,890.92	414,307.92	103,383.63	320,350.03	155,965.92	12,877.59	117,552.02	24,938.08	14,336.03	827.10	8,517.60	453,121.93
Alabama .....	435,061.71	1,812,722.74	310,576.94	1,061,559.18	731,573.30	61,718.74	504,069.25	143,576.94	85,542.53	4,597.79	54,839.44	2,011,872.14
Mississippi .....	28,358.77	52,677.54	60,292.57	190,585.14	80,619.38	6,536.94	90,805.55	37,355.23	22,461.63	2,007.68	1,110.44	112,514.29
Louisiana .....	684.12	1,292.24	3,839.48	7,718.96	5,327.43	335.50	720.00	2,852.42	1,694.01	.....	.....	5,845.67
Michigan Territory .....	1,943.10	4,021.40	6,447.47	12,191.50	8,069.38	927.67	309.45	5,168.73	3,101.18	.....	.....	12,291.40
	1,140,749.08	3,314,864.32	935,008.92	2,361,572.41	1,511,064.07	129,322.05	931,031.73	369,589.22	222,134.92	37,776.68	126,923.49	3,964,578.31

TREASURY DEPARTMENT, General Land Office, March 7, 1830.

19TH CONGRESS.]

No. 521.

[1ST SESSION.]

## CLAIMS TO LAND BETWEEN ROBERTS' AND LUDLOW'S LINES, IN OHIO, BY PURCHASERS FROM THE UNITED STATES AND HOLDERS OF VIRGINIA MILITARY WARRANTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MARCH 28, 1826.

Mr. VINTON, from the Committee on Public Lands, to whom were referred certain papers relative to the claims of certain purchasers under the United States, and holders of Virginia military warrants, between Ludlow's and Roberts' lines, in the State of Ohio, reported:

That, from evidence adduced before the committee, it appears that the United States have sold and conveyed to various purchasers the greater part of the lands lying south of the Greenville treaty line, and between what are known by the names of Roberts' and Ludlow's lines, both of which were run to ascertain the western boundary line of the Virginia military reservation in the State of Ohio. In the year A. D. 1810 about 14,000 acres of the land so sold by the United States were located upon by holders of Virginia military land warrants, as land within that reservation. Upon a part of these locations patents have issued, and the entries upon the residue have never been withdrawn. In this way the claims of the purchasers under the United States and the Virginia military locations are brought in direct conflict. In this controversy the United States is interested as the original vendor, and, as such, in duty bound to protect, and, in case of loss of title, to indemnify the government purchaser. From an attentive examination of the facts in this case, and previous legislation upon the subject, the committee are of opinion Congress ought to quiet the title of the government purchasers by paying to the Virginia military claimants the value of the land claimed by them. To put the House in possession of the reasons upon which this opinion is founded, it will be necessary to give some account of the origin of the title to the lands in controversy, and of the legislative and judicial proceedings that have been had concerning them.

This reservation had its origin in the cession of the country northwest of the river Ohio by the Commonwealth of Virginia to the United States. In the deed of cession there is a stipulation that, in case the quantity of good land on the southeast side of the Ohio, in the now State of Kentucky, which had been reserved by law for the Virginia troops upon continental establishment, should prove insufficient for their legal bounties, the deficiency should be made up to said troops in good land, to be laid off *between the rivers Scioto and Little Miami*, on the northwest side of the river Ohio, in such proportions as had been engaged to them by the laws of Virginia. Not many years afterwards a deficiency of good land was found to exist in Kentucky, and locations were permitted in Ohio. In the year A. D. 1802 Israel Ludlow was directed, by the then surveyor general of the United States, to run the western boundary line of the military reservation from the source of the Little Miami to the Scioto river; and he accordingly, after exploring the headwaters of the former river, ran a line from its source towards what he supposed to be the head-water of the Scioto, as far as the Greenville treaty line, where he was prevented by the Indians from the further prosecution of his survey. From that line to the head of the Scioto the country was then Indian territory, and the committee can find no evidence that he made an actual exploration of the headwaters of the Scioto, and presume none was made at that time. In 1804 Congress passed an act declaring that Ludlow's line, extended to the Scioto, should be the western boundary line of the reservation in case Virginia should, within two years, assent to it. Virginia omitted to give her assent, and, accordingly, the act of Congress never took effect. From this time until the year 1812 no effort was made to establish the boundary. In the meantime the locations above mentioned were made by the holders of military warrants. In the year 1812 the President was authorized, by act of Congress, to appoint three commissioners to meet commissioners to be appointed by Virginia, who were invested with full power and authority to ascertain, survey, and mark the western boundary line of the military reservation between the Scioto and Little Miami rivers, according to the true intent and meaning of the deed of cession, and providing that Ludlow's line should be the boundary until a line should be established. Commissioners accordingly met in the fall of that year, and, after having explored the headwaters of both those rivers, directed Charles Roberts, their surveyor, to run a line from the point ascertained by them to be the source of the Little Miami to that of the Scioto, which was done by him, the line so run being known by the name of Roberts' line. After these explorations had been made, and it having been ascertained that the headwaters of the Scioto were west of those of the Little Miami, the commissioners on the part of the Commonwealth of Virginia set up a claim to run from the source of the Scioto to the mouth of the Little Miami, at its confluence with the Ohio, thus embracing a large extent of country west of the Little Miami, upon which the negotiation between the commissioners was broken off. No effort on the part of either government has since been made to establish this boundary. In the case of *Doddridge's lessee vs. Thompson and Wright*, lately decided in the Supreme Court of the United States, the plaintiff derived title from a location made between Ludlow's and Roberts' lines, south of the Greenville treaty line, in the year 1810, having been made the same year, and under precisely the same circumstances, with all the other locations between those lines. The defendant, Thompson, derived his title from the United States as a purchaser under the government. In that case it was agreed that Roberts' was the true line, and under this agreement the question to be decided by the court was, "whether a location made prior to the act of 1812, west of Ludlow's line, and between it and Roberts' line, was valid and ought to prevail over the title made by the government to the defendant, Thompson?" The court decided this question in the affirmative, and a recovery was had for the plaintiff. This decision seems firmly to establish the title of the Virginia claimants, and they must prevail against the purchaser under the United States, unless the admission of Roberts' being the true line from the sources of those rivers was erroneously made. The committee are satisfied that the admission was correctly made, and that Roberts', and not Ludlow's, is the true line between the heads of those rivers. 1st. From the fact that Ludlow did not run his line to the Scioto, having been arrested in his progress at the Greenville treaty line, about three-fourths of the way to the Scioto, the source of which river the committee are not informed was ever examined by him; but the headwaters of that river were examined by the joint commissioners who directed Roberts' line to be run, both parties, the United States and the State of Virginia, being represented at the time; while, on the other hand, the examination of it by Ludlow, if ever made, was *ex parte*, Virginia having no agency in the



ment. The northern end of the Scioto must, therefore, be presumed to be at the point of the termination of Ludlow's survey. Both Ludlow's and Roberts' lines commence at or very near the same point on the same corner of the Little Miami. The Indian title to this part of the country having been extinguished by Ludlow's survey, the sources of that river, from which he began to run, were, without doubt, ascertained by him, and were afterwards examined by the commissioners, as above stated. Nor do the commissioners, in making in the documents to them referred to change their opinion as to the correctness of the line established by the said commissioners. There is, therefore, no just ground of dispute about the source of this river. But, if the correctness of Roberts' line were even doubtful, a question would still arise, whether Congress has not gone too far by its legislation to give a sanction to that line now to recede. Congress, by a law passed in 1848, declared that Ludlow's line, until otherwise directed, as far as the line of the treaty line, and from the Greenville treaty line to the source of the Scioto, Roberts' line, should be presumed to be the western boundary of the Virginia reservation. Since the passing of that act it is not probable Congress could not affect entries made between Ludlow's and Roberts' line above the Greenville treaty line, and so much of Roberts' line is, at least, binding upon the United States. A direct representation in the correctness of Roberts' line is, in the opinion of the committee, to be found in the act of May 26, 1824, passed immediately after the above-mentioned decision of the Supreme Court, in the case of Doddridge's lessee vs. Thompson and Wright. That act directs the President of the United States to ascertain the number of acres, and, by appraisement or otherwise, the value thereof, exclusive of improvements, of all such lands lying between Ludlow's and Roberts' lines, in the State of Ohio, as may, agreeably to the principles of a decision of the Supreme Court of the United States in the case of Doddridge's lessee vs. Thompson and Wright, be held by persons under Virginia military warrants, and on what terms the persons will relinquish the same to the United States, and that he report the facts to the next session of Congress. As was remarked above, all the locations made between these lines mentioned in this act rest upon the same principle, and were made under the same circumstances, as that decided upon by the court. The committee regard this act as admitting the validity of all such claims, and as further indicating the intention of Congress to quiet the purchasers under the United States by obtaining a relinquishment of their claims to the Virginia military claimants. The lands so claimed were valued at \$62,515 25, and application was made to the claimants to ascertain on what terms they would relinquish their titles. A relinquishment in all cases, by paying the appraised value of the land, was offered, except in the case of the tract of about 300 acres, surveyed by Doddridge, which he proposed to relinquish on paying to him the sum received by the United States from the sale of it, and interest from that date.

The committee, from a view of all the facts in the case, think it an act of justice to the purchasers under the United States, against some of whom suits are now pending, to quiet them in their titles to their lands, from most of which it is understood they have made great and very valuable improvements, and, in pursuance of what they deem to be the intention of the act of 1824, have reported a bill for their relief.

19TH CONGRESS.]

No. 522.

[1ST SESSION.]

## CLAIM FOR MILITARY BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES APRIL 26, 1826.

Mr. FESSENDEN, from the Committee on Private Land Claims, to whom were referred the petition and documents of Jacob Shafer, reported:

The petitioner states that, in the late war, he enlisted in the service of the United States for the term of five years; that he served until the conclusion of the war; that, being anxious to see his family, consisting of a wife and eight young children, whom he had left in penury, he applied for a discharge, which was given him on the relinquishment of his right to retained bounty or land; that, at the time he was discharged, there was a soldier of the name of John Sharp, a German, who had completed his term of service, and was desirous to visit his own country, without any intention of returning to this; that he was advised by Capt. John P. Duval to purchase Sharp's discharge, which he did, thinking thereby to indemnify himself for the loss of his own bounty and land; that he cannot obtain a patent in his own name on Sharp's discharge; therefore he asks relief.

There is documentary evidence before the committee that the petitioner was discharged at Norfolk, in Virginia, April 18, 1815, (after having served about twenty months,) and that his discharge was upon condition that he relinquish his claim to retained bounty or land.

Accompanying the petition in this case there is also a certified copy of John Sharp's discharge, with his assignment to Jacob Shafer, the petitioner, endorsed thereon.

The committee are of the opinion that the petitioner has no claim to relief; so far as relates to the transfer, there is no point which ought to be of any validity in the informal assignment of John Sharp. It was made before any title or land was vested in him, but having an equitable claim by law in his own right, as was, at any time, demand for himself, or his heirs for themselves, the land warrant to which his services entitled him, and the government could not withhold it; no transfer made prior to the issue of the warrant could deprive him of his right, and consequently such transfer would not exonerate the government from its obligation to his heirs, legal claim for land. Should the government assume the power of thus transferring the land warrants from the original design on such transfers, they would violate an important principle recognized in the act granting the bounty, and might be subject to innumerable applications, which, being granted the soldiers themselves, or their heirs, would still have a legal and just claim. In this case there is no certainty that John Sharp may not, by himself or his heirs, apply for the land to which he is entitled. If so the government would be bound to furnish the warrant, leaving the question of assignment to be settled between him and the assignee.

The discharge of the petitioner has a condition annexed, by which he is made to relinquish his claim to retain bounty or land. This condition the committee considers unauthorized, illegal, and void. There is no law which constituted the officer an agent of the government for that purpose; government, therefore, cannot sanction this condition; they cannot make it their own act without a violation of their own law, by which they have protected the soldier from his own indiscretion, by rendering the right to bounty land unassignable; they would violate this important and humane provision of their own, by procuring an assignment through an unauthorized agent, in the form of a release. It is not a voluntary act on the part of the soldier; he is offered a discharge—for what purpose? Is it because government no longer requires his services, or is it with a view to obtain from him a release of his right to bounty and land? The soldier, anxious for a discharge, accepts it on such terms as are dictated to him, and he is thus compelled to do an act which the law has pronounced illegal.

The committee are therefore of opinion that the petitioner is entitled to his bounty land, and report a bill for his relief.

19TH CONGRESS.]

No. 523.

[1ST SESSION.]

AMOUNT OF EMOLUMENTS AND ALLOWANCES TO THE REGISTERS AND RECEIVERS OF  
LAND OFFICES, EXCLUSIVE OF SALARY.

.COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 3, 1826.

TREASURY DEPARTMENT, *May 1, 1826.*

SIR: In obedience to a resolution of the House of Representatives of the 7th of February last, "requiring the Secretary of the Treasury to transmit to the House a statement showing the annual amount of emoluments and allowances, exclusive of salary, received by, or granted to, the registers and receivers of the several land offices in the United States for percentage, stationery, clerk hire, office rent, adjudication on pre-emption claims, examination and report of lead mines and salt springs, for the transmission of moneys by receivers to the place of deposit, and for any and all other services and purposes since April 20, 1818, and up to the end of the year 1825," I have the honor to transmit a letter from the Register of the Treasury, accompanied by a statement containing the information required, as far as the same is afforded by the accounts which have been received at this department.

I have the honor, &c.,

RICHARD RUSH.

Hon. the SPEAKER of the House of Representatives.

TREASURY DEPARTMENT, *Register's Office, May 1, 1826.*

SIR: The statement of emoluments of receivers and registers of the land offices, laid on your table, has been prepared from the accounts to the end of the year 1824. The accounts for 1825 being under adjustment, a satisfactory exhibition of their receipts during that year could not be given with any degree of certainty, and would have caused further delay in rendering the statement.

I have the honor, &c.,

JOSEPH NOURSE, *Register.*

Hon. RICHARD RUSH, *Secretary of the Treasury.*

Statement exhibiting the amount of compensation allowed to receivers and registers of public lands after April 20, 1818, (exclusive of salary,) consisting of commission, superintending sales, adjudicating pre-emption claims, examination and report on lead mines and salt springs, transmission of public money, office rent and stationery, clerk hire at public sales, and bringing up arrearages, and for all other services, prepared in pursuance of a resolution of the House of Representatives of February 7, 1826.

Year.	Districts and officers.	Commission.	Superintending public sales.	Adjudicating pre-emption claims.	Examination and report on lead mines.	Examination and report on salt springs.	Expenses in transmitting public money.	Office rent.	Stationery and books.	Clerk hire at public sales.
DETROIT, MICHIGAN.										
1818	James Abbot, receiver.....	\$247 34	\$216 00							\$180 00
1819	.....do.....	189 96							\$50 48	
1819	Jonathan Kensey, receiver.....	31 50							4 50	
1820	.....do.....	87 47	120 00						20 25	
1821	.....do.....	73 73		*\$500 00					25 58	
1822	.....do.....	157 50							19 29	36 00
1823	.....do.....	408 76							53 89	
1824	.....do.....	239 01	120 00						51 18	84 00
1818	Peter Audrain, register.....	291 00	216 00							
1819	.....do.....	140 02								
1820	.....do.....	83 42	120 00						3 63	
1821	Francis Audrain, acting register.....	13 15								
1821	Henry B. Brevoort, register.....	101 90		*300 00					23 81	
1822	.....do.....	91 42							27 29	
1822	John Biddle, register.....	233 81								
1823	.....do.....	378 68							26 75	
1824	.....do.....	778 87	120 00						34 50	
MONROE, MICHIGAN.										
1823	Charles J. Lannan, receiver.....	6 23							11 92	
1824	.....do.....	14 03	60 00						2 00	
1823	Robert Clark, register.....	48 96							8 67	
1823	.....do.....	203 36	60 00							
STEUBENVILLE, OHIO.										
1818	Peter Willson, receiver.....	721 71							11 60	
1819	.....do.....	993 13							39 12	
1820	.....do.....	478 92							13 50	
1821	.....do.....	1 00								
1821	Samuel Stokely, receiver.....	203 17	60 00						36 94	
1822	.....do.....	542 42							61 25	
1823	.....do.....	263 73							9 00	
1821	.....do.....	329 96	60 00						36 27	
1818	David Hoge, register.....	892 66							15 00	
1819	.....do.....	809 26							30 12	
1820	.....do.....	466 38							6 60	
1821	.....do.....	317 24	60 00						28 94	
1822	.....do.....	541 44							10 12	
1823	.....do.....	263 73							9 05	
1824	.....do.....	422 03	60 00						20 06	
MARIETTA, OHIO.										
1818	John P. Mabury, receiver.....	98 81							4 50	
1819	.....do.....	301 35							25 81	
1820	.....do.....	141 13							21 12	
1821	.....do.....	70 86							40 41	
1822	.....do.....	130 84							2 25	
1823	.....do.....	18 86							1 00	
1824	.....do.....	111 49	60 00							
1818	Joseph Wood, register.....	223 36								
1819	.....do.....	215 97	54 00						1 62	
1820	.....do.....	134 58							22 81	
1821	.....do.....	58 23							17 32	
1822	.....do.....	131 26	6 00						8 28	
1823	.....do.....	33 55							8 51	
1824	.....do.....	142 09	60 00						4 22	
ZANESVILLE, OHIO.										
1818	Isaac Van Horn, receiver.....	895 11							70 00	
1819	.....do.....	1,370 61							102 62	
1820	.....do.....	736 51							12 50	
1821	.....do.....	377 06							4 12	
1822	.....do.....	640 11					\$4 73		62 00	
1823	.....do.....	380 89							7 50	
1824	.....do.....	312 03	60 00							
1818	Wyllis Stillman, register.....	1,081 39							62 27	

\* Acting as commissioners.

† Allowed \$210 for negotiations with the banks of Muskingum and Lebanon in relation to public deposits.



Statement exhibiting the amount of compensation allowed to receivers and registers of public lands—Continued.

Year.	Districts and officers.	Commission.	Superintending public sales.	Adjudicating pre-emption claims.	Examination and report on lead mines.	Examination and report on salt springs.	Expenses in transmitting public money.	Office rent.	Stationery and books.	Clerk hire at public sales.
ZANESVILLE, OHIO—Continued.										
1819	Wylls Silliman, register	\$1,188 48							\$50 00	
1820	do	790 71							7 00	
1821	do	352 71							40 12	
1822	do	663 09							75 87	
1823	do	323 59							12 62	
1824	do	389 65	\$60 00						12 81	
WOOSTER, OHIO.										
1818	John Sloane, receiver	1,049 82					\$300 00		270 99	
1819	do	392 57							3 00	
1819	Samuel Quinby, receiver	536 69							27 12	
1820	do	631 99							23 39	
1821	do	370 35	60 00						25 25	
1822	do	632 30							62 88	
1823	do	324 02							22 00	
1824	do	338 36	60 00						18 50	
1818	Rezan Beale, register	1,160 20								
1819	do	1,106 29								
1820	do	614 23							23 43	
1821	do	357 51	60 00							
1822	do	633 66								
1823	do	323 10							10 00	
1824	do	14 67								
1824	Cyrus Spink, register	450 63	60 00							
CHILICOTHE, OHIO.										
1818	Samuel Kinley, receiver	347 09							25 75	
1818	Alexander Bourne, receiver	70 06							17 50	
1819	do	741 07							23 24	
1820	do	386 37							139 36	
1821	do	207 87							17 87	
1822	do	400 01							30 37	
1823	do	166 84							17 00	
1824	do	214 00	60 00						44 77	
1818	Jesse Spencer, register	713 21							19 73	
1819	do	706 12							23 50	
1820	do	397 82	24 00						1 50	
1821	do	223 14							13 12	
1822	do	400 00							48 00	
1823	do	132 66							3 75	
1824	do	250 44	60 00						75	
CINCINNATI, OHIO.										
1818	James Findlay, receiver	1,654 10							246 50	
1819	do	1,255 48							185 25	
1820	do	1,375 31							93 88	
1821	do	724 14							57 68	
1822	do	1,241 67							35 25	
1823	do	237 49							15 38	
1824	do	443 40	40 00						11 75	\$24 00
1818	Peyton S. Symmes, register	1,875 00							330 18	
1819	do	1,912 95							167 37	
1820	do	1,063 34							111 25	
1821	do	659 57							48 00	
1822	do	1,036 23							82 62	
1823	do	222 28							40 00	
1824	do	421 41	40 00						34 50	24 00
PIQUA, OHIO.										
1820	William McLean, receiver	38 01	60 00						7 13	
1821	do	36 26	60 00							
1822	do	17 06	180 00						4 50	
1823	do	182 46								
1823	William Oliver, receiver	36 34							11 57	
1824	do	23 36							7 36	
1820	Thomas B. Van Horne, register	46 00	60 00						18 63	
1821	do	43 58	60 00						88	
1822	do	175 02	180 00						10 00	
1823	do	50 15							5 00	
1824	do	30 19							10 44	
DELAWARE, OHIO.										
1820	Horton Howard, receiver	397 85	180 00						18 62	27 00
1821	do	727 06	180 00						10 50	

	Examinations	Superintending police costs	Expediting printing costs	Examination and report on land taxes	Examination and report on rail-roads	Expenses in handling the public money.	Office rent.	Stationery and books	Clark hire at public sales.
INDIANAPOLIS, INDIANA.									
Mar. 1891. Police, receiver.	74	72 1/2						\$13 25	\$108 00
Apr. 1891. " "	30 1/2							3 30	
May 1891. " "	30 1/2							8 75	
June 1891. " "	30 1/2							6 00	
July 1891. " "	30 1/2							6 62	
Aug. 1891. " "	30 1/2							4 00	108 00
Sept. 1891. " "	30 1/2							14 88	
Oct. 1891. " "	30 1/2							4 00	
INDIANAPOLIS, INDIANA.									
Nov. 1891. " "	30 1/2							113 50	
Dec. 1891. " "	30 1/2							292 38	
Jan. 1892. " "	30 1/2							48 17	
Feb. 1892. " "	30 1/2					\$32 25		199 55	
Mar. 1892. " "	30 1/2							100 83	60 00
Apr. 1892. " "	30 1/2							19 50	
May 1892. " "	30 1/2							14 87	
June 1892. " "	30 1/2							32 02	
July 1892. " "	30 1/2							307 67	
Aug. 1892. " "	30 1/2							32 76	
Sept. 1892. " "	30 1/2							193 28	
Oct. 1892. " "	30 1/2							27 62	
Nov. 1892. " "	30 1/2							328 00	
Dec. 1892. " "	30 1/2							96 37	
Jan. 1893. " "	30 1/2								
INDIANAPOLIS, INDIANA.									
Feb. 1893. " "	30 1/2							151 87	
Mar. 1893. " "	30 1/2							91 50	
Apr. 1893. " "	30 1/2							81 00	
May 1893. " "	30 1/2								105 00
June 1893. " "	30 1/2							17 12	
July 1893. " "	30 1/2							48 00	
Aug. 1893. " "	30 1/2							71 12	
Sept. 1893. " "	30 1/2								
Oct. 1893. " "	30 1/2							41 50	30 00
Nov. 1893. " "	30 1/2							122 63	
Dec. 1893. " "	30 1/2							198 75	
Jan. 1894. " "	30 1/2							82 30	
Feb. 1894. " "	30 1/2							91 00	
Mar. 1894. " "	30 1/2							74 73	
Apr. 1894. " "	30 1/2							38 25	
May 1894. " "	30 1/2								30 00
INDIANAPOLIS, INDIANA.									
June 1894. " "	30 1/2								50 00
July 1894. " "	30 1/2							112 41	48 00
Aug. 1894. " "	30 1/2							49 00	48 00
Sept. 1894. " "	30 1/2							112 50	
Oct. 1894. " "	30 1/2					60 00		325 80	
Nov. 1894. " "	30 1/2							37 75	50 00
Dec. 1894. " "	30 1/2							106 83	48 00
Jan. 1895. " "	30 1/2							72 75	48 00
Feb. 1895. " "	30 1/2							14 87	
Mar. 1895. " "	30 1/2							33 30	
INDIANAPOLIS, INDIANA.									
Apr. 1895. " "	30 1/2								
May 1895. " "	30 1/2							29 87	36 00
June 1895. " "	30 1/2					7 50		2 12	
July 1895. " "	30 1/2					18 00		38 30	48 00
Aug. 1895. " "	30 1/2							5 00	48 00
Sept. 1895. " "	30 1/2		</						

<sup>10</sup> For example, see the letter from Samuel H. Taylor, 20 July 1853, to Samuel Gwathmey, #113.

Statement exhibiting the amount of compensation allowed to receivers and registers of public lands—Continued.

Year.	Districts and officers.	Commission.	Superintending public sales.	Adjusting pre-emption claims.	Examination and report on lead mines.	Examination and report on salt springs.	Expenses in transmitting public money.	Office rent.	Stationery and books.	Clerk hire at public sales.
<b>KASKASKIA, ILLINOIS.</b>										
1818	Shadrach Bond, receiver.	\$535 74							\$64 85	
1818	Warren Brown, receiver.	209 07								
1819	.....do.....	435 44							114 19	
1820	.....do.....	767 64					\$50 00		60 00	
1820	Edward Humphreys, receiver.	26 11							5 00	
1821	.....do.....	78 04								
1822	.....do.....	302 35							2 94	
1823	.....do.....	16 34							19 00	
1824	.....do.....	13 01	\$60 00						56	
1818	Michael Jones, register.	913 43							15 00	
1819	.....do.....	725 43							79 37	
1820	.....do.....	367 15							192 25	
1821	.....do.....	82 65							44 75	
1822	.....do.....	167 54							36 49	
1823	Shadrach Bond, register.	30 40								
1824	.....do.....	32 64	60 00						1 12	
<b>SHAWNEETOWN, ILLINOIS.</b>										
1818	John Caldwell, receiver.	1,197 92								
1819	.....do.....	968 71	108 00						202 00	
1820	.....do.....	597 32	108 00							
1821	.....do.....	171 47	90 00						146 50	
1822	.....do.....	339 73								
1823	.....do.....	32 05								
1824	.....do.....	46 60	60 00							
1818	Thomas Sloss, receiver* ..	1,334 74				\$500 00			95 62	
1819	.....do.....	924 64	108 00						226 66	
1820	.....do.....	398 46	108 00							
1821	.....do.....	162 25	90 00						56 75	
1822	.....do.....	342 03								
1823	.....do.....	31 76							45 62	
1824	.....do.....	50 02	60 00						10 50	
<b>EDWARDSVILLE, ILLINOIS.</b>										
1818	Benjamin Stephenson, receiver	226 73							377 00	
1819	.....do.....	441 15	108 00						264 37	\$108 00
1820	.....do.....	845 11	60 00						15 19	
1821	.....do.....	450 71	60 00						98 66	
1822	.....do.....	314 81							100 74	
1823	Samuel D. Lockwood, receiver	144 35	60 00							
1824	.....do.....	169 22	60 00						11 00	25 00
1818	John McKee, register	389 60								
1818	Nathaniel Pope, register.	99 79								
1819	.....do.....	222 63								
1819	Edward Coles, register	524 00	108 00							
1820	.....do.....	307 64	60 00							
1821	.....do.....	507 71	60 00						6 50	
1822	.....do.....	205 06								
1823	William P. McKee, register	96 72	60 00						19 25	
1824	.....do.....	74 80	60 00							
<b>VANDALIA, ILLINOIS.</b>										
1821	William L. D. Ewing, receiver	113 68	60 00							
1822	.....do.....	22 76	120 00						20 25	
1823	.....do.....	6 33							13 00	
1824	.....do.....	10 52							12 50	
1821	Thomas Cox, register	118 84	60 00			200 00			34 50	
1822	.....do.....	27 56	120 00							
1823	.....do.....	5 00								
1823	Benjamin Mills, register									
1824	.....do.....	9 67								
<b>PALESTINE, ILLINOIS.</b>										
1821	Guy W. Smith, receiver.	8 70							20 62	
1822	.....do.....	19 32	240 00						15 63	
1823	.....do.....	266 37					\$84 00		25 25	
1824	.....do.....	56 17	60 00							
1821	Joseph Kitchell, register.	11 92								
1822	.....do.....	206 55	240 00							
1823	.....do.....	98 79							1 50	
1824	.....do.....	149 20	60 00							

\* Paid \$201 for examining the conduct of the receiver at St. Louis.  
† Paid \$100 for negotiations with the Bank of Edwardsville.

‡ Money boxes.





Statement exhibiting the amount of compensation allowed to receivers and registers of public lands—Continued.

Year.	Districts and officers.	Commission.	Superintending public sales.	Adjudicating pre-emption claims.	Examination and report on lead mines.	Examination and report on salt springs.	Expenses in transmitting public money.	Office rent.	Stationery and books.	Clerk hire at public sales.
OUACHITA, LOUISIANA.										
1821	Henry Bry, receiver.....	\$10 00								
1822	do.....	12 12	\$60 00						\$13 03	
1823	do.....	8 88								
1824	do.....	10 27								
1821	Daniel S. Sutton, register.....	8 46								
1822	do.....	29 38	60 00							
1823	do.....	5 98								
1824	do.....	3 79								
ORLEANS, LOUISIANA.										
1821	William Ganard, receiver.....	23 22								
1822	Luke Lecassier, receiver.....	11 68								
1823	David L. Todd, receiver.....	9 70								
1824	do.....	41 17							23 00	
1821	Levin Wailes, register.....	65 01	180 00							
1822	do.....	6 93								
1823	Valentine King, register.....	11 21								
1824	do.....	54 34								
NEW ORLEANS, LOUISIANA.										
1821	S. H. Harper, acting receiver.....	474 66	15 00							
1822	J. McLannhan, acting receiver.....	13 92							41 75	
1823	do.....	970 28								
1824	do.....	18 67	45 00						126 50	
1821	Samuel H. Harper, register.....	482 00								
1822	do.....	970 47								
1823	do.....									
1824	do.....	115 51	45 00						163 50	
WASHINGTON, MISSISSIPPI.										
1818	Park Walton, receiver.....	783 41								
1819	do.....	1,793 13								
1820	do.....	164 11							389 00	
1820	Joseph Dunbar, receiver.....	586 18							23 50	
1821	do.....	726 04	60 00						141 31	\$26 00
1822	do.....	382 82							58 15	
1823	do.....	414 02							45 06	
1824	do.....	206 68	60 00						17 00	36 00
1818	S. L. Winston, register.....	1,280 33								
1819	do.....	1,908 12								
1820	do.....	594 26							430 48	\$250 00
1821	do.....	360 03							70 18	
1821	Benjamin R. Grayson, register.....	402 78	60 00						129 35	
1822	do.....	704 87							100 75	
1823	do.....	77 37							83 00	\$2,227 16
1824	do.....	116 13	60 00						13 00	
AUGUSTA, MISSISSIPPI.										
1820	William Barnett, receiver.....	17 69	30 00						3 00	30 00
1821	do.....	12 18							50 25	
1822	do.....	100 02								
1823	do.....								2 62	
1824	George B. Dameron, receiver.....	2 97							6 25	1666 67
1820	Willoughby Barton, register.....		30 00							
1821	do.....									
1822	do.....									
1823	do.....									
1824	William House, register.....									
CHOCTAW, MISSISSIPPI.										
1823	James C. Dickson, receiver.....	21 83	120 00						64 23	72 00
1824	do.....	273 37	120 00						51 13	72 00
1823	Gideon Fitz, register.....	353 84	120 00						5 25	
1824	do.....	1,263 31	120 00							
ST. STEPHEN'S, ALABAMA.†										
1818	William Crawford, receiver.....	561 61	18 00						854 53	
1819	do.....	2,499 37	108 00						435 05	54 00
1820	do.....	727 94							491 56	
1821	do.....	362 53	60 00						114 94	
1822	do.....	343 57							255 97	
1823	do.....	1,041 48	120 00						150 41	
1824	do.....	338 18							49 00	78 00

\* Payments for clerk hire to bring up arrearsages.

† Paid John Elliott as translator and clerk, being a balance due him,

‡ Paid clerk hire to bring up arrearsages in receiver's office, \$400; paid clerk hire to bring up arrearsages in register's office, \$100.

Statement exhibiting the amount of compensation allowed to receivers and registers of public lands—Continued.

Year.	Districts and officers.	Commission.	Superintending public sales.	Adjudicating pre-emption claims.	Examination and report on lead mines.	Examination and report on salt springs.	Expenses in transmitting public money.	Office rent.	Stationery and books.	Clerk hire at public sales.
ST. STEPHEN'S, ALABAMA—Continued.										
1824	George Conway, receiver.....	\$142 55	\$70 00						\$63 92	\$36 00
1818	Israel Pickens, register.....	990 31	18 00							
1819	.....do.....	2,500 00	108 00						192 56	
1820	.....do.....	784 39								
1821	.....do.....	296 22	60 00						15 00	36 00
1822	William Aylett, register.....	333 30							68 16	
1823	.....do.....	1,196 90							110 40	
1824	.....do.....	313 96	70 00						54 96	
HUNTSVILLE, ALABAMA.										
1816	John Brham, receiver.....	1,429 42	330 00						442 04	144 00
1819	.....do.....	2,222 23	180 00						167 26	
1820	.....do.....	438 49	60 00						243 51	
1820	Obadiah Jones, receiver.....	142 75	215 00						30 99	180 00
1821	.....do.....	864 00	60 00						216 37	72 00
1822	.....do.....	499 34							92 21	
1823	.....do.....	501 23							39 50	
1824	.....do.....	22 32							15 13	
1818	John Read, register.....	1,485 33	330 00						590 25	
1819	.....do.....	2,034 94	180 00						100 43	
1820	.....do.....	492 41	60 00						194 75	
1820	Benjamin S. Pope, register.....	853 15	215 00						35 12	
1821	.....do.....	437 65	60 00						12 25	
1822	.....do.....	578 83							10 50	
1823	.....do.....	185 29							27 87	
1824	.....do.....	152 61							8 00	
TUSCALOOSA, ALABAMA.										
1821	William G. Parish, receiver.....	1,201 45	490 00						121 05	645 00
1822	.....do.....	2,440 41							84 25	
1823	.....do.....	563 80								
1824	.....do.....	103 83								
1821	John McKee, register.....	1,230 00	420 00						35 37	
1822	.....do.....	1,140 02								
1823	.....do.....								26 75	
1824	.....do.....								11 52	
1824	William P. Gould, register.....	143 26								
CAHABA, ALABAMA.										
1818	John Taylor, receiver.....	1,746 57	70 00						576 25	537 00
1819	.....do.....	2,500 00	546 00						191 30	1,296 00
1820	.....do.....	2,537 75	210 00						235 62	468 00
1821	.....do.....	949 11							11 00	
1821	William Taylor, receiver.....	7 78							1 00	
1822	.....do.....	2,066 78							24 87	
1823	.....do.....	637 02							5 62	
1824	.....do.....	653 03	120 00						25 50	192 00
1818	Alexander Pope, register.....	1,756 92	70 00						279 50	
1819	.....do.....	2,500 00	546 00						12 81	
1820	.....do.....	1,274 69	210 00						156 87	
1821	.....do.....	404 86							8 00	
1823	.....do.....	2,398 51							32 50	
1823	.....do.....	717 55							4 50	
1824	.....do.....	1,242 65	120 00						57 62	
SPARTA, ALABAMA.										
1822	John Herbert, receiver.....	19							10 00	
1823	.....do.....	19 68	120 00							
1824	.....do.....	333 51	60 00						2 50	36 00
1822	Eldridge S. Greening, register.....	2 03								
1823	.....do.....	343 50	120 00							72 00
1824	.....do.....	89 69	60 00							36 00



19TH CONGRESS.]

No. 524.

[1ST SESSION.]

## TO AUTHORIZE THE LOCATION OF A VIRGINIA MILITARY LAND WARRANT ON LAND OF THE UNITED STATES IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES MAY 5, 1826.

Mr. ESTILL, from the Committee on Public Lands, to whom was referred the petition of Francis Preston, reported:

It appears from the petition and documents to us referred that General William Campbell, at the commencement of the revolutionary war, was a captain in the regiment commanded by Colonel Patrick Henry, but whether that regiment was ever taken into the United States service the destruction of the public records by the enemy renders it difficult now to determine; that on June 14, 1781, General Campbell was, by a resolution of the house of delegates of Virginia, created a brigadier general of her militia, and continued generally in service till his death; that he was one of the most meritorious and gallant of her officers, and at King's Mountain, where he commanded, Guilford, and other battles with the enemy, rendered the most signal services to his country, for which he received a vote of thanks, a horse, sword, pistols, &c., from his native State; that after his death in the public service, by a resolution of the Virginia legislature of December 19, 1783, it was determined further to reward the extraordinary and meritorious military services of this officer by a bounty of 5,000 acres of land; that on December 22, 1783, Virginia, by resolution, appropriated all the surplus of the lands set apart for the officers and soldiers of her army on continental and State establishment, and which should not be entered before July 1, 1784, to the satisfaction of such military bounties; that the lands so set apart for the satisfaction of warrants issued by Virginia to her officers and soldiers on continental and State establishment were situated in the now State of Kentucky; that, from various causes, the officers and soldiers on continental and State establishment could not locate their warrants within the time specified by law, nor until after Virginia ceased to have control over the territory set apart for their location, by the erection of Kentucky into an independent State; that on December 23, 1783, Virginia issued a warrant to Charles Campbell, only son of General Campbell, for 5,000 acres of land, in consideration of the meritorious military services of his father; that Charles Campbell died a minor, leaving an only sister, also a minor, to whom said warrant descended, and who, in 1793, and still a minor, intermarried with the petitioner; that previous to the marriage the time for locating this and such warrants expired, and further permission to locate could not be given by Virginia, who had previously ceased to have control of the territory, and no provision has been made by Kentucky by which such warrants could be located in her territory; that the petitioner has, since his marriage, made an unsuccessful application to the legislature of Kentucky for some provision by which he might be enabled to locate his warrant in that State; that, at the pressing solicitation of the Congress, Virginia, from motives the most disinterested and patriotic, in 1784, ceded to the United States, without any equivalent, nearly all of her territory north of the Ohio river, comprising much the largest and richest portion thereof, for the purpose of enabling the Congress to meet its engagements contracted during the war of the revolution. This donation, perhaps the most valuable and disinterested ever made, placed at the disposal of Congress the present States of Ohio, Indiana, and Illinois, together with the Michigan and Northwest Territories—a fund from which the government of the United States had derived many millions of dollars, and which is still productive; that Virginia, anxious to preserve her public faith, and fearing that the lands set apart in that portion of her territory composing the present State of Kentucky for the location of warrants issued to her officers and soldiers might prove insufficient for the designed object, in her deed of cession to the United States, reserved the territory in the State of Ohio lying between the Scioto and Miami rivers for the satisfaction of these warrants. It is difficult at this time to determine whether General Campbell ever was an officer within the description mentioned in one part of the deed of cession, viz: "an officer on continental or State establishment;" but there is little difficulty in determining that he is within another description of those provided for in said deed, viz: "officers and soldiers of the American army." Your committee are, however, inclined to the opinion that he comes within the description of each class, and was intended to be provided for by the reservation of the tract of country between the Scioto and Miami rivers. If so, this warrant might have been located within that reservation. But the petitioner had a difficulty to encounter in the location of his warrant which, it seems, has hitherto been considered insurmountable without legislative aid, and which has prevented its location, and may be supposed to present an obstacle to its location within the reserved district. The difficulty is this: by the terms of the resolution on which this warrant is founded, and by the warrant itself, its location is to be postponed until after the lands given to the officers and soldiers of the continental and State line should be laid off; and your committee are informed that those lands are not yet all laid off. To this it may be answered that at the date of this warrant Virginia had not parted with any of her territory; that Kentucky was not erected into a separate State until 1792; that there was a time fixed by law for the location of those warrants, to which this was postponed, within which it was reasonable to expect that those warrants would be located, and beyond which it was not contemplated by Virginia to postpone its location. It is not, therefore, reasonable further to postpone the location of this warrant, more especially when it is considered that the United States have, from time to time, made provision by law extending the time within which the warrants to which this has been postponed might be located, the last of which expired in January, 1824, and as it is believed that the reserved lands within the district aforesaid are abundantly sufficient for the satisfaction of all the warrants issued by Virginia to her officers and soldiers. It seems, however, that the petitioner has felt bound to wait for the location of all the warrants issued to the officers and soldiers of the continental and State line before, in his opinion, his own could be located, and has thus been prevented from locating it.

Your committee forbear to urge any argument in favor of the prayer of the petitioner, as the subject is fully and ably discussed in the several statements of the petitioner, from 1 to 3, inclusive, to be found among the documents accompanying the petition, and to which they refer. Your committee content themselves with the simple inquiry, what would Virginia now do if she possessed the jurisdiction and soil ceded to the United States? A reference to her resolution of December 22, 1783, to be found among

the documents referred to, and her act of cession to the United States, will satisfactorily answer the question. There cannot be a doubt that, as she then felt that her faith was pledged to provide a fund for the satisfaction of this warrant; that as in her deed of cession she manifested the strongest disposition to provide for this, among other claims upon her bounty and justice; that as she has, by her public acts, given the highest evidence of her sense of the services rendered her and our common country by this distinguished and meritorious officer, that she would, without hesitation, provide the means of satisfying this warrant if in her power. Has the obligation acknowledged by Virginia passed with the soil to the United States? Your committee think that it has. The right of the officers and soldiers in this reserved territory was vested at the time of the cession. The United States took the soil as a volunteer, with the exception of this and some other small reservations, which were never intended to be passed to the United States; and as this government received the jurisdiction over this territory without equivalent, it is morally and equitably bound, in all cases, to redeem the pledged faith of the donor, inasmuch as the United States accepted the grant, subject to all the obligations and conditions to which Virginia had previously subjected herself.

Your committee, understanding that there is within the reserved district lying between the Scioto and Miami rivers a sufficiency of good land for the satisfaction of this and all other military warrants intended by Virginia to be located there, think it just that the petitioner should have leave to locate his warrant of 5,000 acres on any of the vacant lands in that district. They therefore report a bill for that purpose.

### No. 1.

IN THE HOUSE OF DELEGATES, *Friday, December 19, 1783.*

*Resolved*, That the petition of William Christian and Arthur Campbell, guardians of Charles Campbell, the only son of General William Campbell, deceased, is reasonable.

*Resolved*, That after the lands given by law as bounties to the officers and soldiers shall be surveyed and laid off, five thousand acres of the surplus be granted to the said Charles Campbell, in consideration of the meritorious services of his late father, General William Campbell, deceased.

A true copy of a resolution, as the same passed in the general assembly December 22, 1783.

Teste:

J. PLEASANTS, JR., C. H. D.

DECEMBER 12, 1808.

### No. 2.

It seemed to be the desire of the committee that I should prove General Campbell to have been on continental establishment, and of that grade which would entitle him to the quantity of acres of land which the State of Virginia, by their resolution of 1783, gave him. In pursuing these inquiries in the old records of Virginia, I have found insurmountable difficulties, as well from the destruction of the records of those times by the enemy as from the manner in which the affairs of our country were managed at that early period of the revolution. Our situation was novel and critical, our plans undigested, of course governed by events as they occurred, and consequently no regular system pursued. It is therefore presumed it cannot be expected that complete information can now be obtained. In aid, however, of these means, I have resorted to gentlemen who I supposed might have a knowledge of the concerns of our country at the commencement of the war, and of General Campbell personally. Their certificates are herewith enclosed, and will prove that General Campbell was in the service of his country, as a captain, from the commencement of the war until 1777, on that kind of continental establishment which was only known at that period; that he commanded as a colonel at King's Mountain, and that in 1781 he was appointed a general over the militia of Virginia by the legislature thereof. These are the military situations in which he stood in the revolutionary war; and for his services in those situations it was that the legislature of Virginia granted this warrant.

It cannot be doubted from these facts that if the title of the soil on the southeast and northwest sides of the Ohio river had remained in Virginia no hesitation could possibly be made to the satisfaction of this claim. When the resolution on which it exists did pass the public gratitude was unbounded towards General Campbell; indeed, the people of Virginia have not yet forgotten his signal services, nor would they be indifferent to the event of his claim, but would hold themselves under an obligation to remonstrate upon a refusal of a compensation for a right the origin of which may be said to have been a leading nerve of the American independence.

It is true, indeed, that Virginia no longer can control the disposal of the soil, except it be by appealing to the real circumstances which dictated the cession.

What induced her to cede this territory? It will be recollected that it was at the most urgent entreaty of Congress, that the confederation might be no longer obstructed. The jealousy of those States having no waste lands could not otherwise be soothed.—(See the resolution of Congress of September, 1780.) Her magnanimity and patriotism would seem to deserve at least this return, that the claim of General Campbell on the honor and justice of Virginia should not be treated with the same rigor and scrupulousness as if she had sold her territory to the other States with a view of making money by the bargain, or as if the other States had given money for it. There is a character in transactions like these which the United States ought never to relinquish by the adoption of strict criticisms.

At an early period of the revolution a tract of country had been set apart for the benefit of the Virginia troops serving in the war; and when the land office was opened in May, 1799, that reservation was confirmed.—(P. 96, Chancellor's Re-visit.) The grant to General Campbell was placed on the ground with that to the other officers and soldiers in the State and continental line, except that they were to be satisfied first. On December 19, 1783, the resolution passed the house of delegates, and on the 20th became final by the approbation of the senate. At this time the general assembly had full powers over the lands in question, and understood that they possessed and acted on this belief, although they had, on

January 2, 1781, offered to cede the country to the United States on very easy terms, which had not been then accepted by Congress. Nay, more; on December 22, 1783, they specially provide for bounties, like that of General Campbell's, out of these lands. On the very same day they passed the law authorizing the delegates from Virginia to Congress to make the cession by a deed, which, however, was not executed until some time in the succeeding year. Is it creditable that, with so recent an attention to the subject, they would have lost the memory of what they had done but a few hours before for General Campbell's heirs? Not forgetting it, can they be presumed intentionally to have renounced their benevolence, springing from gratitude, and to have abandoned him to whom the United States were so deeply indebted? or can there exist a hardihood sufficient to assert that the other States would have paused at the acceptance of the cession, merely because 5,000 acres were to be withdrawn from the millions ceded, and given to the family of a man whose valor achieved, upon a voluntary impulse, what is now recorded in history as an illustrious epoch in our revolutionary struggle?

It is believed, moreover, if the act of cession were to be interpreted as a court of equity would interpret a deed, under such circumstances General Campbell's heir would be sheltered under its construction.

The true reason why the resolution of January, 1781, did not speak specially of this and other bounties was, that none such had occurred out of the continental and State lines, which alone were then contemplated and recognized in express terms. But when the act of cession was drawn, the reservation of these lines is not excepted out of the general grant to the United States by the same express and special terms, but by these, "not disposed of by bounties to the officers and soldiers in the *American army*." General Campbell's is a bounty. He was an officer, not as far as appears in the resolution in his favor in either of the lines; he was an officer of the *American army*, because, in strictness, the militia, the State troops, and the continental troops, were never so denominated but in a liberal sense. He was an officer in the army, in a military corps serving the American cause. It will not be pretended that this definition will admit pretensions from officers of the militia, because General Campbell claims a bounty particular to himself by special resolution, and officers of the militia in general could not find words even so comprehensive, which before the act of cession would confer bounties on them. But, after all, if the Virginia assembly mistook the real force of the terms *American army*, or even if, while the act of cession was in its progress through the legislature at the same time with General Campbell's resolution, they should have forgotten the latter, is it possible that the dignity of the United States can so far hazard itself for the paltry quantity of 5,000 acres of wild lands, which they hold in immense quantities, and millions of them by the courtesy of Virginia, as to suffer it to be proclaimed that, without paying a cent from their treasury, they will accept a pure gift from Virginia of federal patriotism, which had been previously encumbered with a perfect debt of public gratitude to an individual, and take refuge in the ambiguity of language from that debt which, but for inattention, misapprehension, or accident, would have been more minutely avowed? Besides, in a case between man and man, this would be reprobated in a court of equity. It might be said that when the seller, who had in the usual course of such transactions clogged the estate sold with any encumbrance, had, from any cause, failed to mention it to the purchaser, the estate itself should continue charged with it. In the present instance the usual style of such business was preserved. Virginia, possessing full sovereignty over the lands, resolve that General Campbell's heir shall have a small portion of them for the most valuable consideration. A patent could not be immediately issued in full form, because it was to be satisfied out of the surplus not yet ascertained. Before the surplus could be ascertained, the property is alienated to a body who paid nothing for it. The grant of this warrant is one of the public resolutions of the Virginia legislature. That body felt the service which dictated the grant as connected with their welfare, if not with their being. It would therefore seem, to reject such a claim, the United States must assume the prerogative of converting what would be a wrong in an individual into a right in their own case. No rule of morality is known to render justice thus flexible, nor are the United States understood ever to have assumed an exemption from the rules of good faith. It is therefore hoped that the commander of *King's Mountain*, who died in the service of his country, will not be marked as a solitary example of such imminent injustice. It is the descendant of this man who is now seeking her rights from the representatives of this nation, and who, if it had not been for fortuitous circumstances, might have been leading out a life in wretchedness and poverty, with a claim of five thousand acres of land in her pocket, predicated on the bounty of her country, without possessing one solitary acre! It is true, the heir of General Campbell is far from relying on this for her subsistence; yet the possessing it would be more grateful to her than double the number of acres in the ordinary mode of purchase.

Upon the whole, I am so strongly impressed that the Congress of the United States will be actuated by the same justice, liberality, and gratitude, in disposing of this claim, which pervaded the breasts of those who gave it, that it is with confidence and with pleasure I submit the subject to their consideration and disposal.

FRANCIS PRESTON.

### No. 3.

#### To the Committee on Public Lands:

I have deemed it not improper to present to the committee a short statement of the case contained in the petition I had the honor to have presented to Congress, and some ideas which have occurred on the limited consideration I have been enabled to give the subject. For, although it is a matter of considerable interest to me, yet I have never heretofore thought it necessary to investigate the principles of the claim, because, having the evidence, I supposed the faith of the State was pledged for its satisfaction, and that any regulations which she would make in relation to her lands, either with the United States or the State of Kentucky, would always have an eye to the preservation of the rights of her officers and soldiers, and that her bounties and gifts were not merely nominal, but intended to be carried into effect in good faith.

On December 19, 1783, by a resolution of the legislature of Virginia, a warrant of 5,000 acres was granted to Charles Campbell, son of General William Campbell, for the meritorious services of the said General Campbell in the revolutionary war, on the condition it should not be located until the claims for land by the officers and soldiers on continental and State establishment should be satisfied.

On December 22, 1783, another resolution passed the legislature of Virginia, directing that all the



surplus lands within the territory laid off by law for the officers and soldiers on continental and State establishments on the east side of the river Ohio, which may be left after such officers and soldiers shall have surveyed their several portions under entries made before the first of July next, (1784,) shall be set apart and reserved for the purpose of making good all such bounties. About this period Charles Campbell died, a minor, whereby this warrant became vested in Sarah B. Campbell, the only remaining child of General Campbell, who was also a minor, and, of course, incapable of transacting any business, or procuring it to be done; but, soon after, guardians were appointed for the said Sarah for this and other purposes, though before they proceeded to act on this warrant further than to deposit it in the proper office, a contest arose as to the propriety of their appointments, which pended until Kentucky became a State, within whose limits the portion of the country allotted to the officers and soldiers lay.

In the year 1793 I became interested in this warrant by my intermarriage with Sarah B. Campbell, but, being in public business at that period, did not bestow attention to it until the year 1795, when I went to Kentucky to have the land located, having learned it had been neglected by the guardians. On applying to the proper office, kept by Major Croghan, he thought he had no authority then to locate or enter the warrant, and advised an application to the legislature of Kentucky, which I immediately made by petition, praying permission to locate it on the lands lying on Cumberland and Tennessee rivers, as reserved by the law of Virginia erecting Kentucky into a separate State; but this application was refused, under the impression, it is believed, that it was a subject which belonged to the general government, and that provision was made for it in the deed of cession made by the State of Virginia to the United States of the lands northward of the river Ohio.

On recurring to that instrument, which was executed by the delegates in Congress from the State of Virginia in 1784, I find it provides that in case the good lands on the Tennessee, Cumberland, and Green rivers, which had been reserved for the American army, should be insufficient for the purposes intended, that then the deficiency should be made up between the Scioto and Miami rivers. This provision seems to embrace the present case, and imposes an obligation on the United States to permit this warrant to be located in that portion of the country. If this be not the case, the State of Virginia has either acted with perfidy, or has been overreached in the deed of cession, as it relates to gifts of this description. As to perfidy, the State of Virginia has ever been incapable; her magnanimous generosity to her officers and soldiers of the revolutionary war forbid the idea. The grant of the warrant, now the subject of investigation, does away any imputation of the kind, as there was no positive obligation on her to grant it, but arose from the best motives—a grateful remembrance and a just compensation for the extraordinary services of a meritorious and gallant officer; which services were duly appreciated by Virginia, as appears by the resolutions herewith exhibited. That the State of Virginia may have been overreached in this transaction is not improbable; for acting with the United States, whom she would properly suppose were actuated by the same generous feelings towards the supporters of the revolution that she was, and would do precisely as she would, employed no caution in the terms of that transfer which granted to the United States an extensive fertile portion of her State for the general purposes of the Union, after complying with her special engagements. If a doubt can remain whether the above-recited clause of the deed of cession embraces this case, it would seem there ought to be very little hesitation in the legislature of the Union to carry into execution the intention of the legislature of Virginia, who, most certainly, intended to provide for such claims. Justice seems to demand a liberal construction, and policy requires it; for, being on the eve of a war, it will be poor encouragement, indeed, for men to hazard their lives and fortunes when they observe an unwillingness in the representatives of the nation to make compensation for those hazards and privations. But I am inclined to believe there can be no doubt on this point; and that the only difficulty is, whether this warrant is to remain unlocated until all the claims of the officers and soldiers on continental establishment are satisfied, as appears to be the condition on the face of the warrant. This condition, to be sure, is an extraordinary one, but it would have been infinitely more so if a limitation had not been fixed for the location of warrants on continental establishment. But this was done by a resolution of the Virginia legislature in relation to the claims on the lands southeast of the Ohio, and by the laws of Congress in relation to the claims of the northwest side, though afterwards extended from time to time by Congress, and thereby prevented the location of this warrant. As, then, the limitation has been extended frequently, and may be continued to the entire exclusion of this claim, it would seem but justice that it, which is as obligatory on the faith of the United States as any other claim, ought now to be permitted to rest on the same principles that those on continental establishment do.

19TH CONGRESS.]

No. 525.

[1ST SESSION.]

# CLAIM TO BOUNTY LAND OF AN OFFICER OF THE REGIMENT COMMANDED BY GENERAL GEORGE ROGERS CLARK.

COMMUNICATED TO THE SENATE MAY 8, 1826.

Mr. BARRON, from the Committee on Public Lands, to whom was referred the petition of William Biggs, of the State of Illinois, with the accompanying documents, reported:

That the petitioner was a lieutenant in the regiment of General George Rogers Clark, for whom a reservation was made by the State of Virginia in her act of cession to the United States, and was entitled, under the laws of Virginia, to the quantity of two thousand acres of that reservation. By a law passed in 1783 Virginia appointed a board of commissioners to distribute the said reservation among the officers and soldiers of that regiment, but provided no mode of giving notice to, or convening the officers and soldiers at, such distribution.

Early in 1785 the petitioner removed from Ohio county, Virginia, to the Illinois country, which had

been conquered by General Clark, and has resided there ever since. Sometime in that year the Virginia commissioners met at Louisville, in Kentucky, to make the distribution of the reservation. It appears, from the evidence before the committee, that no regular roll of the said officers and soldiers had been preserved, and that the distribution was made upon the recollection of the officers then present, and without allotting any part of the land to the petitioner, who was then absent, and without notice of either the act of Virginia or the distribution made under it. The whole of the reservation has been distributed among the other officers and soldiers of that regiment. The petitioner must lose his share of the reservation, without his fault, unless either the State of Virginia or the United States will compensate him for his services, as was intended by both governments in forming the compact expressed in the act of cession, and the acceptance thereof by the United States.

Virginia has divested herself of the fund out of which she could place the petitioner in the situation of the other officers of that regiment, and therefore cannot do so. The United States have obtained a liberal cession from the State of Virginia, and has the means of compensating the petitioner without prejudice to the true interests of the Union. The petitioner is now old and has a numerous family, and is in adverse circumstances.

The committee therefore, without insisting upon any legal obligation on the part of the United States to indemnify the petitioner, believe it equitable that the petitioner should be placed in the situation, as nearly as may be, of the other officers of the regiment that conquered the country out of which he asks to be compensated.

They therefore recommend the passage of the bill introduced for that purpose, as amended by the committee.

19TH CONGRESS.]

No. 526.

[1ST SESSION.]

# RELATIVE TO THE TRUE BOUNDARIES OF THE VIRGINIA MILITARY BOUNTY LAND IN OHIO AND CLAIMS TO LAND WITHIN THE SAME.

COMMUNICATED TO THE SENATE MAY 12, 1826.

Mr. EATON submitted the following statement:

## GENERAL M'ARTHUR'S CLAIM.

For detailed and particular information in relation to the merits of the bill referred, "a bill providing for quieting the purchasers of certain lands sold by the United States in the State of Ohio," the committee beg leave to refer to the report which accompanied the bill from the House of Representatives, with the documents thereto appended, and more particularly to the opinion of the Supreme Court in the case of *Doddridge's Lessee vs. Thompson and Wright*.

This is a matter of fact inquiry, depending upon where a particular line is situated.

Virginia ceded to the United States her western territory, and, lest there might not be a sufficiency of land fit for cultivation in the State of Kentucky, she, in her act of cession, declared "that if the quantity of land reserved on the southeast side of the Ohio for the Virginia troops on continental establishment should prove insufficient for their legal bounties, the deficiency should be made up to said troops in good lands between the Scioto and Little Miami rivers."

The lands reserved for this purpose on the southeast side did prove insufficient, and locations, with a view to the satisfaction of Virginia continental warrants, were permitted to be made in Ohio between those two rivers, the Scioto and Little Miami.

Each of those rivers run from the north in a southern direction, discharging themselves into the Ohio. The source of the Scioto is found to be upwards of fifty miles higher to the north than the Miami. Its head branch, passing round the Miami, rises west of it. It is here the dispute arises, and the question made is, what proper construction is to be given to the words used in the Virginia cession, "between the Scioto and Little Miami?" If the sources of those two rivers were near each other, or on the same parallel, the common sense and plain answer would be to connect the streams by a direct line; and to permit entries and locations between those rivers, and below such a connecting line, would be a compliance with both the design and intention of the declaration contained in the cession by Virginia to the United States. Owing, however, to the circumstance of one river having its source further to the north than the other, and winding, too, further to the west, doubts have arisen as to the manner the line should be run from the Miami to the Scioto, so as to constitute truly a western boundary to the reserve.

In the year 1800 the United States directed the source of the Miami to be ascertained, and thence the western boundary to be run; in pursuance of which direction, in 1802, a line was run and marked from the source of the Miami to the Scioto, which is now known by the name of Ludlow's line. The act of Congress provided that this should be recognized as the west boundary to the reserve if in two years Virginia assented to it. Virginia never did assent; and hence, although the line was run, yet, so far as its establishment required the assent of Virginia, it never having been given, the line was not conclusive.

Another attempt was made in the year 1812, and in that year commissioners on the part of the United States were met by those of Virginia. They did not agree, and of course nothing definitive or conclusive was done. The line was still not established, the Virginia commissioners contending that the correct plan was to commence at the source of the Scioto and run south to the mouth of the Miami; the effect of which would have been, not to set apart the lands between the Scioto and Miami, but to place the line entirely to the west of the latter river. In this state of things, and most probably in expectation of attaining an amicable adjustment of the difference, the commissioners on the part of the United States fixed upon a point very near to where Ludlow had made his beginning and departure; but, instead of

running north to the Scioto, they turned west of north, and ran the line directly to the head source of the Scioto, which line is now called Roberts', leaving included between it and Ludlow's the line first run, viz: in 1802, about 55,000 acres of land. To this line of Roberts' the Virginia commissioners never assented, and, accordingly, if the assent of that State be at all necessary, the boundary is as unfixed and uncertain as is that of Ludlow's.

Between these two lines General McArthur, in 1810, made locations to the amount of 14,000 acres, none of which, except one for 255 acres, was perfected into a grant until June, 1812; 9,000 or 10,000 acres are not yet perfected; and, for the residue, grants were obtained after the United States had surveyed and sold lands by him entered upon, and now claimed.

The question, under these circumstances, is, whether Duncan McArthur or those who purchased of the United States have the better title. It is alleged that McArthur has; that the Supreme Court, in the case of *Doddridge's Lessee vs. Wright and Thompson*, has so decided; and, accordingly, this bill is introduced to pay General McArthur \$65,000, and thereby to put aside his opposing claim, and to quiet the claims of those who have purchased of the United States.

It is conceived that, under the cession and contract with Virginia, no obligation existed against the United States in relation to the continental claim of Virginia, to the extent that the State of Virginia could, in any manner, call in question the acts of the United States, or claim any visitatorial right or power. The satisfaction of these claims depended alone on good faith and a proper execution of the trust confided. Virginia, in the cession made by her to the United States, makes no reserve of right, but, in language merely declaratory of her own objects and purposes, says that, if the lands reserved should prove insufficient, the deficiency was to be made up *between the Scioto and Little Miami*. Here is not a right reserved, but a mere direction of the trust. Her lands were about to be yielded to the general government; a debt was due, founded on previous assurances made to the soldiers of the Revolution engaged in her service; and hence, in the cession made, a language like this is held: "all the lands to the west, within my limits, are ceded, but you must take care of the interests of those to whom my bounty has been promised; and if the lands reserved in Kentucky shall prove insufficient, provision for satisfying their claims must be made between the Scioto and Miami."

With a view to this object, Congress, in May, 1785, enacted "that the lands lying *between* the rivers Scioto and Miami should not be sold or alienated until there should be *laid off and appropriated*, for the officers and soldiers of Virginia, the land they were entitled to agreeably to the act of cession." In this is recognized the right both of soil and of sovereignty, and the idea maintained that, until the country should be particularly designated, *laid off, and appropriated*, and authority to make entries did not attach, and no locations could, of course, be made. Virginia had merely assented that certain lands lying within a particular region of country should be set apart for the satisfaction of her bounty claims; but when this should be done, or how they should be meted and bounded, was a right which, in the nature of sovereignty, attached to the United States, who stood in the character of grantee to Virginia. Suppose the State of Virginia never to have parted with the soil; that she had yet retained it, and, on her statute book, expressions such as Congress has used had been found, to wit, that the lands between the Scioto and Miami should not be sold or alienated, but should be, and was, reserved for the satisfaction of her bounty claims until some definite act was passed authorizing locations and surveys to be made by claimants, it would not be pretended that any one, merely in virtue of the words making the reservation, would be possessed of authority to proceed and perfect their warrants into grants. To authorize this, something more would be necessary; it would be necessary for the sovereign to say that such was permitted to be done, and how, and when, and under what circumstances, the surveys and locations should be made, and to prescribing the whole process necessary to the completion of the right. The transfer being made, the United States possessed every right which Virginia had; and, until they had thrown open the country, there was nothing to authorize a valid entry to be made. The question remaining is, has the United States conceded this authority?

Unquestionably the United States had the right to say that a line should be drawn, and all locations be made within such limits as they might prescribe, and refuse to set apart any other quantity until that should be fully exhausted, taking care, as good faith required, that if the warrants could not all be satisfied, another and another portion of their location should be again assigned.

By an act of Congress passed in May, 1800, Congress undertook to define the western boundary of the reserve, and to appropriate those reserved lands to be entered upon by Virginia claimants. Accordingly land districts and land offices were created, and directions issued to the surveyor general to have the western boundary of the reserve run. Ludlow, who was directed to proceed upon this business, having ascertained the head of the Little Miami, run a line north towards the Scioto until it struck the Indian boundary, where he discontinued it. This line was run and marked in 1802, and immediately thereafter, in pursuance of the same act of Congress, he surveyed the lands lying west of that line, and which lands, so surveyed, were subsequently sold by the United States. They are the same lands which General McArthur now claims in pursuance of location of military warrants made in the year 1810.

Two years after this period, to wit, in March, 1804, Congress again legislated upon this matter, and declared that the line run by Ludlow should constitute the western boundary of the reserve, if Virginia assented thereto within two years. This Virginia, however, never did do, and thence is maintained an authority to make location of warrants west of the line. This opinion, however, must be fallacious, inasmuch as the United States were altogether sovereign, and Virginia, by virtue of the terms of her cession, deprived of every authority to interfere in any manner whatever.

From this period until 1812 nothing more was done in reference to the establishing the western boundary of the reserve. In that act they refer to and declare Ludlow's to be the line, and that it should be so considered until commissioners on the part of the United States and on the part of Virginia should, *by consent, establish one*. At the same session commissioners on the part of Congress were appointed, who subsequently met those of Virginia, but they did not arrive at any agreement; and a line, under the direction of the United States commissioners alone, was run and marked from the head of the Little Miami to the source of the Scioto, a distance of fifty-three miles. In this case the parties disagreed, and, of consequence, consent not being had, by virtue of the terms of the act, Ludlow's was declared to be the true line. By what sort of argument can it be maintained that Roberts' is truly the line, and Ludlow's not? The United States, not Virginia, had the unquestioned right to ascertain and to decide upon this matter. Early as 1804, in pursuance of this right, legislation took place upon this subject, and Ludlow's line was agreed upon, subject, to be sure, to the condition that the State of Virginia should, in two years, to wit, by March, 1806, give her consent. In 1812, however, when the subject was again



legislated upon, this line of Ludlow's is adverted to, and the declaration made that it is to be and remain the true line unless another should, by consent, be established. This consent was never had, and hence it would seem to be a fair conclusion that, if not before, at least in ———, 1812, Ludlow's was, by the proper and competent authority, declared to be the true western boundary to the reserve. If the boundary fixed by the act of 1804 was not absolute and certain, and the consent of Virginia made any difference, it was at least a notice to claimants that beyond that line to the west it was not intended they should proceed with their claims for location; and this restriction and limit, it is believed, the United States, in virtue of the rights she had acquired from Virginia, had the unquestioned authority to do. If the condition annexed, that it rested on the assent of Virginia, can vary the force of the argument, then, at any rate, the act of 1812 did have the effect, there being no condition then annexed to fix and establish Ludlow's as the true line.

We have before remarked that General McArthur made his locations in the year 1810, six years after the United States, by the declaration made that she considered Ludlow's to be the line, had given notice that the lands to the west of that line were not subject to appropriation, and long after the time, too, when the public surveys had been made and the land west of the line sold to legitimate purchasers. Of course McArthur does not present himself to the consideration of the country as a man clear of fault, or acting under such sort of innocent mistake as to be recommended to the favorable notice and consideration of Congress. He advanced upon the danger with a knowledge of all the circumstances. He knew of the act of 1804. He knew of Ludlow's line being run under sanction of the government. He knew of the surveys that had been made west of that line, and of the sales that had been made to innocent purchasers for fair and valuable consideration. He knew, too, of other and good lands, properly and certainly within the reserve, which he might have appropriated to the satisfaction of his warrants: all these things he did know, and yet, disregarding them all, chose to throw himself in collision with the United States, and to draw in question and to embarrass all they had done.

Again: although General McArthur's locations were made in 1810, his grants, most of them at least, are not yet issued. The few that have been issued are posterior to the act of 1812, which positively declares Ludlow's to be the line, with the exception of one of about 250 acres; and this was issued a few days before the passing of the act of 1812. If, then, hardships are to be complained of, they are truly of his own seeking, for justice was within his reach without his coming in contact with those acts which had been authorized by the government. Locations or entries are but incipient inchoate rights; no titles are derived until the grant be issued. The location, to be sure, operates as a lien upon the land appropriated, to the extent of notice to after locators, that they may avoid collision, but against the sovereign authority it creates neither a lien nor bar; it is only when the sovereign, by its own act, in the making a grant, is estopped, and even then the estoppel fails to operate, if, as in this case, previous grants have been made to others. General McArthur consequently had the authority, and yet has it, to the extent of 10,000 acres, of withdrawing his entries, and receiving all that the United States is bound, in right, justice, or under her compact of cession, to do, to be furnished with lands fit for cultivation. With this he is not content, but, with open eyes, ventures in conflict with the government of the United States, subjects her to much trouble and expense, as well in courts of justice as out, and now comes here and asks to be paid the value of lands which, with a full knowledge of all the circumstances, he has improperly entered.

But it is said that the Supreme Court has adjudged all the facts and circumstances of this case, and that the decision in the case of *Doddridge's Lessee vs. Thompson and Wright* determines every doubt in favor of General McArthur. This is believed not to be the case. Thompson, who was defendant in this case, was, to be sure, a purchaser under and from the United States; but then the very fact which is the material one in the inquiry was yielded. It was an agreed case, and the facts consented to were all spread upon the record; and upon the facts thus agreed to and spread out the court was required to decide. One, and the most material of all, was the admission that Roberts' was the true line; which being conceded, the court determined this, and nothing more, that the locations made were, of course, within the reserve, and if so, then was the result certain that they were subject to entry by the holders of military warrants. The line of Roberts being admitted, the conclusion fairly resulted that those lands were subject to entry and location for the reason that, by the act of 1790, a general authority was given to the holders of warrants to proceed to satisfy them on the lands between the Scioto and Miami, and because, by the act of 1785, not repealed, Congress had absolutely forbid that any of the lands lying between those rivers should be sold or alienated until the Virginia warrants should have been satisfied. The simple isolated inquiry for the Supreme Court to determine was, whether or not was the location of Doddridge situated between the Scioto and Little Miami; and here they were precluded from all inquiry, for the reason that Roberts' line was admitted on the record. Consequently, the court, in delivering their opinion, use this language: "We are relieved from the inquiry respecting the main branches of these rivers by the case agreed. \* \* \* \* \* Admitting this line to constitute the true boundary of the military reserve, the land in controversy lies within it, and the plaintiff's patent would consequently be valid if it depended entirely on the original deed of cession and the acts of Congress which have been recited."

Another material omission in the agreed case of *Doddridge's Lessee vs. Thompson and Wright*, is found in this, that the date of the plaintiff's location is not given. The Supreme Court, in declaring their opinion, remark, *it does not appear when this location was made*. "It might have been made previous to the passage of the act of 1807, and the presumption of law is, that it was made before that time, since the patent is presumed to be valid until the contrary is shown."

To arrive, then, at a conclusion favorable to the claim of the plaintiff, the court assumes the fact, through presumption, for the record was silent, that this location was made anterior to 1807. Whether, in the case of *Doddridge's Lessee*, this was a true or false presumption is material to this investigation only to the extent of showing that such is not the fact in this case. And if, as the Supreme Court appear to have done, this was a material point in that case, then the same fact not now appearing in this, the same conclusion may with propriety be disputed. McArthur's locations are shown to have been made in 1810, three years after the passing of the act of 1807.

By the act of 1807, three years further time was given, as repeatedly since has been the case, to claimants under Virginia warrants to perfect their rights. The act, however, contains this saving provision: provided, that no location by the holders of any warrants should, under any circumstances, "be made on tracts of land for which patents had been previously issued, or which had been previously surveyed." If any such were obtained, they were declared null and void.

After the passing of this act, viz: in 1810, General McArthur having gone into the market, and purchased various claims from various persons, made locations to the amount of fourteen thousand acres,

which are the present subject of investigation. They are, in the language of the act, *null and void*, for the reason that they were made on lands for which *patents had been previously issued*, or on lands *previously surveyed*, either of which made them void. It is difficult to conceive what other end or object could have been held in view by the prohibition of the act of 1807, if it was not to guard against the very kind of cases now submitted. Congress, solicitous to do justice, and fairly and faithfully to execute the trusts confided by Virginia, endeavored to arrange the western boundary of the Scioto and Miami reserve, and as early as 1802 directed the line to be run, and which was run by Ludlow. It was provided, however, in 1804, that to this the consent of Virginia should be given in two years. Here, then, in the year 1804, the line of Ludlow is recognized, subject to the approval in two years by the State of Virginia, which necessarily would have fallen in March, 1806; when, therefore, in the following year, 1807, they came to legislate again in reference to this subject, they enlarge the time for making locations to three years, giving a still longer period for making and returning surveys; and with this express and positive limitation annexed, that *no locations thus to be made were to be and should be void if made on lands previously patented, or on lands previously surveyed*. This precaution taken in the bill evidently was designed to protect locations and titles west of Ludlow's line, and could have been intended for no other purpose. It could not, by any forced construction, have been intended to affect the claims of Virginia bounty land claimants, for a most obvious reason, that it could not reach them. A patent previously issued placed at defiance every warrant-holder and subsequent locator, and hence needed no aid from the statute. He who had a previous location, and whose land had been surveyed, thereby acquired a lien or inchoate right which no future locator or enterer could disturb. It would then have been the veriest imaginable folly for a legislature of well informed men, or even common sense men, to have set themselves to work to give protection through laws enacted to claims already resting in most perfect security. The adducible inference, and none other can be inferred, is, that the provision of the act of 1807 was alone intended to guard the surveys which had previously been made by Ludlow, and which were situated to the west of the line run by him in 1802, under the orders of the government.

19TH CONGRESS.]

No. 527.

[2D SESSION.]

# OPERATIONS OF THE LAND SYSTEM, AND THE NUMBER OF MILITARY BOUNTY LAND WARRANTS ISSUED DURING THE LAST YEAR.

COMMUNICATED TO CONGRESS BY THE PRESIDENT OF THE UNITED STATES, WITH HIS ANNUAL MESSAGE, DECEMBER 5, 1826.

GENERAL LAND OFFICE, December 1, 1826.

SIR: Referring to the report made by me on December 15, 1825, and then submitted to you, I have now the honor to state that the whole of the very heavy arrearages of the business of the office has been brought up, and that the current business of the office in all its branches has been brought up to the present time, so far as the returns have rendered it practicable; and I feel great satisfaction in adding that, with few exceptions, the returns of the registers and receivers have been promptly and regularly made, and that in most of the cases where there has been delay in making their returns satisfactory reasons have been assigned for such delay. The paper No. 1 exhibits the periods to which the quarterly accounts of the receivers have been returned, the periods to which they have been adjusted, and the amounts in the hands of the receivers at the dates of the accounts respectively. The paper No. 2 is a statement showing the cases where the returns of the registers have been delayed, and the causes of such delay so far as they are known to this office.

In respect to the surveying department, so far as it is connected with this office, I have the honor to state that the returns of the surveyor general whose surveying district embraces the States of Ohio and Indiana and the Territory of Michigan are regularly and promptly made, and that there are no existing embarrassments in relation to the business of that office.

In the surveying district embracing the States of Illinois and Missouri and the Territory of Arkansas every possible exertion is made by the very able officer at the head of that department to bring up the very heavy arrearages which existed in that office previous to his appointment, and to execute the current business.

In the district embracing the States of Mississippi and Louisiana great embarrassments exist in the surveying department, and particularly in relation to the surveying and preparing for patenting the private claims in the State of Louisiana. Some of the causes of embarrassment can only be removed by the interposition of the legislative regulations. On this subject I made a communication to the chairman of the Land Committee of the House of Representatives during the last session of Congress; and, without some further legal provisions, I have great doubts whether the present incumbent will be able to surmount the existing difficulties attending the execution of the surveys in that district.

In the surveying district which embraces the State of Alabama the surveying has generally been executed, with the exception of the surveying of the lands lying south of the 31st degree of latitude in that State. This particular tract of country formed a part of the surveying district embracing the States of Mississippi and Louisiana, but, by the act of February 28, 1824, it was attached to the surveying district of the State of Alabama. As, however, by the existing laws, the surveying of the private claims in this tract of country, which include a large portion of the best land in it, is subject to the direction of one of the principal deputy surveyors for the State of Louisiana, it has been deemed expedient to suspend the surveying generally until the surveying of the private as well as the public lands shall be placed by legislative enactment under the entire control of the surveyor for Alabama. A communication embracing this subject has been made to the chairman of the Land Committee of the House of Representatives.

In the surveying district for the Territory of Florida, the surveying of the public lands has progressed

with as much rapidity as was desirable. It is, however, indispensably necessary, for the further due execution of the surveying business in that Territory, that legislative provision be made for the surveying of the private land claims in Florida. Had the bill in relation to this subject, which was reported to the House of Representatives at the last session of Congress, been acted upon and passed, it would have enabled the surveyor to have closed the surveys of the private and public lands in that Territory within a very short period of time.

The arrearages of the business of this office having been brought up, and all that portion of the business relating to military land claims of every description being very much diminished, it becomes my duty to state that the number of the clerks in this office may, with a due regard to the public interest, be diminished. Previous to the act of April 20, 1818, the number of clerks in this office had been increased with a view to expedite the issuing of the military land patents to the soldiers of the late war. The act referred to authorized the employment of twenty-three clerks in this office, and fixed the compensation, which amounted to twenty-two thousand five hundred and fifty dollars, and regulated their salaries agreeably to the annexed schedule, marked No. 3. But as the duties assigned to, and required of, the respective clerks in this office in no manner corresponded with the amount of the salaries which they respectively received, and as the act of 1818 had fixed the salaries of the clerks in this office in a ratio very disproportionate to the salaries of the clerks in all the other departments of the government, its provisions have operated unequally and injuriously in relation to this office.

It is believed that seventeen competent clerks, seven of those being good and efficient bookkeepers, would be adequate to execute the business assigned to this office. I therefore submit the paper marked No. 4, exhibiting a statement of the number of clerks required in this office, the nature of their duties, and their salaries, respectively, having reference to the salaries generally allowed in other offices, and would respectfully recommend that, from and after the fourth of March next, that part of the act of April 20, 1818, which regulates the number and fixes the compensation of the clerks in this office be so amended as to regulate the number and fix the compensation of the same, in conformity to the statement exhibited in the paper now submitted.

I have the honor to be, with very great respect, your obedient servant,

GEO. GRAHAM.

HON. RICHARD RUSH, *Secretary of the Treasury.*

### No. 1.

*Exhibit of the state of the accounts of the receivers of public moneys, showing the last quarterly return received and adjusted at the General Land Office, and showing also the balance exhibited by each receiver in the last account rendered.*

Land offices.	Accounts received for the quarter ending—	Accounts adjusted for quarter ending—	Amount subject to treasury drafts, as exhibited by the receivers.	Explanatory remarks.
Marietta.....	Sept. 30, 1826	Sept. 30, 1826	\$1,118 24	
Zanesville.....	do.....	do.....	1,001 64	
Steubenville.....	do.....	do.....	4,271 84	
Chillicothe.....	do.....	do.....	1,469 22	
Cincinnati.....	do.....	do.....		
Wooster.....	do.....	do.....	662 84	
Piqua.....	do.....	do.....	859 74	
Delaware.....	do.....	do.....	269 21	
Jeffersonville.....	do.....	do.....	2,278 35	
Vincennes.....	do.....	do.....	14,632 19	
Indianapolis.....	do.....	do.....	1,105 82	
Crawfordsville.....	do.....	do.....	27,618 61	\$11,000 of this sum were received in the month of September last.
Fort Wayne.....	do.....	do.....	1,428 22	
Kaskaskia.....	do.....	do.....	2,110 66	
Shawneetown.....	do.....	do.....	2,019 46	
Edwardsville.....	do.....	do.....	1,015 04	
Vandalia.....	do.....	do.....	75 48	
Palatine.....	do.....	do.....	552 04	
Springfield.....	do.....	do.....	32,632 86	This sum received at the public sale in September last.
Detroit.....	June 30, 1826	June 30, 1826	51,391 82	The receiver's quarterly accounts for September last have been delayed in consequence of his absence for the purpose of settling his accounts at the treasury and depositing the money into bank. It appears, from his monthly accounts for September, that there was then in hand \$5,627 35.
Monroe.....	Sept. 30, 1826	Sept. 30, 1826	2,640 72	
St. Louis.....	do.....	do.....	1,736 58	
Franklin.....	do.....	do.....	32,358 39	
Cape Girardeau.....	do.....	do.....	3,075 57	
Palmyra.....	do.....	do.....	2,930 37	
Lexington.....	Sept. 30, 1825	Sept. 30, 1825	9,416 78	No sales since that period, the gentleman appointed to the office of receiver having declined to act.
Batesville.....	Sept. 30, 1826	Sept. 30, 1826	4,032 64	
Little Rock.....	June 30, 1826	June 30, 1826	1,274 55	
Ouchita.....	Sept. 30, 1826	Sept. 30, 1826	13,267 23	Received principally in September last.
Opeleusas.....	June 30, 1826	June 30, 1826	85 63	
New Orleans.....	Mar. 31, 1825	Mar. 31, 1825	1,600 82	Receiver removed.



No. 1.—*Exhibit of the state of the accounts of the receivers of public moneys, &c.*—Continued.

Land offices.	Accounts received for the quarter ending—	Accounts adjusted for quarter ending—	Amount subject to treasury drafts, as exhibited by the receivers.	Explanatory remarks.
St. Helena Court-house .....				No lands in market.
Washington .....	Sept. 30, 1826	Sept. 30, 1826	\$1,701 85	
Augusta .....	do	do	16 52	
Choctaw district .....	do	do	2,378 84	
St. Stephen's .....	Dec. 31, 1825	Dec. 31, 1825		[From the monthly returns of the receiver for September last it appears that there were then in his hands \$8,533 13. It is presumed that the quarterly accounts have been delayed in consequence of the absence of the receiver.
Huntsville .....	Sept. 30, 1826	Sept. 30, 1826	1,291 11	
Tuscaloosa .....	Mar. 31, 1826	Mar. 31, 1826	2,623 37	The absence of the receiver, and his indisposition, have delayed the rendering of his quarterly accounts.
Cahaba .....	Dec. 31, 1824	Dec. 31, 1824		Balance due by the present receiver on 31st March last was \$13,427. The quarterly accounts have been delayed from the necessity of bringing up the books of his predecessor. In consequence of the absence of the receiver, and indisposition of the register, very little business has been done in this office since March last.
Sparta .....	June 30, 1826	June 30, 1826	7,292 89	This is the balance found to be due on adjustment of the accounts of this office. The receiver is dead.
Tallahassee .....	Sept. 30, 1826	Sept. 30, 1826	11,034 35	

## No. 2.

*A statement exhibiting the returns of the registers of the land offices which have been delayed, and the cause of such delay.*

*Lexington, Missouri.*—Returns made to November, 1825. No receiver has been in commission since that period, which circumstance has stopped the sales.

*New Orleans, Louisiana.*—Returns made to March 31, 1806. The receiver removed in consequence of absence.

*Cahaba, Alabama.*—Returns to June, 1826. The register absent on account of his health.

*Tuscaloosa, Alabama.*—Returns to June, 1826. Sickness of the officer has caused the delay.

## No. 3.

*Schedule of the number of clerks in the General Land Office and their salaries, respectively, as fixed by the act of April 20, 1818.*

1 chief clerk, at \$1,700 per annum, is .....	\$1,700
2 clerks, at \$1,400 per annum, is .....	2,800
3 clerks, at \$1,150 per annum, is .....	3,450
5 clerks, at \$1,000 per annum, is .....	5,000
12 clerks, at \$800 per annum, is .....	9,600
<hr/> 23	<hr/> 22,550
<hr/>	<hr/>

## No. 4.

*Schedule of the number of clerks and their salaries, respectively, as proposed by the Commissioner of the General Land Office, to be substituted in lieu of those authorized by the second section of the act of April 20, 1818.*

1 chief clerk, at \$1,700, is .....	\$1,700
7 good and efficient accountants and bookkeepers, at \$1,150, is .....	8,050
1 draughtsman, at \$1,150, is .....	1,150
1 clerk to superintend the private claims and keep the contingent account, at \$1,150, is .....	1,150
1 clerk to attend to military land claims, at \$1,150, is .....	1,150
6 clerks for making out patents, recording, copying, making indexes, at \$1,000, is .....	6,000
Additional allowance to the clerk who keeps the account of the 3 per cent. fund .....	250
	<hr/> 19,450
	<hr/>

GENERAL LAND OFFICE, December 15, 1825.

Sir: I submit to you a report relative to the execution of those acts which have been placed under the immediate superintendence of this office, and the transactions of the office generally.

You have been heretofore furnished with a statement showing the quantity of land sold in the year 1824, and for the first six months of 1825, with the amounts for which they sold, and those paid into the treasury.

The act entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands," passed May 18, 1824, having, from its own limitations, expired on the 10th of April last, I have the honor now to submit to you two statements showing the amount of debt which has been extinguished under the provisions of that act, and the balances now due to the United States by individuals; that marked A exhibits, for each land district, the quantity and amount of the purchase money of the lands relinquished; the quantity and amount of the purchase money of the lands fully paid for; the balances due, including interest, on the lands fully paid for, and the manner in which they were paid; the quantity of land, and the amount of money paid thereon, on which further credit has been

taken, and which, by the provisions of the act of 1821, has become forfeited to the United States; the quantity of land and the amount of money paid thereon, which, agreeably to the provisions of the act of May, 1800, is subject to be sold for the balance due to the United States; and the amount of debt, including the interest on the purchase money of the lands fully paid for, which has been liquidated. That marked B exhibits a statement of the amount of debt due by individuals for the purchase of the public lands at the periods therein designated. From these exhibits it appears that, by the operation of the act of May 18, 1824, the debt due for the purchase of the public lands has been reduced in an amount equal to \$3,906,578 34; that there has been relinquished to the United States 1,140,749 acres of land, which had been sold for \$3,314,864 32; and that complete payment has been made for 932,068 acres, the original purchase money of which was \$2,361,876, and on which there was due, including interest at the time of payment, \$1,511,664 07. It also appears that the debt due by individuals for the purchase of public lands amounted, on December 31, 1820, to \$21,213,350 17; and that on June 30, 1825, it had, by payments and relinquishment of lands, been reduced to \$6,322,675.

By the provisions of the act for the relief of the purchasers of the public lands, passed March 2, 1821, the debt due by the individuals who availed themselves of the benefit of the act was divided into three classes: on the first class a credit of eight years was given; on the second, a credit of six years; and on the third, a credit of four years, payable by annual instalments; the period of credit on the third class expired in April last, at which time it appears that the debt due in that class had been liquidated, with the exception of that portion which was due on 16,734 acres of land, on which there had been paid \$36,663 81, which amount, by the provisions of the act above referred to, has become forfeited, and the lands reverted to the United States. The debt due in the second class will all have accrued and become due on December 31, 1826, and that in the first class on March 31, 1829. Unless the benefits of the act of May 18, 1824, shall be extended, it is believed that it will be impracticable for the purchasers of the lands to make payment, and the lands with the amount paid thereon, to a great extent, will revert and be forfeited to the United States. The provisions of the act of May 18, 1824, are sufficiently liberal, and have afforded general satisfaction to the persons interested. Should it be deemed proper by Congress to renew this act, it is recommended that provision be made by which the owners of the lands embraced in the third class, and which lands have reverted, may be permitted to redeem them; it is probable that owners of a large portion of these lands intended to abandon them, but there are many cases where, from ignorance, inadvertence, or accident, they have become forfeited.

It will be perceived that the great reduction of the debt due from the purchasers of the public lands has been principally effected by a relinquishment of a part of the lands purchased. The lands thus relinquished are, for the most part, those which were purchased at the highest prices; so far as these relinquished lands, however, have been sold, they have, with few exceptions, brought only the minimum price. This is attributable to two causes: 1st. The very large quantity of public lands subject to entry at the minimum price in each land district, which has a general tendency to prevent competition. 2d. The combination of individuals in those districts where the lands, from their value and situation, would have commanded high prices. At some of the public sales it is believed that such combinations of individuals have received from the occupants and actual purchasers of the land a greater sum of money in addition than that received by the government. To remedy this evil, it is recommended that the lands heretofore relinquished, and such as may hereafter be relinquished, should not be sold at public or private sale, unless they brought a given price, to be fixed by law, and which should be greater than the minimum price at which other lands are now subject to be sold. Such a provision would probably prevent combination; it would insure a fair price for the lands, and enable the government to bring into market, without delay, the whole relinquished lands without sacrifice, as such of them as were not sold at public sale would, subsequently, be entered by individuals as their means might enable them to do so. That portion of them which would not bring the minimum price thus fixed, could, at some future period, be again offered at public sale, and be sold as other public lands now are.

On reference to the statement marked A it will be seen that the average price of all the lands relinquished under the act of May 18, 1824, was about \$3 per acre. If, in addition to this, authority be given to the register and receiver of the respective land offices to purchase in, on account of the United States, such tracts of land at the public sale of the relinquished lands as they have good and sufficient reasons to believe will not sell for a price equivalent to their fair value, in consequence of the combination or collusion of individuals, it is believed that the interest of the United States, and that of the *bona fide* purchasers, will be sufficiently secured on the resale of the relinquished lands. It has, however, been represented to this office that many persons who have relinquished lands would repurchase them, within a reasonable time, at the prices originally given for them. To such a provision there could be no reasonable objection, provided the repurchase was made before the public sale of the lands thus relinquished.

Notwithstanding the execution of the act of May 18, 1824, has very much increased the duties and labors of the registers and receivers of all the land offices where lands had been sold on a credit, and those of this office in particular, yet I have the satisfaction to state that the returns for the land offices have been made regularly and punctually, with very few exceptions, and that great progress has been made in bringing up the arrears in the several branches of the business in this office. Patents have been issued for all the lands purchased and paid for under the credit and cash systems previous to the 1st of May last, so far as the returns of the registers and surveyors will enable us to issue them, with the exception of the lands purchased at the offices of St. Louis and Cahaba. In consequence of the delay in the receipt of the returns from those offices, patents have only been issued for the lands purchased at those offices previous to the 18th and 21st of March last. The whole number of patents issued since July, 1823, for lands purchased from the United States is 45,416. Estimating the annual sales to require the issue of 9,000 patents, it will appear that there were nearly three years arrearages to bring up in this branch of the business of this office. The posting of the books of this office has been brought up to the periods respectively to which the patents have been issued—the arrearages of this branch of business were also very great. The paper marked C, herewith transmitted, exhibits the periods to which the accounts of the receivers of public money were settled—the dates to which they have been rendered. The delay in rendering the accounts by the receivers at Cahaba and St. Louis is attributable to the resignations of the receivers of those offices. That branch of the business of this office relating to the issuing of military patents of every description has never been in arrear; and that relative to the issuing of patents for private claims has been brought up so far as the returns of the respective officers and surveyors will justify the issuing of them.

The surveying of the public lands has progressed regularly and satisfactorily, with the exception of the public lands and private claims in the State of Louisiana, and that part of Alabama south of 31° of latitude. In this section of country but little progress has been made in surveying the private claims and such parts of the public lands as it is desirable to bring into market. A variety of causes has occasioned and will continue to occasion much embarrassment and difficulty in completing the surveying of this section of the country. Much of this embarrassment is attributable, however, to the extension of the laws for the adjustment of private claims in Louisiana, to the organization of the surveying department, and to the difficulty of procuring surveyors to survey the public and private lands, and to connect the private surveys which have been made with the township lines in certain portions of this section of the country for the compensation allowed by law.

The surveying of the lands in Louisiana is by law placed under the superintendence of the surveyor south of the State of Tennessee, who resides at Washington, Mississippi; and the surveying of those in Alabama, south of the 31st degree of latitude, by a late act of Congress was placed under the superintendence of the surveyor for that State. But within this district of country there are three principal deputy surveyors who are appointed by the surveyor of the lands south of Tennessee, the duties and powers of one of which officers extend to the surveying of the private claims in that part of Alabama lying south of 31° of latitude. In a report formerly made from this office, and submitted to Congress, it was stated that this organization was defective, and further experience has confirmed that impression. It is therefore respectfully recommended that the offices of the surveyor of lands south of Tennessee, and those of the principal deputy surveyors of Louisiana, be abolished; that a surveyor be appointed for the State of Louisiana whose duties and powers shall be limited to the surveying of the lands within that State; that a principal deputy surveyor be appointed for the State of Mississippi, invested with the powers, and who shall perform the duties required of the surveyor south of Tennessee in relation to the surveying of the lands within the limits of the State of Mississippi; that the surveying of all the lands south of the 31st degree of latitude in Alabama be placed under the direction of the surveyor for that State.

Such an organization, it is believed, would expedite the ultimate completion of the surveying of the lands, would give more general satisfaction to the citizens immediately interested, and might be made more economical. The salaries and clerk hire for the surveyor and principal deputies now amount to five thousand two hundred dollars; the principal deputies are allowed, in addition, a fee of twenty-five cents a mile for every mile of the boundary line of each survey examined by them, and twenty-five cents for every certificate. Allowing to the surveyor for Louisiana, for his own compensation and clerk hire, three thousand five hundred dollars, and to the principal deputy for Mississippi, for his compensation and clerk hire, one thousand five hundred dollars; the expense under the proposed organization would be five thousand dollars.

The objection to the abolishing of the office of the principal deputy surveyors in Louisiana, and consolidating the surveying department for both the States of Louisiana and Mississippi under one office, is, that a large portion of the best lands in each of those States are held as private claims, much of the evidences of titles to which are to be found in the files and on the records of the surveyor's offices; and if they were removed from one or the other of these States, it would subject the claimants to inconvenience, and would produce great excitement among the citizens of the State from which they were removed.

The public lands in Mississippi, so far as the Indian title has been extinguished, have nearly all been surveyed, and no difficulty exists in relation to the surveying to be executed in that State, except as to the resurveying required for the correction of errors. The organization proposed is believed to be entirely adequate for all the purposes of a surveying department located in and confined to the limits of that State. Under the existing laws the maximum price allowed for surveying is four dollars per mile, and that sum has been given indiscriminately for the surveying of all lands for which contracts have been made. It is represented that much of the alluvial lands in Louisiana, and the surveying and connecting the private claims generally, cannot be contracted for at that price; it is therefore recommended that provision be made by law for increasing the maximum price for surveying the alluvial lands, and for surveying private claims and connecting them with the township lines in that section of country within the limits of the land district south of Tennessee, and in that part of Alabama south of the 31st degree of latitude; and, if it is deemed necessary, the price now allowed by law for surveying the other description of lands within those districts might be reduced. Should any new organization of the surveying department in this district be made, it will be necessary to provide for the removal and arranging of the papers, and for the infliction of a penalty on any officer refusing to give up the records and papers of his office.

An act passed on May 26, 1824, providing for the disposition of three several tracts of land in Tuscarawas county, in the State of Ohio, and for other purposes. Mr. Patrick, of New Philadelphia, in Ohio, was appointed the agent for carrying into effect the provisions of this act. It appears from his returns that the lands in the three tracts were valued at twenty-six thousand nine hundred and twenty-two dollars and twenty cents; that those sold by him at public sale, together with the rents, yielded ten thousand one hundred dollars and twenty-one cents; that, after paying the expenses incident to the execution of the act, and six thousand six hundred and fifty-two dollars and forty-six cents due and directed by the act to be paid to the Society of United Brethren, he deposited in the branch bank at Chillicothe one thousand four hundred and seventy-four dollars and ninety-eight cents and a half to the credit of the fund for raising an annuity for the Christian Indians. The lands remaining unsold at public sale being subject to private entry at the land office at Zanesville for the prices at which they were valued, it appears from the returns from that office to the 31st of October that a further sum of four thousand and sixty-nine dollars and ninety-six cents has been received and is applicable to the same fund.

The act passed on March 3, 1823, to establish an additional land office in the Territory of Michigan, provides that all the lands to which the Indian title was extinguished by the treaty of Chicago shall be attached to that district. As there is an interference in the boundaries of the lands ceded by the treaty at Chicago and those ceded by the treaty at Saginaw, which were attached to the land district of Detroit, and as the Grand river is the northern boundary of the lands ceded by the treaty of Chicago, and that river not being navigable in a great part of its course, it is not therefore a convenient boundary for a land district, it is recommended that the law be altered so as to make the division line between those districts correspond with the meridian line, and such of the regular township lines as Congress may deem proper.

With very great respect, &c., &c.,

GEO. GRAHAM.

Hon. RICHARD RUSH, *Secretary of the Treasury of the United States.*



A.

Statement exhibiting the operation of the act of Congress passed May 18, 1824, entitled "An act to provide for the extinguishment of the debt due to the United States by the purchasers of public lands prior to July 1, 1820," exhibiting the total amount of debt liquidated under that law, and also the amount of lands reverted, and of moneys forfeited thereon, under the provisions of the sixth section of the relief law of 1821, and the amount of forfeitures liable to accrue under the provisions of the fifth section of the act of May 10, 1800.

Land offices.	LAND RELINQUISHED.		LAND COMPLETELY PAID FOR.						FORFEITURES.				Aggregate of debt liquidated by re-investment and final payments under the act of May 10, 1890, including interest accrued.
	Quantity.	Purchase money.	Quantity.	Purchase money.	Amount of principal and interest due and paid for by cash.	Amount of interest accrued, included in the total amount due.	Amount paid by transfer at the time of relinquishment.	Amt paid in cash to complete balances remaining after transfer from lands relinquished.	In third class of further credits.				
									Quantity of land forfeited Dec. 31, 1894.	Amt of money paid thereon.	Quantity of land.	Amt of money paid thereon.	
Marietta.....	782 124	\$1,800 25	6,183 97	\$13,336 06	\$7,119 45	\$982 50	\$653 21	\$1,053 57	\$2,432 67	2,101 31	\$3,466 80	288 63	\$3,754 49
Zanesville.....	7,618 78	13,237 38	33,836 67	73,167 84	34,023 87	3,164 90	2,316 81	19,702 62	12,018 81	788 44	1,311 934	478 15	46,990 01
Steubenville.....	4,207 79	9,867 13	18,662 05	41,334 63	19,189 394	2,058 274	1,000 31	11,110 774	6,215 13	1,116 58	2,037 71	322 64	28,056 01
Chillicothe.....	11,331 594	24,421 99	19,353 00	42,375 38	24,542 254	2,252 10	7,664 41	10,015 41	6,468 93	478 36	731 94	1,232 54	41,476 33
Cincinnati.....	56,360 854	123,410 41	78,837 364	167,084 41	100,089 904	7,173 08	37,331 644	39,071 95	23,434 03	581 20	969 80	894 00	181,916 29
Wooster.....	6,840 37	33,295 97	32,119 134	49,081 97	37,781 584	3,065 84	8,015 934	18,034 44	11,161 234	5,065 89	8,478 174	3,726 21	63,361 63
Total in Ohio.....	87,346 214	207,432 33	192,121 38	386,773 53	222,785 474	18,566 694	57,131 504	103,390 724	62,860 814	5,065 89	8,478 174	3,726 21	573,178 98
Jeffersonville.....	87,637 53	170,846 95	78,934 80	161,854 40	98,736 29	8,137 96	53,788 40	58,121 944	16,576 05	1,255 92	1,706 28	17,163 84	218,834 94
Vincennes.....	114,402 90	223,239 52	76,545 89	156,446 31	89,416 18	9,233 14	51,150 12	18,123 80	10,973 26	2,314 75	4,175 99	4,543 85	292,335 28
Total in Indiana.....	202,060 43	404,288 47	155,480 69	318,300 71	178,942 57	17,461 10	104,938 52	46,244 744	27,549 31	4,080 67	5,972 27	21,707 69	478,360 52
Shawneetown.....	93,744 28	188,185 76	44,542 96	91,127 62	60,838 51	4,453 01	54,594 47	3,639 49	2,574 58	.....	.....	2,153 65	194,519 83
Kaskaskia.....	53,673 95	111,347 90	28,718 38	37,336 76	29,214 944	3,117 69	23,509 81	3,315 68	1,891 35	.....	.....	2,413 34	115,033 03
Edwardsville.....	58,647 49	117,373 63	27,644 37	54,899 53	37,234 14	3,083 88	3,317 18	1,811 37	905 57	1,866 204	380 00	330 00	119,790 37
Total in Illinois.....	207,465 72	416,907 29	100,006 71	202,554 31	127,847 624	10,768 56	115,391 46	7,738 744	4,669 49	1,606 203	2,775 34	37,092 61	429,383 43
St. Louis.....	84,812 944	205,645 89	51,161 26	118,290 78	76,260 274	6,015 77	62,240 43	9,067 19	5,226 46	.....	.....	.....	220,139 54
Franklin.....	73,153 98	296,725 33	51,210 444	124,065 30	79,493 65	6,891 77	53,303 39	13,161 49	9,097 57	235 54	837 10	8,547 094	223,983 29
Total in Missouri.....	139,660 924	414,367 22	102,383 654	250,359 08	155,953 924	12,877 54	117,533 02	24,298 68	14,536 03	385 54	937 10	8,547 094	453,121 93

A.—Statement exhibiting the operation of the act of Congress passed May 18, 1824, &amp;c.—Continued.

Land offices.	LAND RELINQUISHED.		LAND COMPLETELY PAID FOR.										FORFEITURES.				Aggregate of debt liquidated by re-inquiry and final payments under the act of May 10, 1860.
	Quantity.	Purchase money.	Quantity.	Purchase money.	Amount of principal and interest due and paid for by relinquishment and by cash.	Amount of interest accrued, included in the total amount due.	Amount paid by transfer at the time of relinquishment.	Amt paid in cash to complete balances remaining due, after transferring lands.	Amount of discount of 7½ per cent. allowed.	Quantity of land forfeited Dec. 31, 1864.	Amt of money paid thereon.	Quantity of land.	Amt of money paid thereon.	Quantity of land.	Amt of money paid thereon.	Quantity of land.	Amt of money paid thereon.
	Acres.		Acres.							Acres.		Acres.		Acres.		Acres.	
Huntsville .....	67,332.63	\$444,531.79	63,165.84	\$273,601.81	\$182,307.73	\$15,673.96½	\$119,811.76½	\$99,131.94	\$23,464.02½	1,557.57	\$12,763.56½	19,167.85	\$15,938.54½	19,167.85	\$15,938.54½	307,121.75	\$307,121.75
St Stephen's .....	150,205.18½	339,623.86	67,546.69	102,134.66	91,101.12½	13,103.16½	85,441.71½	3,323.58½	9,863.18	9,726.76	3,846.68	28,891.78	15,267.06½	28,891.78	15,267.06½	365,717.63	365,717.63
Calhoun .....	207,222.89	1,009,798.09	180,164.41	635,823.71	457,864.45	32,941.62	298,725.78	99,212.42	59,212.25	447.46	1,112.87	7,779.81	4,901.83	7,779.81	4,901.83	1,169,626.76	1,169,626.76
Total in Alabama .....	455,061.71½	1,813,732.74	310,576.94	1,061,559.19	721,573.30½	61,778.74½	504,689.23½	149,576.94½	85,542.55½	4,797.79	17,732.11½	54,839.44	36,107.49½	54,839.44	36,107.49½	2,041,672.14	2,041,672.14
Washington, Mississippi .....	26,338.77	52,077.54	60,292.57	120,383.14	89,642.38	6,536.24	20,805.55	37,355.23	22,481.62	1,207.47	2,000.69	1,110.44	555.22	1,110.44	555.22	112,514.29	112,514.29
Detroit, Michigan Ter. ....	1,942.19	4,021.49	6,447.47	12,891.50	8,669.36	927.67	399.45	5,168.73	3,101.18	.....	.....	.....	.....	.....	.....	12,891.40	12,891.40
Opelousa, Louisiana .....	694.12	1,388.34	3,539.46	7,718.96	5,327.43	335.50	720.00	2,823.49	1,694.01	.....	.....	.....	.....	.....	.....	5,845.67	5,845.67
Ohio .....	87,246.21½	\$207,423.33	192,121.38	\$386,773.53	\$222,735.47½	\$13,566.69½	\$57,154.50½	\$103,394.72½	\$59,289.81½	5,065.89	\$8,478.17½	3,756.21	\$9,664.56	3,756.21	\$9,664.56	\$73,178.86	\$73,178.86
Indiana .....	303,000.43	401,366.47	153,480.69	318,300.31	173,942.57	17,461.10	104,928.33	46,574.31	27,719.31	4,090.67	5,572.27	21,707.69	11,161.32	21,707.69	11,161.32	478,380.32	478,380.32
Illinois .....	307,465.72	416,907.29	106,906.71	203,584.31	127,847.63½	10,768.56	115,391.46	7,788.74½	4,689.40	1,606.29½	2,775.24	37,092.61	48,165.06½	37,092.61	48,165.06½	424,363.43	424,363.43
Mis. Terr. ....	136,962.92½	414,367.22	102,383.68½	259,359.08	155,965.92½	12,877.54	117,553.62	24,228.64	14,586.03	325.54	827.10	8,347.09½	5,152.96	8,347.09½	5,152.96	453,121.83	453,121.83
Alabama .....	415,001.71½	1,813,732.74	310,576.94	1,061,559.19	721,573.30½	61,778.74½	504,689.23½	149,576.94½	85,542.55½	4,797.79	17,732.11½	54,839.44	36,107.49½	54,839.44	36,107.49½	2,041,672.14	2,041,672.14
Mississippi .....	26,338.77	52,077.54	60,292.57	120,383.14	89,642.38	6,536.24	20,805.55	37,355.23	22,481.62	1,207.47	2,000.69	1,110.44	555.22	1,110.44	555.22	112,514.29	112,514.29
Louisiana .....	694.12	1,388.34	3,539.46	7,718.96	5,327.43	335.50	720.00	2,823.49	1,694.01	.....	.....	.....	.....	.....	.....	5,845.67	5,845.67
Michigan Territory .....	1,942.19	4,021.49	6,447.47	12,891.50	8,669.36	927.67	399.45	5,168.73	3,101.18	.....	.....	.....	.....	.....	.....	12,891.40	12,891.40
Total .....	1,140,740.09½	3,314,864.32	322,068.92½	2,361,872.41	1,511,664.07½	129,252.63½	921,051.76½	389,589.22½	222,124.92	17,183.56½	37,776.68	126,933.48½	103,806.38	126,933.48½	103,806.38	3,906,578.34	3,906,578.34

## RECAPITULATION.

## B.

*Statement of the balances due from the purchasers of the public lands prior to July 1, 1820, at the several periods designated.*

Land offices.	December 31, 1820.	September 30, 1822.	March 31, 1824.	June 30, 1825.
Marietta .....	\$90,777 47	\$43,641 50	\$37,219 00	\$28,941 58
Zanesville .....	370,692 44	192,196 73	175,552 69	130,436 31
Steubenville .....	257,810 62	131,350 39	122,670 69	89,533 07
Chillicothe .....	314,825 94	152,050 16	136,587 13	95,138 51
Cincinnati .....	994,844 19	526,818 00	499,234 36	302,307 83
Wooster .....	497,857 77	214,814 09	179,385 19	118,141 09
Total in Ohio .....	2,527,008 43	1,260,870 87	1,150,649 06	747,388 39
Jeffersonville .....	909,752 45	542,951 14	523,747 38	310,779 46
Vincennes .....	1,304,416 18	669,225 01	647,564 32	304,429 75
Total in Indiana .....	2,214,168 63	1,212,776 15	1,171,311 70	705,209 21
Kaskaskia .....	490,163 36	204,014 61	193,479 18	81,416 75
Shawneetown .....	724,812 85	430,065 70	411,229 73	203,352 71
Edwardsville .....	527,024 94	206,288 53	191,791 70	72,832 88
Total in Illinois .....	1,742,000 45	840,368 84	796,500 61	357,602 34
Franklin .....	1,504,119 76	339,312 23	321,431 05	\$3,891 47
St. Louis .....	859,816 56	362,995 20	344,067 68	127,850 30½
Total in Missouri .....	2,363,936 32	702,307 43	665,498 73	221,741 77½
St. Stephen's .....	1,267,692 41	695,448 85	707,831 09	355,706 99
Cahaba .....	3,924,080 47	2,269,562 13	2,158,070 59	1,022,714 19
Huntsville .....	6,014,073 86	2,801,268 55	2,792,128 57	2,298,864 19
Total in Alabama .....	11,206,446 74	5,766,279 53	5,658,028 25	3,677,285 37
Washington, Mississippi .....	972,023 38	684,093 50	673,933 07	527,351 41
Opeolousas, Louisiana .....	60,019 76	55,584 86	55,584 86	48,516 71
Detroit, Michigan Territory .....	127,746 46	50,097 43	49,767 72	37,670 44

## RECAPITULATION.

States.	December 31, 1820.	September 30, 1822.	March 31, 1824.	June 30, 1825.
Ohio .....	\$2,527,008 43	\$1,260,870 87	\$1,150,649 06	\$747,388 39
Indiana .....	2,214,168 63	1,212,776 15	1,171,311 70	705,209 21
Illinois .....	1,742,000 45	840,368 84	796,500 61	357,602 34
Missouri .....	2,363,936 32	702,307 43	665,498 73	221,741 77½
Mississippi .....	972,023 38	684,093 50	673,933 07	527,351 41
Alabama .....	11,206,446 74	5,766,279 53	5,658,028 25	3,677,285 37
Louisiana .....	60,019 76	55,584 86	55,584 86	48,516 71
Michigan Territory .....	127,746 46	50,097 43	49,767 72	37,670 44
Total .....	21,313,350 17	10,572,378 61	10,221,274 00	6,322,765 04½



## C.

*Statement showing the period to which the accounts of the following districts were adjusted prior to July, 1823, as also the latest adjustment and rendition of those accounts.*

Land offices.	Periods to which the accounts were adjusted.	Periods to which the accounts are adjusted.	Periods to which the accounts are rendered.	Remarks.
Jeffersonville .....	September 30, 1831 .....	June 30, 1825 .....	September 30, 1825 .....	
Maricetta .....	December 31, 1821 .....	do .....	do .....	
Zanesville .....	June 30, 1822 .....	do .....	do .....	
Vincennes .....	June 30, 1821 .....	do .....	do .....	
Fort Wayne .....	do .....	do .....	do .....	
Crawfordsville .....	December 31, 1822 .....	do .....	do .....	
Cincinnati .....	March 31, 1822 .....	do .....	do .....	
Stoubenville .....	September 30, 1822 .....	do .....	do .....	
Chillicothe .....	do .....	December 31, 1824 .....	do .....	
Wooster .....	do .....	June 30, 1825 .....	do .....	
Piqua .....	December 31, 1822 .....	do .....	do .....	
Delaware .....	September 30, 1822 .....	do .....	do .....	
Brockevelle .....	December 31, 1820 .....	do .....	June 30, 1825 .....	

*Accounts adjusted by Sterling Gresham since July 1, 1823.*

Land offices.	Date to which the accounts were settled.	Date to which the accounts have been settled.	Date to which the accounts have been rendered.	Remarks.
Huntsville .....	May 22, 1820 .....	June 30, 1825 .....	September 30, 1825 .....	
Washington .....	December 31, 1822 .....	do .....	do .....	
St. Stephen's .....	December 31, 1818 .....	June 30, 1824 .....	June 30, 1824 .....	
Cahaba .....	June 30, 1819 .....	do .....	December 31, 1824 .....	
Tuscaloosa .....	December 31, 1822 .....	June 30, 1825 .....	September 30, 1825 .....	
Sparta .....	do .....	do .....	do .....	
Augusta .....	September 30, 1822 .....	do .....	do .....	
Choctaw .....	March 31, 1823 .....	do .....	do .....	
Batesville .....	None .....	do .....	do .....	
Little Rock .....	December 31, 1821 .....	March 31, 1825 .....	March 31, 1825 .....	
Talinassee .....	None .....	June 30, 1823 .....	June 30, 1825 .....	

*Statement of the accounts examined and adjusted by E. A. Vail, subsequent to July 1, 1823.*

Offices.	Date of the last adjustment at the above period.	To what time adjusted.	To what time received.	Remarks.
Kaskaskia .....	September 30, 1820 .....	June 30, 1825 .....	September 30, 1825 .....	
Shawneetown .....	June 30, 1821 .....	do .....	do .....	
Edwardsville .....	March 31, 1823 .....	do .....	do .....	
Vandalia .....	December 31, 1820 .....	do .....	do .....	
Palestine .....	do .....	do .....	do .....	
Springfield .....	do .....	do .....	do .....	
Detroit .....	December 31, 1821 .....	do .....	do .....	
Monroe .....	do .....	do .....	do .....	
St. Louis .....	June 30, 1820 .....	March 31, 1824 .....	March 31, 1824 .....	
Franklin .....	December 31, 1821 .....	June 30, 1825 .....	September 30, 1825 .....	
Cape Girardeau .....	do .....	do .....	do .....	
Palmyra .....	do .....	do .....	do .....	
Ouchita .....	December 31, 1821 .....	do .....	do .....	
Opelousas .....	May, 1813 .....	September 30, 1825 .....	do .....	
New Orleans .....	September 30, 1821 .....	March 31, 1825 .....	do .....	
St. Helena Court-house .....	do .....	do .....	do .....	No lands in market.

*Statement of lands sold at New York and Pittsburg, &c.*

In 1787, at New York.	Acres sold, 72,974. Proceeds .....	\$87,323 59
	Amount of deposits forfeited .....	29,772 63
	Total amount of money received .....	117,108 94
In 1797, at Pittsburg.	Acres sold, 43,446.61. Proceeds .....	\$98,901 59
	Amount of deposits forfeited .....	523 94
	Total amount of money received .....	100,427 53
In 1792. Lands sold to the State of Pennsylvania.	Acres, 202,167. Paid for in certificates of the public debt .....	\$151,640 25
There were no lands sold at auction in Philadelphia.		

*Report from the bounty land office.*DEPARTMENT OF WAR, *Bounty Land Office, November 23, 1826.*

SIR: Agreeably to instructions I herewith hand you the annual report of the business of this office for the year ending the 22d instant.

I have the honor to be, with great respect, sir, your most obedient servant,

WM. M. STEUART, *Clerk.*HON. JAMES BARBOUR, *Secretary of War.*

*Abstract of the number of warrants issued for military bounty lands from November 23, 1825, to November 22, 1826, inclusive, for services rendered during the late war.*

First. Authorized by the act of December 24, 1811, and January 11, 1812.....	142
Second. Authorized by the act of December 10, 1814.....	2
Total.....	144
Whereof the first description, 142 granted, 160 acres each, amounting to.....	22,720
Whereof the second description, 2 granted, 320 acres each, amounting to.....	640
Acres.....	23,360
At the termination of the year ending September 30, 1825, there remained on file, suspended, awaiting further evidence.....	466
Claims since received, from October 1, 1825, to September 30, 1826.....	509
Total.....	975
Whereof the number admitted, for which warrants issued.....	156
Whereof the number previously satisfied.....	91
Whereof the number rejected, not entitled.....	61
Whereof the number returned for further evidence, &c.....	201
Whereof the number remaining on file.....	466
Total.....	975
The number of claims for "five years' half-pay pension," in lieu of bounty lands remaining on file at date of last report, were.....	15
Subsequently called up and admitted.....	1
	14
The number of "Canadian volunteer" claims remaining the same as at last report.....	125
The number of revolutionary claims on file at date of last report, awaiting additional vouchers, were.....	52
Claims received from October 1, 1825, to September 30, 1826, inclusive.....	813
Total.....	865
Disposed of as follows, viz:	
Number of warrants issued.....	45
Number of warrants rejected, not being entitled.....	547
Number of warrants admitted as being entitled, but awaiting additional documents or authority to call and receipt for the warrants.....	80
Number of warrants suspended and still kept on file till known to what line of the army they were attached.....	193
	865
To colonels.....	1 of 500 acres..... 500
To lieutenant colonels.....	3 of 450 acres each..... 1,350
To majors.....	1 of 400 acres..... 400
To captains.....	7 of 300 acres each..... 2,100
To physicians.....	1 of 300 acres..... 300
To lieutenants.....	10 of 200 acres each..... 2,000
To privates.....	22 of 100 acres each..... 2,200
Total warrants.....	45
Total acres.....	8,550

The fifty-nine revolutionary land warrants signed by Generals Knox and Dearborn remain still on file, not having as yet been called for.

WM. M. STEUART, *Clerk.*WAR DEPARTMENT, *Bounty Land Office, November 23, 1826.*

19TH CONGRESS.]

No. 528.

[2D SESSION.]

## APPLICATION OF ARKANSAS FOR RELIEF TO THE SETTLERS ON THE CHOCTAW LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 7, 1826.

*To the honorable Senate and House of Representatives of the United States of America in Congress assembled :*

The memorial of the general assembly of the Territory of Arkansas respectfully represents: That your memorialists have noticed, with deep interest and much concern, that the general government has not been able, by the late treaty made and concluded with the Choctaw nation of Indians at the city of Washington, on January 20, 1825, to acquire from that nation all their tract of country within our Territory which had been settled and improved by a civilized and industrious population previous to the cession of this part of our Territory to the said Choctaw nation of Indians by treaty at Doak's Stand of October 18, 1820.

Your memorialists, therefore, are called upon by that sacred sense of duty which they owe to themselves, and by that regard which is due to a distressed and ruined portion of their community, to notice that distress and misery which await a portion of their fellow-citizens in Crawford and Miller counties, by being driven from their improvements, their houses, and homes, and to implore the munificence of the general government in their behalf.

Your memorialists would, while they appeal to the sympathy, magnanimity, and beneficence of a great nation, invite the consideration of Congress to the peculiar situation of this distressed portion of their fellow-citizens previous to the late treaty with the Choctaws of January 20, 1825.

The tract of country from which our citizens are about to be driven was acquired by the United States from the Quapaw nation of Indians by treaty of August 24, 1818, by which it became a part of the public lands of the United States, and over which the legislature of Missouri, to which this tract of territory then appertained, extended its civil jurisdiction.

That about the year 1819 a part of the said public lands was, by the authority of the United States, surveyed into townships, and subdivided into sections as far as ranges 38 and 39, and within about eight miles of the present western boundary line of the Territory of Arkansas, as lately established by act of Congress.

That on January 5, 1819, an order issued from the headquarters of the division of the south, directed to the commanding officer of the United States troops at Fort Smith, of which the following is an extract:

"In pursuance of orders from the Secretary of War, immediate measures will be taken to remove all settlers on the Red river above the mouth of the Kiamiche, and on the Arkansas above the mouth of the Poto, and to the west of the main branches of the Kiamiche and Poto, and a line drawn between their sources."

The settlers, therefore, in pursuance of the aforesaid order, immediately removed and located themselves below and east of said Kiamiche and Poto upon lands, to the settlement of which they did not conceive there existed any prohibition, as about that time, or soon afterwards, a part of said public lands was surveyed into sections as if with a view to encourage and invite emigrants.

That, under these encouragements and flattering prospects held out by the authorities of the government, there was an immediate and considerable increase of the settlements east of the Kiamiche, on Red river, in Miller county, and below and east of the Poto, in Crawford county, upon and near the lands surveyed into sections as aforesaid, which settlements were then made with a view to a permanent residence, and, consequently, the improvements were large and valuable.

That these settlers, to whose situation your memorialists would call the attention of Congress, became greatly alarmed by the treaty of October 18, 1820, aforesaid, by which the tract of country upon which they did then reside was ceded to the Choctaw Indians, but were soon afterwards more reconciled by the assurances from the President of the United States, received, as they believe, by James Miller, late governor, and also by the late and present delegate in Congress from this Territory, that it was not the intention of the general government to disturb or remove any of the settlers from the lands then ceded to the Choctaw Indians; and that the settled part of said country, ceded to the said Indians, would be repurchased from them; which repeated assurances greatly satisfied our citizens, and they continued to enlarge and extend their improvements.

Your memorialists further respectfully represent that, from the time of their first settlement where they now reside, a civil government and civil jurisdiction has been extended to them, and courts of law established and held within the tract of country which, by the late treaty with the Choctaws, January 20, 1825, has been transferred or reserved for said Indians, and from which a considerable portion of these distressed persons are to be removed..

Your memorialists are well aware that the general government has heretofore removed from Indian lands citizens of the United States who had settled upon lands owned at the time of such settlement by any Indian tribe or nation; but the unfortunate part of our fellow-citizens, whose ruinous situation has excited and enlisted our sympathies, settled upon the public lands of the United States when a part of these public lands had been surveyed into sections, and previous to the treaty of October 18, 1820, by which it was transferred to the Choctaw nation of Indians; and they had, therefore, the strongest reason to believe that they would not in future be molested or deprived of their quiet possessions.

Your memorialists would further respectfully observe that they have been informed that an order issued from the Department of War, in the year 1823, directed to the commanding officer of the United States troops stationed at Fort Smith, which commanded the removal of all those who had settled on the Red river above the mouth of the Kiamiche, and on the Arkansas above the Poto, and a line drawn between their sources; which order, being in accordance with that of January 5, 1819, seems clearly to imply and strongly confirms the belief that all persons settled below said line would not be disturbed in their possessions, inasmuch as a prohibition to settle above said line inferred a permission on the part of the government to settle below the Kiamiche on Red river, and Poto on Arkansas.

Your memorialists would also further represent to the consideration of Congress whether it is not, under all the circumstances in which these settlements and improvements were made, extremely unjust that they should now be forced and driven by our own government from the farms and improvements



which they had labored for years to make, under the faith, as they believed, of the government by whom they are to be deprived of their homes, and doomed to poverty and ruin, without some little relief, some small remuneration for years employed in laborious industry.

It is therefore submitted to the general government whether some provision either in money or lands should not be made for the relief of those few of their distressed fellow-citizens who have made the improvements, as aforesaid, east of the Poto and Kiamiche, and west of the Choctaw eastern boundary line as established by the treaty of January 20, 1825. And your memorialists will, as in duty bound, ever pray.

ROBERT BEAN, *Speaker of the House of Representatives.*  
JACOB BARKMAN, *President of the Council.*

19TH CONGRESS.]

No. 529.

[2D SESSION.]

## LEAD MINES IN ILLINOIS AND MISSOURI, AND OPERATIONS THEREAT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 8, 1826.

*To the House of Representatives of the United States:*

I transmit to the House of Representatives a report from the Secretary of War, with sundry documents containing the information requested by the resolution of the House of the 8th of May last, relating to the lead mines belonging to the United States in Illinois and Missouri.

JOHN QUINCY ADAMS.

WASHINGTON, December 8, 1826.

DEPARTMENT OF WAR, December 7, 1826.

The Secretary of War, to whom was referred the resolution of the 8th of May last, requesting "the President of the United States to cause to be obtained, and lay the same before Congress at the next session, a statement showing the number of persons engaged in working the lead mines belonging to the United States in Illinois and Missouri; the quantity of mineral raised at them; the quantity of land that has been ascertained by discovery to be mineral land; and, as nearly as may be, the quantity of lead made at those mines since the first day of July last; and also a statement showing the number of persons engaged in working such mines in said States as belong to private individuals or companies; and, as nearly as may be, the quantity of mineral raised and lead made at those mines since the period aforesaid," has the honor to submit herewith a report of the colonel of ordnance, made in compliance with the resolution.

I have the honor to be your obedient servant,

JAMES BARBOUR.

THE PRESIDENT of the United States.

ORDNANCE DEPARTMENT, Washington, December 4, 1826.

SIR: In compliance with your instructions to collect and transmit the information required by a resolution of the House of Representatives of the 8th of May last, I have the honor to state that the requisite instructions were given to the superintendent of the lead mines to collect and forward the information required. And I have now the honor to submit his report, which contains all the information upon the subject which it has been in his power to collect.

It will be observed that the report of the superintendent is not limited to the matters mentioned in the resolution, but embraces others which, although not expressly required by the terms of the resolution, are considered material to the subject of it. It is considered proper, therefore, to present the report entire, as in this state it gives a fuller account of the present condition and future prospects of the public lead mines.

The superintendent renews a proposition, heretofore submitted, for opening a road from Potosi to the Mississippi river, and adds another for improving the navigation of the "Upper Mississippi." Both of these propositions are conceived to be of sufficient importance to merit the consideration of the proper authorities. It is believed that the expense of carrying them into effect would in a short time be reimbursed by the increased product of the lead mines. The improvement recommended in the navigation of the Mississippi, it is conceived, would be important to the public service in other respects than in promoting the interests of the lead mines, as it would, doubtless, greatly lessen the difficulties of communicating with the remote military posts situated on the headwaters of that river.

It is presumed that legislative sanction is necessary to measures like these now proposed. They are therefore respectfully submitted in connexion with the report which is made in answer to the resolution.

I have the honor to be, sir, your most obedient,

GEO. BOMFORD, *Brevet Colonel, on Ordnance service.*HON. JAMES BARBOUR, *Secretary of War.*

UNITED STATES LEAD MINE OFFICE, *St. Louis, Missouri, September 30, 1826.*

SIR: In compliance with your instructions, I proceed to report the number of persons engaged in working the lead mines, the property of the United States, in Illinois and Missouri; the quantity of mineral raised at them, and the lead made since July 1, 1825; the number of persons engaged in working *private* mines; the quantity of mineral raised at them, and the quantity of lead made since July 1, 1825, and the quantity of land that has been, by discovery, ascertained to be mineral land; which information is required by a resolution introduced into the House of Representatives by the Hon. D. P. Cook at the last session of Congress, a copy of which was received with your instructions.

It is necessary to premise that a portion of the information required by the resolution could only be obtained in an incomplete and somewhat unsatisfactory manner, owing to causes beyond my control, and which will be explained in this report. So far as was practicable, I have given facts; when compelled to resort to other sources, I have used due caution in adopting the estimates and information obtained.

*First.* The number of persons engaged in working the public lead mines.

I am enabled to give with accuracy the number of persons at the public mines in Illinois only, or rather at the mines near the north boundary of that State, and which are supposed to be within its limits, commonly known as the Fever River mines, viz: On July 1, 1825, there were at those mines about one hundred men; on December 31, 1825, one hundred and fifty-one men; on March 31, 1826, one hundred and ninety-four; on June 30, 1826, four hundred and six; and on August 31, 1826, (the date of the last report,) there were four hundred and fifty-three men. You will observe the increase has been gradual, and the number is still augmenting. In *Missouri*, the number of miners, teamsters, and laborers of every description, (including slaves,) at the public and *private* mines, may be *estimated* at about two thousand. They do not, however, work constantly at mining; many are farmers, &c., who, with their slaves, devote to mining such time only as they can spare from their other pursuits. I am of the opinion that not more than the quantum of labor to be derived from the steady application of one thousand men is applied to the mining and other incidental business connected with it in Missouri. The miners working for themselves generally labor when they please and as they think proper. The proprietors or lessees of the mines have no control over the miners other than that of requiring them to deliver the mineral they obtain; they are constantly changing from one mine to another, and it is impossible, under such a state of things, to ascertain the amount of labor bestowed. The *estimate* I have given is from observation, and information derived from experienced persons.

*Second.* The quantity of mineral raised and lead made at the public mines.

At the Fever River mines, (Illinois,) from July 1, 1825, to August 31, 1826, there were 2,416,356 pounds of mineral obtained, and 1,042,288 pounds of lead made, leaving on hand, at the latter date, mineral and *ashes* (fine mineral partly desulphurated) sufficient to make 1,380,000 pounds of lead, including about 1,200,000 pounds of mineral raised at the mines, but not taken to the furnaces. In *Missouri*, from July 1, 1825, to September 30, 1826, there were obtained from the public mines under lease 2,641,231 pounds of mineral, and 1,738,427 pounds of lead were made, leaving mineral and ashes on hand at the latter date sufficient to make 170,000 pounds of lead.

*Third.* The number of persons engaged in working the private lead mines in Illinois and Missouri.

As respects *Missouri*, I have already stated that the miners work indiscriminately at public and private mines. In Illinois there are no private mines wrought.

*Fourth.* The quantity of lead made at *private* mines.

I am compelled to *estimate* when answering this. Persons are naturally unwilling to disclose the amount of their business. From the best sources within my reach, I am of the opinion that about 8,000,000 of pounds of lead were made in Missouri from July 1, 1825, to September 30, 1826, from mines other than those leased from the United States. At least one-fourth of that amount was, however, made from mineral surreptitiously obtained from public mineral lands, principally in small quantities at a time, leaving about 6,000,000 of lead as the product of the mines owned or claimed by individuals in Missouri.

*Fifth.* The quantity of land which has been ascertained by discovery to be mineral land.

I am somewhat at a loss to answer this. If it is meant to inquire the number of acres from which lead ore, *in quantity*, has been obtained in Missouri, it may be estimated at 3,000 acres. This amount, it may be observed, is very small compared with the reservations from sale on account of mineral appearances; but as the land is surveyed and subdivided into tracts, the smallest of which is eighty acres, when one acre is found to be mineral land, it is necessary to reserve the whole tract, as the acre of mineral land may produce an immense quantity of mineral in a very short time. The Mine Shibboleth has, since its discovery in 1811, produced at least \$500,000 worth of lead. This mine covers less than thirty acres. One public mine leased in November, 1824, has, from that period until September 30, 1826, produced 680,000 pounds of lead, exclusive of about 180,000 pounds taken from it previous to the lease. This mine does not cover more than ten acres. Another lease of a mineral tract, of less than eighty acres, has produced about 600,000 pounds of lead principally from one vein covering but a small superficial extent. But if the information required by the resolution is the amount of land which, from geological and mineralogical features, is considered mineral land—land possessing such indices as to leave no reasonable doubt of its containing lead mineral under the surface—the amount may be stated at present at 400,000 acres. This amount includes all which has been reserved from sale by law, as well as all the land *claimed* and held under French and Spanish grants, pre-emption and settlement rights, and all other *incomplete* titles which happened to be within the bounds of the reservations.

I have thus replied to the resolution in the best manner I have had it in my power to do, and I will take the liberty to subjoin such other remarks as may probably be illustrative or interesting.

From July 1, 1825, to September 30, 1826, there has accrued as rent of the public mines 278,071 pounds of lead, and there is mineral now on hand sufficient to yield 155,000 pounds more—making a total of 433,071 pounds, which, at the present price, would amount to \$21,653 55. After deducting the expenses of collection, transportation, &c., &c., (about \$3,000,) the clear revenue would be \$17,653 55 for a little more than one year, and this has accrued under unfavorable circumstances; for, in Missouri, owing to a very wet season, mining has been prosecuted with but little success, and, as before stated, much has been lost to the United States from unauthorized mining. At Fever river the operations were not fairly commenced until June. Previous to that time but two furnaces were in operation; subsequently *five* have been in constant activity. Although the amount of rent above stated is of little comparative importance to the government, yet it is satisfactory to know that the business is in a flourishing con-

dition, and bids fair to increase annually. The number of miners at Fever river is increasing rapidly. Such are the inducements to individual enterprise and industry at those mines, that numbers of the most respectable inhabitants of the "Upper Mississippi" are resorting to them as a source of reward for labor not attainable elsewhere. The market those mines afford for the agricultural productions of the upper settlements is already considerable, and is increasing, as the price of labor at the mines precludes competition with the settlements below, where it is cheap and the cost of transportation trifling. Believing, as I do, that the main object of the government is "a full development of the mineral resources of the country previous to a sale of the lands to individuals," I again take the liberty to recommend to favorable notice the plan of making a road from Potosi (the centre of the principal mines at present wrought in Missouri) to the Mississippi river, which I had the honor to suggest in my report last winter. I am induced to repeat the recommendation from a thorough conviction of the beneficial tendency of the road as respects the value of the public mineral lands, particularly should they be brought into market. I would, for the same reason, also, respectfully urge the consideration of what I conceive to be a still more important measure. I allude to clearing out a boat-channel through the rapids in the "Upper Mississippi"—the first near the mouth of the river Des Moines, the other just above Fort Armstrong or Rock Island. From information which may be relied on, I believe a boat-channel affording three and a half feet water at the lowest stages of the river may be cleared out for a sum not exceeding \$30,000. This sum will be about the amount of two years' rent of the Fever River mines even should no material increase take place in their product. The object is one of great importance in many points of view, independent of facilitating the intercourse with and consequent development of the lead mines. The impediments consist principally in loose rocks in the bed of the river. In a communication from one of the most intelligent residents at the upper mines on this subject, he states that he has been detained, in low water, ten days at each of the rapids above referred to, by obstacles which he is of opinion, from particular observation, could be removed for \$20,000. These rapids are the only serious impediments in the navigation of the "Upper Mississippi" as far up as the Falls of St. Anthony, more than eight hundred miles above St. Louis. Steamboats ascend that distance in the spring of the year under present circumstances; but were the improvements suggested to be made in the rapids, it is believed the intercourse would be continued for six months in the year.

The extent of the mineral region of the "Upper Mississippi" is immense. That portion of it now wrought for lead ore is trifling compared with the whole, and yet it has yielded \$6,000 dollars' worth of lead during the present year. From Apple river (and from below it in fact) to the Wisconsin, a distance of more than one hundred miles, the same geological features present themselves, and there is nothing but labor required to develop the immense value of the country. On the 1st of June last, from the returns of mineral obtained at the Fever River mines during the preceding year, the average amount to each miner was found to be four hundred and fifty-seven dollars for his year's labor. Subsequent returns are equally large. This state of facts leave but little doubt that additional labor will soon be applied when it will be so well rewarded.

With respect to the trespasses on the mineral and timber of the public lands in the mine district of Missouri, I am still of the opinion that the plan of leasing larger quantities than three hundred and twenty acres to one person or company, which I proposed to the department last winter, will have a beneficial tendency. It is the interest of the lessee to prevent all unauthorized proceedings on the land he has leased, be the amount great or small. There are frequently ten or fifteen places in a township where lead ore in small quantities is obtained, neither of which are sufficient to induce a person to lease it, as, under the present regulations, he can have but one lease of three hundred and twenty acres, (to be taken in one place,) even if his ability to work the mines found on five times that quantity be known; consequently all are desirous of leasing the productive mines only, whilst those of less importance are neglected. These places become the resort of trespassers, and although the amount of mineral obtained by them at any one of such places may be small, the aggregate is very large. Not only so, but the pretence of having obtained the mineral from public land not leased is held forth, when, in fact, it is frequently obtained from that which is leased, and also from private property, to the serious injury of the owners. Unfortunately there are persons engaged in smelting lead ore who are so regardless of all moral restraint or law as to make it a practice to purchase ore at an advanced price, (equivalent to the rent required by the United States,) no matter how obtained. This is a serious evil to the whole of the owners of mines, public and private, and I know of no better plan to suppress it than to put all the land at present wrought for ore under lease. When the quantity obtained from five or six of the smaller mines is no greater than that obtained from one of the most productive, I would lease the whole of the former to one person, and thereby place the lessees more upon an equality. The only objection to this plan which suggests itself to me is monopoly, and that is already guarded against by upwards of sixty leases which are now granted, and which are so located as to destroy the connexion of any very large tracts that it would be requisite they should have.

As respects the reservations from sale, it is nothing more than common justice to place all the residents of the mine districts on an equality, either by reserving the whole of the mineral lands from sale or none of it. So long as a portion only of the mineral land is reserved, it holds out a powerful inducement to the adroit and crafty speculator to purchase the remainder, whilst those who are more scrupulous of taking the advantage of the want of information on the part of the government now participate in the great profits which they frequently see others obtain by unworthy means. I have therefore not hesitated to make reservations of mineral land so far as my information would justify. The land is generally poor, rocky, broken, and difficult of access, and it is undeniable that, were it not for the lead mines, those small tracts of good land which are interspersed throughout the mine districts would not sell for scarcely anything. It is very probable that some small tracts, apparently fit for cultivation only, may be reserved as containing lead mines; but such places will be required for the smelting establishments on the adjoining lead mines whether they be leased or sold; and, as the measures now taking are of a general and not of a partial character, it is presumed that the sale of a few small and detached tracts of cultivated land, in so large a district as that of the mines, can be of but little moment whether it takes place now or a few years hence. Should a contrary opinion, however, prevail, I can re-examine the country and release from the reservation the tracts alluded to should any such be found.

In my former report I adverted to the wasteful manner in which the lead ore was smelted. Should it meet your approbation, I would introduce, by way of experiment, the improved modern "reverberatory furnace;" and, as nothing is more difficult than to convince the generality of workmen that any improvement can be made in the process of a business they have grown gray in following, it will be requisite, in



order to have it introduced, to build the furnace and put it in operation at the public expense. It is the opinion of some of the most experienced smelters that a very material saving would be made by the adoption of this description of furnace in lieu of the one at present in use here. I am convinced of the fact myself, and that the cost of the experiment would soon be repaid by the increase of the product, and consequently of the rent of the mines, which is, it appears to me, one of the legitimate objects of the government in regard to its lead mines. I therefore trust that the proposition will meet with a favorable consideration. The improvements in the metallurgical department of the French "School of Mines" has amply repaid the expenses attending them. We have authentic information on this subject. In one instance, at the lead mines of "Pescy," the increase of lead from the ore was *forty-six per cent.*, and which was effected by an improvement upon a plan of smelting which had existed for ages. The mine district of Missouri affords a clay of superior quality for making fine brick, very suitable for the new furnace should it be adopted. Another advantage in this furnace is that it requires much less fuel than the old, which is a consideration of importance in this country where it is so scarce.

With respect to the profits arising to the owners of the private mines, which it would appear to be in part the object of the resolution to ascertain, it is considered that the only difference between the owners and lessees of mines is the amount of the rent required by the United States. Private mines are frequently leased upon the same terms as those of the public. They are worked in the same manner also.

I remain, sir, very respectfully, your most obedient,

M. THOMAS,

*Lieutenant United States Army, Superintending United States Lead Mines.*

Colonel GEORGE BOMFORD, on Ordnance Service, Washington, D. C.

19TH CONGRESS.]

No. 530.

[2D SESSION.]

# APPLICATION OF THE CITIZENS OF MOBILE, ALABAMA, FOR THE ADJUSTMENT OF TITLES TO LAND IN THAT CITY.

COMMUNICATED TO THE SENATE DECEMBER 15, 1826.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorial and petition of the undersigned inhabitants of the city of Mobile respectfully represent: That the titles and claims to land in this city, although they have often attracted the attention of Congress, and have been the subject of several laws, yet remain in an unsettled and embarrassing situation, injurious to the general prosperity of the place, the fruitful source of expensive lawsuits and contention among our citizens, and, at the same time, exposing the honest, industrious man to the wiles and machinations of the cunning, artful knave.

Thirteen years have nearly elapsed since Mobile has become a component part of the United States; and the inhabitants have ever anxiously looked to Congress for an adjustment of their claims, and, although two boards of commissioners have examined and reported upon them, and several laws have been enacted on the subject, they still find themselves in the same embarrassing, perplexing, and unhappy situation—not secure in the possession of the houses which sheltered them under a foreign government. We would paint no fiction; we feign not our insecurity. The practice of making simulated Spanish grants and papers existed before the American government, and we have reason to believe that machinations of this nature are not yet extinct. New grants, worn, smoked, and antedated—old in date, new in existence—threaten our oldest and dearest possessions; we feel, we know, the difficulties attending the adjustment of land claims in this city. The Spanish records were carried away, or retained here in such careless keeping as to afford ample opportunities for fraudulent practices; claims for mistaken quantity, either more or less, have, in some instances, been honestly exhibited and allowed; certificates have been wrongly issued, giving more or less land than ought to have been given; some have gone to the hands of wrong persons, and some have been lost or destroyed. The surveys are, of course, equally wrong and injurious. Such is the uncertain situation of land claims in this commercial depot of Alabama. In such a state of things, rogues will profit, honest men must suffer; but it is desirable to know the extent of suffering.

Many of us have witnessed, from year to year, the sale of claims rejected by the commissioners, warranty titles given, and valuable houses built thereon. More than fifty dwellings have been erected on such spurious titles. In many instances the sellers are dead, and nought remains but the remembrance of their deeds. The buyers have been deceived by artful men, aided by the long delay of the government to designate clearly their own. The value of lots has advanced from hundreds to thousands of dollars. Shall such purchasers be now turned out from their improvements and their dwellings? Their industry and the growth of the city have given the present value. Ten years ago the same ground was not worth fencing. The possessors of such property must now appeal to the justice and liberality of the government.

That the present situation of land claims in this city may be faithfully and impartially examined into, that errors may be corrected and frauds exposed, your petitioners solicit that commissioners distinguished for talent and integrity, strangers to our population, unprejudiced and impartial, may be appointed to revise and examine the respective claims, with such powers as Congress may, in their wisdom, deem proper to grant them. It is also important that the commissioners should look at the grounds claimed. Had this been done by the former commissioners, it might at once have excited suspicion, and led to an investigation and rejection of the claim, and thus prevented the grant of valuable ground for the prodigious improvement of a pig-stye upon it. Your petitioners further beg leave to remark, that they have learned that a bill in relation to these land claims was before the last Congress, which proposed to appoint the register and receiver of the land office at Jackson Court-house commissioners to examine these claims. The latter of those officers is well known to your petitioners. He long resided in this place, and left it

under circumstances we forbear to detail. They were such as give him no claim to our confidence; and we beg leave to add, as a duty we owe ourselves and the government, that we might be more satisfactorily and impartially represented.

Addin Lewis.  
Henry V. Chamberlain.  
P. H. Hobart.  
T. F. Toulmin.  
Robt. L. Crawford.  
Jack F. Ross.  
Philip McLoskey.  
Diez McCoy.  
Edward Hall.  
J. W. Moore.  
L. Judson.

Robert E. Center.  
E. Montgomery.  
Thos. W. Dailey.  
Moscs Sewall.  
Daniel Stow.  
Gorham Davenport.  
Wm. Jones, jr.  
W. R. Hallett.  
K. Wilson.  
P. W. R. Hallett.

William Raser.  
Rob. Higgin.  
Isaac Meeker.  
Martin Thaxter.  
Nich's Weekes.  
D'que Salley, jr.  
J. W. Townsend.  
Chester Root.  
Jona. Hunt.  
Thomas Murray

19TH CONGRESS.]

No. 531.

[2D SESSION.]

## LAND CLAIM IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 19, 1826.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of the heirs of Louis de la Houssaye, deceased, reported:

That at the last session of Congress the same were referred to this committee, who, on the 10th of January, 1826, made the following report:—(See No. 469.)

"Le Peltier de la Houssaye, Chevalier de la Houssaye, for themselves and the other heirs and legal representatives of Louis de la Houssaye, deceased, residents of the county of Attakapas, in the State of Louisiana, represent that sometime about the year 1813, Levin Wailes, register of the land office at Opelousas, and Louis Chachere, sworn interpreter to the board of commissioners, came to the house of the decedent, who was an old and infirm man, for the purpose of taking his deposition, and who then delivered to the said register a complete grant to him from the Spanish government for one league of land, fronting upon each side of the Bayou Cailloux, of the ordinary depth; that the said register promised to record the said grant for confirmation; that soon after their father died; that, upon inquiry at the land office, it was ascertained that the register had not only neglected to record the grant, as he had promised, but had actually lost or mislaid it, so that it could not be regained; that, in consequence of his negligence, their title to the said land has not been confirmed: wherefore they solicit the passage of an act for their relief. The proof exhibited in support of this claim is as follows: Louis Chachere swears that he was present at the house of Louis de la Houssaye with Levin Wailes, the register, for the purpose of taking the said De la Houssaye's deposition in reference to a claim entered for confirmation by the late André Martin; that De la Houssaye exhibited a concession of the Spanish government, granting to him one league of land fronting on each side of the Bayou Cailloux, which concession he handed to the register for the purpose of entering the same before the board. The affiant thinks the concession was signed by Governor Galvez, and was a complete grant; he does not recollect at what time this instrument was handed to the register. Valery Martin swears he was present at the house of De la Houssaye at the time alluded to by Chachere, but does not recollect whether the concession was handed to the register or not.

"The committee do not find the case free from difficulty. The petitioners claim under a complete Spanish title, which has been lost in the hands of a United States officer, whose duty it was to admit it to record. C. Pellerin, whose testimony is strongest as to the character of the grant, swears that Mr. de la Houssaye took possession of the land more than thirty years ago, and has always been in possession of the same, and enjoyed it as his property to the present day, and that his family is now in possession of it. He does not say the possession was *actual*, or such an one as would be produced by habitation and cultivation. The opinions of men are so variant as to what constitutes a complete Spanish grant that it seems to the committee some doubt may rest on that of Mr. Pellerin. He may in his first affidavit allude merely to an order of survey. He says he went upon the land, and located it, and took possession. The fair deduction is that he acted as Mr. de la Houssaye's agent in having the land surveyed, which was an act preliminary to that of obtaining a perfect title. It was but rarely the case that a patent was given for land prior to the location. Upon what condition this grant was given does not appear.

"As the claim is for a large tract of land, and the case susceptible of more particular and pointed proof, the committee recommend that they be discharged from the further consideration of the petitions and documents, and that they be laid on the table."

The committee do now further report, that it appears, from statements made to them by Mr. Brent, of Louisiana, that Louis Chachere and C. Pellerin, whose affidavits are filed as testimony in this case, were well acquainted with the nature of land titles under the Spanish government, and were competent judges of what were the essential requisites of a complete Spanish grant; that they were in the service of the Spanish government during the existence of that government in Louisiana, and that Mr. Chachere was selected as a translator of land titles in the western district of Louisiana on account of his knowledge of the handwriting and signatures of the different Spanish officers, and of the forms and legal requisites of Spanish grants. Both Chachere and Pellerin swear that they saw the grant above alluded to, and state it to be a complete Spanish grant. The committee do not conceive that such men as they are represented

to be could have mistaken a mere order of survey for a complete grant, and are therefore of opinion that such a grant was issued to said De la Houssaye by the said government.

The committee further report that on the 4th day of March last, on the motion of Mr. Brent, they were instructed to report a bill confirming this claim; and that a bill was accordingly reported on March 7, 1826. Under all the circumstances of this case, the committee are of opinion that the petitioners are entitled to relief, and, in pursuance of that opinion, do recommend the passage of the bill which accompanies this report.

19TH CONGRESS.]

No. 532.

[2D SESSION.]

### PRE-EMPTION RIGHTS IN THE ST. HELENA LAND DISTRICT IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 20, 1826.

Mr. GURLEY, from the Committee on Public Lands, who were instructed by a resolution of this House, on the 8th instant, to inquire into the expediency of granting to actual settlers, reported by the commissioners of the land office at St. Helena Court-house land district, in the State of Louisiana, under the provisions of the act of Congress of March 3, 1819, a right of pre-emption to a tract of land not exceeding one section, including their improvements, in all cases where such settler is not entitled to the same as a donation, or by title derived from, or confirmed by, the government of the United States, reported:

That, by the law of March 3, 1819, referred to in said resolution, the registers of the land offices in the St. Helena and Jackson Court-house land districts were required to report to the Commissioner of the General Land Office a list of actual settlers prior to the passage of the law, to be by him laid before Congress for their determination thereon.

The resolution referred to your committee proposes to extend the right of preference in the purchase of the public lands to the persons embraced in the list of actual settlers reported under the provisions of this law, and who have not received lands by donation or title derived from, or confirmed by, the government of the United States.

The act of Congress of April 25, 1812, contains a similar provision with the law of March 3, 1819; and, by the last-mentioned act, a right of preference is granted in the purchase of the public lands to every person embraced in the list of actual settlers made under the law of 1812.

Your committee can readily believe that the act before referred to, of March 3, 1819, connected with the previous legislation of Congress, induced the settlers in this district of country to believe that the privilege now asked would be extended to them, and that improvements have been made in consequence thereof which it would be extremely hard, if not unjust, to deprive them of by refusing to grant them the right of preference in the purchase of lands rendered valuable by their own labor. It is not known to the committee that any loss will be experienced by the government in giving the right of preference to lands in this district of country, as they are generally sterile and unproductive, and would not, perhaps, command in market, in a state of nature, the present minimum price at which the public lands are required to be sold.

It is proper, however, to observe that if your committee had entertained any doubt on this subject, it is removed by the law passed at the last session giving the right of pre-emption to actual settlers in the Jackson Court-house land district under the law of 1819, which is equally applicable to both. They are unable to discover any reason why a privilege should be extended to the citizens of one district and withheld from those of the other.

They therefore report a bill.

19TH CONGRESS.]

No. 533.

[2D SESSION.]

### APPLICATION OF THE LAND DEBTORS IN ALABAMA FOR FURTHER RELIEF.

COMMUNICATED TO THE SENATE DECEMBER 22, 1826.

*To the honorable the Senate and House of Representatives in Congress:*

The undersigned, inhabitants of the State of Alabama, beg leave to represent: That their situation in respect to the public land debt due from them to the United States causes the most painful anxiety to your memorialists, and they believe it will not be disadvantageous to the government to palliate it by the passage of an act for their relief.

The undersigned viewed with the liveliest interest the measure which received the unanimous approbation of the Senate at the last session, giving permission to the person who had relinquished lands to re-enter them at certain fixed prices; and, although that bill was unsuccessful, they cannot but hope that



another, founded upon similar principles, with the modifications hereinafter expressed, and embracing other classes of purchasers, will receive the favorable consideration of Congress at the ensuing session. The whole community, the occupant of every tract, is deeply interested in the passage of such an act, and while we present our claims to the justice and liberality of Congress, we are discharging a duty to ourselves and our country by submitting to that body the following facts, viz:

1st. The amount due for lands sold in Alabama previous to the abolition of the credit system was (in round numbers) \$10,800,000, nearly equal to the whole amount due from all the other States and Territories, and exceeding the debt due for the same number of acres in the other States, &c., \$8,500,000.

2d. The districts in this State which were sold under the credit system are now experiencing the greatest pecuniary embarrassments ever known to an agricultural community; and the inhabitants are wholly unable to make provision for the vast debt which is due to the government.

3d. The debt was contracted principally in 1817, 1818, and 1819, when the commerce of the whole world was at the height of prosperity; when the southern States were apparently flourishing beyond all former precedent; when produce was high and money plenty, or rather when profuse emissions of bank notes inundated the western country.

4th. Immediately thereafter, in 1820, cotton, the staple produce of Alabama, fell to less than one-half of its former value; and at the present time it is scarcely worth *one-fourth* of the fair market price in 1818, which has checked the settlement of the country and greatly reduced the value of lands.

Under these circumstances we have no other alternative, without the timely intervention of Congress, than to occupy the lands as tenants for a short term of years, and at the expiration of the term to forfeit them, a measure alike odious to one party and distressing to the other. In the meantime we must experience every sort of inconvenience incident to the unsettled state of the inhabitants, and these are obviously of such a nature, so serious and so numerous, as not to require to be particularized. And we have good reason to believe that, after a forfeiture and upon a resale, the occupant will either obtain his farm at the minimum price or purchase it at second hand from a powerful combination of speculators, who would themselves receive a greater amount in profits than the government from the sales.

When this simple statement of naked facts is attentively considered, and the situation of both debtor and creditor duly appreciated, we feel confident that your honorable bodies will not deny us just and equitable relief. But when we reflect that it has been, in no small degree, by the acts of the government that we are reduced to this deplorable condition, by availing itself of the most prosperous times ever known to bring into market very large districts of lands, greatly beyond the wants of the inhabitants and their means to purchase; at a time, too, when the spirit of speculation ran high through all parts of the nation; when, in addition to the recent establishment of seventy new banks, no less than four millions of depreciated public stock had become available in the purchase of these lands alone: all these circumstances combining to excite an active competition and to favor indiscreet speculation, and our own government, the monopolizer of lands, having reduced the price from \$2 to \$1 25 per acre, thereby lessening the real value of lands everywhere; when all these facts and circumstances are impartially considered, and due allowance made for their influence, we are emboldened to ask a cancelling of the contract as one which it is both contrary to good faith and good conscience to enforce, and we are encouraged to solicit that kind of relief which our peculiar situation requires.

We are well assured, and the general transactions of the country for the last six years confirm our opinions, that the public lands of this State, if sold at any time since the adoption of the cash system, would not have produced to the national treasury a larger amount than has already been paid for the first instalment. Without, however, indulging in the pleasing reflection of what our situation under those circumstances would have been, we will, with becoming deference to the superior wisdom of your honorable bodies, suggest the passage of an act which, although it will not relieve every hardship nor redress every grievance, yet, we respectfully maintain, will be both creditable and highly advantageous to the government, while, at the same time, it will afford to your memorialists that particular relief which the individual necessities and happiness and prosperity of the country imperiously require.

We therefore humbly pray for the passage of an act embracing, among such other equitable and indulgent provisions as your honorable bodies shall deem expedient, the following, viz:

That all lands which have been relinquished under the several acts of Congress for that purpose may be divided into five classes, and be subject to re-entry at the following fixed prices, viz:

First class to embrace all lands which cost \$30 per acre, or upwards, at \$5 per acre. Second class to embrace all lands which cost more than \$20 per acre, and less than \$30, at \$4 per acre. Third class to embrace all lands which cost more than \$10 per acre, and less than \$20, at \$3 per acre. Fourth class to embrace all lands which cost more than \$5 per acre, and less than \$10, at \$2 per acre; and all lands that cost \$5 or less, at the minimum price.

That the person relinquishing, his heirs, &c., may be entitled to re-enter in all cases, except where the holder of the certificate at the time of the passage of the relinquishment act, had afterwards transferred such certificate, but had retained possession of the land and cultivated the same; in such case the person so retaining the possession of and cultivating the land, his heirs, &c., may have the right of re-entry; provided that no person, his heirs, &c., shall have the right to re-enter more than one section.

And also that the holders of certificates of further credit, their heirs, &c., may be permitted to surrender such certificates, and, at the same time, to re-enter the lands described therein at the above graduated prices, and that they be allowed a credit for all sums paid by them since the date of the certificate of further credit, provided such payments do not exceed the fixed prices as graduated above; and that the provisions of this act be extended to September 30, 1829.

In concluding we take occasion to express our warm approbation of the plan which was under discussion at the last session of Congress for disposing of the unsold and refuse lands by suffering them to be entered at certain periods after they shall have been offered at public sale, and at certain graduated and reduced prices.

And your memorialists, as in duty bound, will ever pray, &c.

JOHN COLLINS, and sixty-three others.

19TH CONGRESS.]

No. 534.

[2D SESSION.]

NUMBER AND DESCRIPTION OF LAND CLAIMS IN MISSOURI AND ARKANSAS UPON  
WHICH PATENTS HAVE BEEN WITHHELD.

COMMUNICATED TO THE SENATE DECEMBER 22, 1826.

TREASURY DEPARTMENT, *December 21, 1826.*

SIR: In obedience to a resolution of the Senate of the 7th instant, "directing the Secretary of the Treasury to lay before the Senate a statement of the number of land claims in Missouri and Arkansas upon which patents are withheld or have not yet been issued, founded upon patent certificates issued by the recorder of land titles at St. Louis under an act of February 17, 1815, 'for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes,' and the number of claims founded upon confirmation by any act of Congress, or by any board of commissioners, or by the recorder of land titles at St. Louis, or founded upon purchase from the United States at public or private sale, upon which patents are withheld from the claimants, with the reasons for withholding such patents, respectively, in each description of claim," I have the honor to submit a communication this day received from the Commissioner of the General Land Office, dated the 19th, and another dated the 4th instant, which, with the documents to which they refer, contain the information required by the said resolution.

I have the honor to remain, with the highest respect, your most obedient servant,

RICHARD RUSH.

Hon. the PRESIDENT of the Senate.

GENERAL LAND OFFICE, *December 19, 1826.*

SIR: In compliance with a resolution of the Senate, dated the 7th instant, in the following words: "*Resolved*, That the Secretary of the Treasury be directed to lay before the Senate a statement of the number of land claims in Missouri and Arkansas upon which patents are withheld or have not yet been issued, founded upon patent certificates issued by the recorder of land titles at St. Louis, under an act of February 17, 1815, for the relief of the inhabitants of the late county of New Madrid, in Missouri Territory, who suffered by earthquakes, and the number of claims founded upon confirmation by any act of Congress, or by any board of commissioners, or by the recorder of land titles at St. Louis, or founded on purchase from the United States at public or private sale, upon which patents are withheld from the claimants, with the reasons for withholding such patents, respectively, in each description of claim," and which has been referred by you to this office, I have the honor to report that the cases in which patents have been suspended for lands lying in Missouri resolve themselves into the following classes:

*First class.* Cases in which patents have been withheld in consequence of the lands claimed to be patented containing mineral. In relation to which cases I beg leave to refer to and make part of this report the communication made to you from this office on the 4th instant, and to which it is not deemed necessary to make any addition, except to add a list of ten *private claims*, the patents for which are suspended in consequence of the tracts being supposed to contain lead mineral, marked A, and the copy of a letter from Lieutenant Thomas, the United States agent, herewith transmitted, marked B.

*Second class.* Cases arising under the act of February 17, 1815, for the relief of persons suffering by earthquakes. The papers marked C, D, and E, will exhibit the number of cases in which patents claimed under this law have been withheld, and the reasons for withholding them.

*Third class.* Cases in which patents have been suspended for claims to land supposed to have been confirmed under the act passed April 12, 1814. The paper marked F exhibits these particular cases, and the causes of suspension.

It may be proper to state that the general practice in relation to claims confirmed under the act of April 12, 1814, has been to resurvey, under the authority of the United States, the whole of the claims supposed to have been confirmed under that act, as well those which had been previously surveyed under the authority of the government granting the land as those claimed by a special entry. To the resurvey thus made full faith has been given by this office, except in those cases where satisfactory evidence has been exhibited to induce a belief that the resurvey was not made in conformity to the original survey, or that the land claimed was not that which was originally intended to be granted. In such cases the resurveys have not been approved at this office, and the parties claiming are left to sustain their claims, under the act of confirmation, in the courts of justice or by application to Congress. Under a strict and rigid construction of the act of April 12, 1814, the parties claiming a confirmation, by that act, of an old survey would be entitled to patents for the same without a resurvey. Such patents, however, would necessarily issue in conformity to, and calling for, the old survey, and would therefore place the claimant in all disputed cases in no better situation than he would have been under the act of confirmation and without a patent; and such a construction is liable to so many obvious objections in relation to undisputed cases that it seems never to have been acted upon.

*Fourth class.* Cases of suspension in consequence of the recorder's certificate not corresponding with the original report on which the confirmation was made.--(See paper marked G.) These cases suggest the propriety of some enactment by which the executive would be enabled to correct cases of error, where there is a discrepancy between the reports of the recorder of land titles as confirmed by Congress and the original title papers in his office.

All which is respectfully submitted.

Hon. RICHARD RUSH, *Secretary of the Treasury.*

GEO. GRAHAM.

Statement exhibiting the lands in the districts of Cape Girardeau and St. Louis, reported to the General Land Office by the United States agent as containing lead ore, which had been sold prior to the report of the agent, but for which patents not having been issued the receivers were directed to refund the purchase money, and the patents were withheld.

DISTRICT OF ST. LOUIS.

Description of the tract.			Name of the purchaser.	Date of sale.
Section.	Township.	Range.		
East half northwest, and west half northeast quarter, 17.....	38	5 E.....	French Strother.....	May 3, 1825.
Northeast quarter, 9.....	38	do.....	Dennis O'Neil.....	do.....
East half southwest quarter, 4.....	38	do.....	Ewel Baker and John Bent.....	May 4, 1825.
West half northwest quarter, and west half southwest quarter, 17.....	38	do.....	William and John Perry.....	May 5, 1825.
West half southwest quarter, 9.....	38	do.....	French Strother and Lyman Scott.....	May 21, 1825.
East half northeast quarter, 17.....	38	do.....	Baptiste Valle.....	May 25, 1825.
West half southwest quarter, 9.....	39	2 E.....	Etienne Roussin.....	May 30, 1825.
East half southeast quarter, 13.....	41	4 E.....	William Glasgow and David Bryant.....	July 14, 1825.
Northwest fractional quarter, 4.....	38	5 E.....	John Bent and Ewel Baker.....	Aug. 4, 1825.
East half northeast quarter, 13.....	41	4 E.....	Daniel Blair.....	Aug. 16, 1825.
West half southeast quarter, 13.....	41	do.....	R. H. Peebles and Clement B. Fletcher.....	Aug. 20, 1825.
Northwest quarter, 17.....	41	5 E.....	Clement B. Fletcher.....	do.....
Northwest fractional quarter, 21.....	39	3 E.....	Isabella Hearst.....	Aug. 23, 1825.
West half northwest quarter, 24.....	39	do.....	Julius Higgins.....	do.....
Northeast fractional quarter, 18.....	41	5 E.....	Daniel Blair.....	Aug. 27, 1825.
West half northeast quarter, 13.....	41	4 E.....	Clement B. Fletcher and Wm. Glasgow.....	Sept. 1, 1825.
East half southeast quarter, 31.....	38	5 E.....	John Manchester.....	Sept. 6, 1825.
Southeast quarter, 15.....	39	3 E.....	William Mothershead.....	do.....
East half southeast quarter, 23, and west half southwest quarter, 24.....	41	4 E.....	John W. Honey, Elias Bates, Daniel Blair, and John Blair.....	Sept. 15, 1825.
West half northwest quarter, 23, and east half northeast quarter, 26.....			do.....	do.....
East half northeast quarter, 24.....	41	do.....	Clement B. Fletcher.....	Sept. 17, 1825.
West half southeast quarter, 24.....	41	do.....	Clement B. Fletcher and Alfred Skinner.....	do.....
East half northwest quarter, 25.....	41	do.....	do.....	do.....
East half southeast quarter, 19.....	41	5 E.....	Susannah Mapes.....	Sept. 19, 1825.
West half southeast quarter, 31.....	38	do.....	John Bequette and Thomas Manchester.....	do.....
Southwest fractional quarter, 7.....	38	do.....	Jas. Hall, John Bevins, and Chas. J. Drury.....	Oct. 22, 1825.
Southwest fractional quarter, 11.....	41	4 E.....	Abraham Eymann.....	do.....
Southwest fractional quarter, 7.....	41	5 E.....	John W. Honey, Samuel Woodson, and John Bell.....	Oct. 24, 1825.
Southwest quarter, 6.....	38	do.....	George F. Strother.....	April 3, 1824.
East half northwest, and east half southwest quarter, 8.....	38	do.....	do.....	June 4, 1824.
Northwest fractional quarter, 7.....	38	do.....	do.....	Aug. 4, 1824.
West half northwest quarter, 14.....	38	do.....	do.....	Aug. 27, 1824.
East half southeast quarter, 34.....	36	3 E.....	Elisha Walten.....	May 27, 1825.
Northwest quarter, 10.....	37	3 E.....	John Scott, jr.....	June 16, 1825.
West half southwest quarter, 13.....	36	2 E.....	Joseph Carver.....	June 29, 1825.
West half northwest quarter, 24.....	36	do.....	Edward Hunt and Samuel Edwards.....	July 7, 1825.
East half northeast quarter, 15.....	36	3 E.....	John Anderson.....	Aug. 5, 1825.
East half southwest quarter, 14.....	36	do.....	Robert Hewes.....	Aug. 6, 1825.
Northwest fractional quarter, 32.....	35	11 E.....	John Layton and others.....	Aug. 19, 1825.
West half northeast quarter, 9.....	36	3 E.....	Abraham Eaton.....	Sept. 5, 1825.
East part of fractional section 23.....	35	2 E.....	Abraham Eversoll.....	Sept. 13, 1825.
East half southeast quarter, 6.....	36	4 E.....	Moses R. McCreary.....	Sept. 24, 1825.
Northeast fractional quarter, 30.....	35	10.....	Simon Duwall and others.....	Oct. 10, 1825.
East half southeast quarter, 14.....	36	3 E.....	Robert Hughes.....	Oct. 12, 1825.
Southeast fractional quarter, 6.....	37	do.....	John C. Scott.....	Oct. 22, 1825.
East half northeast quarter, 23.....	36	do.....	Robert Hughes.....	Oct. 12, 1825.

Statement exhibiting the lands in the districts of Cape Girardeau and St. Louis, reported to the General Land Office by the United States agent as containing lead ore, which had been sold, and the patents issued thereon, prior to the examination and report of the agent.

DISTRICT OF ST. LOUIS.

Description of the tract.			Name of the purchaser.	Date of sale.	Date of patent.
Section.	Township.	Range.			
Southwest quarter, and southeast fractional quarter, 32.....	40	2 E.....	Augustus Labaume.....	Nov. 6, 1824	May 10, 1824.
East half northwest quarter, 33.....	40	do.....	Amos C. Shook.....	Oct. 16, 1822	do.....
South half northeast quarter, 33.....	38	3 E.....	John Scott, jr.....	Mar. 5, 1821	May 1, 1824.
North half northeast quarter, 33.....	38	do.....	Daniel Dunklin.....	Sept. 14, 1823	May 10, 1824.
Northwest quarter, 34.....	38	do.....	George Jamison.....	Mar. 8, 1821	May 1, 1824.
West half southwest quarter, 20.....	38	2 E.....	Wm. M. & J. Perry.....	Oct. 8, 1823	May 10, 1824.
Northwest quarter, 33.....	38	do.....	Walter B. Alexander.....	Nov. 2, 1821	do.....



Statement exhibiting the lands in the districts of Cape Girardeau and St. Louis, &c.—Continued.

DISTRICT OF ST. LOUIS—Continued.

Description of the tract.			Name of the purchaser.	Date of sale.	Date of patent.
Section.	Township.	Range.			
West half northeast quarter, 30.....	40	2 E.....	Manuel Amelin.....	Mar. 13, 1822	May 10, 1824.
East half southeast quarter, 30.....	40	...do....	Touissaint Charbonneau.....	...do....	...do....
West half northwest quarter, and east half southwest quarter, 14.....	39	...do....	Job Westover.....	June 2, 1823	May 20, 1824.
Southwest fractional quarter, (east of Merimec,) 15.....	39	...do....	William Harrison.....	Sept. 30, 1823	...do....
East half southwest quarter, 21.....	38	...do....	Wm. M. and John Perry.....	Sept. 9, 1823	...do....
East half southwest quarter, and west half southeast quarter, 23.....	38	...do....	Reuben Smith and E. Lamarque.....	Sept. 16, 1824	July 15, 1825.
Southwest fractional quarter, 13.....	40	...do....	Uriah Burns.....	Jan. 15, 1825	...do....
East fractional half, (west of Merimec,) 35.....	40	2 W.....	John Morrison.....	Mar. 12, 1825	...do....
Southwest quarter, 25.....	40	...do....	Bartlett Martin.....	Mar. 17, 1825	...do....
Lot No. 1, northeast quarter, 3.....	38	3 E.....	John Perry.....	Sept. 24, 1824	...do....
Lot No. 1, northeast quarter, 4.....	38	...do....	Jacob H. Rambo.....	Nov. 19, 1824	...do....
East half southwest quarter, and west half southeast quarter, 34.....	38	5 E.....	Henry Poston.....	May 10, 1821	May 1, 1824.
Northeast quarter, 35.....	38	...do....	Robert Chapman.....	...do....	...do....
West half southeast quarter, and east half southwest quarter, 35.....	38	...do....	...do....	May 13, 1822	May 10, 1824.
Lot No. 1, northwest quarter, 30.....	39	4 E.....	Matthew McPeak.....	Feb. 22, 1821	May 1, 1824.
Lot No. 2, southwest quarter, 31.....	39	...do....	...do....	Mar. 9, 1821	...do....
West half northwest quarter, 32.....	39	...do....	Jeremiah Blackwell.....	Feb. 22, 1821	...do....
West half southwest quarter, 32.....	39	...do....	Samuel Staples.....	Sept. 21, 1821	May 10, 1824.
East half northwest quarter, 35.....	39	...do....	James Donnell.....	Feb. 24, 1821	May 1, 1824.
West half southeast quarter, 3, and east half northeast quarter, 10.....	39	3 E.....	Leard B. Boyd.....	Feb. 21, 1821	...do....
West half southwest quarter, 3.....	39	...do....	Simeon Woods.....	Mar. 9, 1821	...do....
East half southwest quarter, 4.....	39	...do....	Philip O. Harver.....	Mar. 2, 1821	...do....
Lot No. 1, northwest quarter, 4.....	39	...do....	John Thurmond.....	Feb. 26, 1821	...do....
East half northeast quarter, 15.....	39	...do....	Wm. Mothershead.....	Mar. 9, 1821	...do....
East half southeast quarter, 16, and west half northeast quarter, 22.....	39	...do....	Thomas Hearst.....	April 7, 1821	...do....
East half northeast quarter, and east half northwest quarter, 22.....	39	...do....	Wm. Mothershead.....	Mar. 2, 1821	...do....
West half southeast quarter, 23.....	39	...do....	Nathaniel Parker.....	Mar. 9, 1821	...do....
West half southwest quarter, 24.....	39	...do....	David Strong.....	...do....	...do....
Northwest fractional quarter, 29.....	39	...do....	Joseph Bequette.....	Feb. 26, 1821	...do....
East half southeast quarter, 22.....	39	...do....	Austin Baker.....	April 2, 1823	May 20, 1824.
Northeast fractional quarter, 32.....	38	5 E.....	Jean B. Valle.....	April 29, 1823	...do....
West half northwest quarter, 35.....	39	3 E.....	David Strong.....	June 19, 1823	...do....
West half southwest quarter, 11.....	39	...do....	Wm. Mothershead.....	Sept. 11, 1823	...do....
East half northeast quarter, 12.....	44	5 E.....	Jane Bowles.....	May 18, 1821	May 1, 1824.
West half northeast quarter, 12.....	44	...do....	John McLaughlin.....	Aug. 30, 1821	May 10, 1824.
West half northwest quarter, 12.....	44	...do....	Michael Burns.....	May 25, 1821	May 1, 1824.
East half northwest quarter, 12.....	44	...do....	Timothy Carnon.....	Jan. 22, 1823	May 10, 1824.
Southeast quarter, 12.....	44	...do....	Michael McLaughlin.....	May 18, 1821	May 1, 1824.
Southwest quarter, 12.....	44	...do....	Patrick Sawey.....	...do....	...do....
East half northwest quarter, 25.....	44	...do....	John Bailey.....	April 27, 1821	...do....
South fractional half, 27.....	44	...do....	Samuel Rudder.....	May 18, 1821	...do....
Southeast fractional quarter, 26.....	44	...do....	Jabez Ferris.....	Sept. 7, 1821	May 10, 1824.
Northeast fractional quarter, 23.....	38	...do....	John B. Valley and John Bequette.....	Oct. 8, 1823	May 20, 1824.
Southeast quarter, 5.....	38	...do....	Antoine Janis and J. B. Valle.....	Feb. 18, 1824	June 1, 1824.
East half northeast quarter, 7.....	38	...do....	Mar. 29, 1824	June 10, 1824.	...
East half southeast quarter, 9.....	38	...do....	Amie Pernod.....	April 8, 1824	July 15, 1825.
West half southeast quarter, 7.....	38	...do....	Antoine Janis and J. B. Valle.....	...do....	...do....
West half southwest quarter, 8.....	38	...do....	...do....	...do....	...do....
West half northeast quarter, 7.....	38	...do....	Antoine Janis.....	April 22, 1824	...do....
West half northwest quarter, 8, and west half southeast quarter, 7.....	38	...do....	Antoine Janis and J. B. Valle.....	April 30, 1824	...do....
West half southwest quarter, 4.....	38	...do....	Jonathan L. Bean.....	July 3, 1824	...do....
East half northeast quarter, 8.....	38	...do....	Antoine Janis and J. B. Valle.....	July 28, 1824	...do....
East half southwest quarter, 5.....	38	...do....	Joseph W. Garraty.....	Aug. 18, 1824	...do....
West half northeast quarter, 18.....	38	...do....	James Clemens, Jr.....	Aug. 31, 1824	...do....
East half northeast quarter, 18.....	38	...do....	John Perry.....	Sept. 2, 1824	...do....
Northeast quarter, 5.....	39	...do....	R. H. Price.....	Sept. 6, 1824	...do....
East half northeast quarter, 29.....	39	3 E.....	Charles Yates.....	Sept. 15, 1824	...do....
East half northeast quarter, 11.....	39	...do....	Etienne Lamarque.....	Sept. 19, 1824	...do....
South fractional half, 32.....	38	5 E.....	John McKee.....	Oct. 7, 1824	...do....
Northwest quarter, 18.....	38	...do....	Albert Bisch.....	Oct. 9, 1824	...do....
Southeast quarter, 2.....	39	2 E.....	Etienne Roussin.....	Nov. 13, 1824	...do....
Northwest fractional quarter, 35.....	40	2 W.....	John Hughes.....	Dec. 8, 1824	...do....
Southwest fractional quarter, 35.....	40	...do....	Henry Whitmore.....	...do....	...do....
Southeast fractional quarter, 24.....	40	...do....	Jesse Enloe.....	Jan. 15, 1825	...do....
Lot No. 1, northeast quarter, 2.....	39	2 E.....	Etienne Roussin.....	Jan. 22, 1825	...do....
Northwest fractional quarter, 12.....	39	...do....	...do....	...do....	...do....
East half southwest quarter, 2.....	39	...do....	...do....	...do....	...do....

Statement exhibiting the lands in the districts of Cape Girardeau and St. Louis, &c.—Continued.

DISTRICT OF ST. LOUIS—Continued.

Description of the tract.			Name of the purchaser.	Date of sale.	Date of patent.
Section.	Township.	Range.			
Southwest fractional quarter, 24.....	40	2 W.....	Stephen Sullivante.....	Jan. 28, 1825	July 15, 1825.
Southeast fractional quarter, 33, and west half southwest quarter, 34.....	38	5 E.....	John Bequit.....	Jan. 29, 1825	.....do.....
West half southwest quarter, 29.....	39	4 E.....	Anthony Wilkson.....	Feb. 15, 1825	.....do.....
Southeast quarter, and west half northeast quarter, 8.....	38	5 E.....	Antoine Janis and J. B. Valle.....	Feb. 17, 1825	.....do.....
East half southwest quarter, 22.....	39	2 E.....	John Hearty.....	Mar. 14, 1825	.....do.....
West half southwest quarter, 5.....	38	5 E.....	William E. Garraty.....	Mar. 16, 1825	.....do.....
Northwest fractional quarter, 5.....	38	.....do.....	John W. Honey, Elias Bates, and J. W. Garraty.....	April 5, 1825	.....do.....
Southeast quarter, 18.....	38	.....do.....	Alex. H. Ferris.....	April 9, 1825	.....do.....
Southwest fractional quarter, 18.....	38	.....do.....	Albert Bisch.....	April 11, 1825	.....do.....
East half southwest quarter, 6.....	38	.....do.....	Symon and John Scott.....	.....do.....	.....do.....
East half southwest quarter, 32.....	39	4 E.....	Henry Haversick.....	April 23, 1825	.....do.....
Northwest quarter, 19.....	38	5 E.....	Alexander H. Ferris.....	April 25, 1825	.....do.....

DISTRICT OF CAPE GIRARDEAU.

West half northeast quarter, 28.....	36	2 E.....	Archibald Robinson.....	May 25, 1821	May 1, 1824.
Southeast fractional quarter, 29.....	36	.....do.....	Thomas R. Harris.....	May 26, 1822	May 10, 1824.
Lot No. 2, northwest quarter, 1.....	36	3 E.....	David Weiger.....	April 16, 1821	May 1, 1824.
West half northeast quarter, 5.....	36	4 E.....	Zachariah Hughes.....	Aug. 18, 1821	May 10, 1824.
East half southwest quarter, 5.....	36	.....do.....	.....do.....	Mar. 15, 1821	May 1, 1824.
Northwest quarter, 10.....	36	.....do.....	James O. Gillespy.....	Aug. 10, 1821	May 10, 1824.
West half southeast quarter, 31.....	37	.....do.....	Samuel Perry.....	Mar. 7, 1821	May 1, 1824.
Southeast and east half southwest quarter, 32.....	37	.....do.....	William Hunt.....	.....do.....	.....do.....
East half southeast quarter, 31, and west half southwest quarter, 32.....	37	.....do.....	Job Westover.....	Mar. 14, 1821	.....do.....
West half southwest quarter, 33.....	37	.....do.....	Moses Campbell.....	April 6, 1821	.....do.....
West half southwest quarter, 34.....	37	.....do.....	John Givens.....	Aug. 7, 1821	May 10, 1824.
West half northwest quarter, 36.....	37	.....do.....	Andrew Perry and J. Eversoll.....	May 25, 1821	May 1, 1824.
East half southwest quarter, 4.....	36	3 E.....	John Jamison.....	Mar. 8, 1823	May 20, 1824.
Southeast quarter, 4.....	36	.....do.....	James Jamison.....	.....do.....	.....do.....
West half northeast quarter, 8.....	36	4 E.....	Zachariah Hughes.....	April 19, 1823	.....do.....
Lot No. 1, northeast quarter, 1.....	36	3 E.....	Stephen Gorro.....	May 28, 1823	.....do.....
East half northeast quarter, 7.....	36	.....do.....	John Simmerson.....	Oct. 20, 1824	July 15, 1825.
East half northeast quarter, 28.....	36	2 E.....	Archibald Robinson.....	Jan. 15, 1824	May 31, 1824.
Southeast fractional quarter, 28.....	36	.....do.....	William Bryan.....	.....do.....	.....do.....
East half northwest quarter, 21.....	37	.....do.....	Wm. M. and John Perry.....	Feb. 5, 1821	May 1, 1824.
Southeast fractional, 26.....	36	.....do.....	William Hughes.....	Jan. 7, 1822	May 10, 1824.
Northeast fractional, 32, and northwest fractional, 33.....	36	.....do.....	Abijah W. Hudspeth.....	Jan. 24, 1822	.....do.....
Northeast fractional quarter, 36.....	36	.....do.....	Thomas R. Harris.....	Mar. 16, 1822	.....do.....
East half northwest quarter, 8.....	36	3 E.....	Andrew Henry.....	Sept. 10, 1821	.....do.....
West half southwest quarter, 14, and east half southeast quarter, 15.....	36	.....do.....	Robert Hughes.....	Feb. 27, 1821	May 1, 1824.
East half northwest quarter, 15.....	36	.....do.....	Joseph McCormick.....	Jan. 18, 1822	May 10, 1824.
East half northeast quarter, 27.....	36	.....do.....	Amos Sloan.....	Sept. 20, 1822	.....do.....
East half northeast quarter, 26, and southwest quarter, 27.....	36	.....do.....	John Hughes.....	Mar. 2, 1821	May 1, 1824.
Northwest quarter, 32.....	36	.....do.....	William Henderson.....	Feb. 26, 1821	.....do.....
Northeast quarter, 34.....	36	.....do.....	William B. Wollin.....	Mar. 6, 1821	.....do.....
East half northeast quarter, 13.....	36	4 E.....	William Gillespy.....	Aug. 10, 1821	May 10, 1824.
West half southeast quarter, and east half southwest quarter, 14.....	36	.....do.....	Alexander Givins.....	Feb. 26, 1821	May 1, 1824.
East half northeast quarter, 15.....	36	.....do.....	John Duff.....	April 6, 1821	.....do.....
East half southeast quarter, 19.....	36	.....do.....	William Haynes, sr.....	Mar. 27, 1821	.....do.....
East half northwest quarter, 23.....	36	.....do.....	Lewis Sims.....	Jan. 15, 1822	May 10, 1824.
Northeast fractional quarter, 17.....	37	3 E.....	Thomas B. Walthall.....	April 6, 1822	.....do.....
Southwest quarter, 29.....	37	.....do.....	Jean B. Valle, jr.....	Mar. 4, 1823	May 20, 1824.
East half southeast quarter, 30.....	37	.....do.....	Job Westover and Jno. Jamison.....	Mar. 8, 1823	.....do.....
East half southwest quarter, 4.....	36	.....do.....	John Jamison.....	.....do.....	.....do.....
Southeast quarter, 4.....	36	.....do.....	James Jamison.....	.....do.....	.....do.....
West half southeast quarter, 15.....	36	.....do.....	Robert Hughes.....	April 4, 1823	.....do.....
West half southeast quarter, 10.....	36	.....do.....	Jason Frizzle.....	.....do.....	.....do.....
Southeast fractional quarter, 22.....	36	.....do.....	Fergus Sloan.....	.....do.....	.....do.....
West half northeast quarter, 6.....	38	4 E.....	Zachariah Hughes.....	April 19, 1823	.....do.....
West half northeast quarter, 23.....	36	3 E.....	Robert Hughes.....	.....do.....	.....do.....
Southeast quarter, 28.....	36	2 E.....	Luke Davis.....	April 23, 1823	.....do.....
Lot No. 1, northeast quarter, 1.....	36	3 E.....	Stephen Gorro.....	May 28, 1823	.....do.....
Northwest fractional quarter, 25.....	36	2 E.....	Thomas Garvin.....	.....do.....	.....do.....

GENERAL LAND OFFICE, December 4, 1826.

SIR: By the tenth section of the act passed February 15, 1811, (Laws of the United States, volume 4, page 326,) authorizing the sale of the public lands in the then Territory of Louisiana, now State of Missouri and Territory of Arkansas, "lead mines" are reserved from sale.

It does not appear from the records of this office that any special instructions were given to the registers and receivers when the land offices were first established in Missouri in relation to the reservation of lead mines.

The second section of the act passed May 18, 1796, made it the duty of the surveyors to note the situation of all mines, and from this source the land officers have principally derived the information on which they have reserved from sale lands as "lead mines." This source of information, however, being necessarily defective, much land has been sold which contains lead mineral without the knowledge of the fact on the part of the land officers.

From the reports made to this office by Lieutenant Thomas, the agent appointed by the President under the provisions of the act of March 3, 1807, (Laws of the United States, volume 4, page 118,) to lease mineral lands, it appears that the several tracts of land enumerated in the enclosed list contain lead mineral, all of which have been sold, and a large portion of which has been patented as designated in said list; and it is possible that much other land, not yet explored by Lieutenant Thomas, may be similarly situated. As for all those tracts for which patents had not issued previous to the receipt of the reports of the agent, the patents were withheld, and instructions given to the receivers to notify the purchasers thereof, and to return the purchase money. But, as the purchase money has been returned in very few cases, and as the purchasers persevere in claiming patents, and as there is reason to believe that they purchased, in many instances, as well in relation to those tracts which have been patented as those in which patents are withheld, with a knowledge that the lands contained lead, and for the purpose of working them as lead mines, it may be deemed proper and expedient to submit the subject to Congress that measures may be taken by them either to confirm or annul the sales of mineral lands made by the land officers without a knowledge that they contained lead in those cases where patents have not been issued, and to make such provision for those cases in which patents have been issued as by them may be deemed expedient.

All which is respectfully submitted.

GEORGE GRAHAM.

The SECRETARY of the Treasury.

#### A.

*List of private claims, the patents for which are suspended in consequence of its being supposed that the land contains lead mineral.*

Certificate 1006, for D. Shaw, situated in township 37 north, ranges 2 and 3 east; certificate 1000, for J. Strickland, situated in township 38 north, range 2 east; certificate 26, for Joseph Blote, situated in township 37 north, ranges 2 and 3 east; certificate 1034, for John Cooper, situated in township 36 north, range 3 east; certificate 1036, for J. McLaughlin, situated in township 35 north, range 2 east; certificate 1032, for William Moss, situated in township 41 north, range 5 east; certificate 1021, for Bernard Rogan, situated in township 35 north, ranges 2 and 3 east; certificate 29, for William Ashbrook, situated in township 36 north, range 2 east; certificate 1020, for Benj. Crow, situated in township 35 north, range 2 east; certificate 1037, for E. Baker's representatives, situated in township 36 north, range 2 east.

#### B.

UNITED STATES LEAD MINE OFFICE, St. Louis, Mo., August 14, 1826.

SIR: Your favor of the 16th of June, together with a copy of the correspondence with the register of the land office at St. Louis, was duly received. My engagements have been such as to prevent an earlier attention to this matter.

The register has thought proper to bring my name into question when rebutting charges which appear to have had no existence except in his imagination, for I perceive you disclaim any intention of charging him with "illegal and improper conduct," and, to the best of my recollection, I have never done him the honor to mention him to you, either verbally or in writing, for, in truth, sir, I consider him of far less importance than he appears to consider himself.

He states that he has never sold mineral land knowing it to be such, and I believe him, for, in my opinion, he values his office and its emoluments too highly to jeopardize them by an act which would doubtless cause his dismissal. But, sir, there is such a thing as keeping just within the provisions of a law and yet being hostile to the spirit of it. As before stated, I do not know that the register sold mineral land knowing it to be such, but I have been credibly informed that the register's son, in conjunction with others, purchased mineral land knowing it to be such. I know that the register permitted my letters (franked in my official capacity) to remain untouched in the post office because the postage was not paid, without informing me that such was his rule of office. I further know that *somebody* regularly gave information of my returns of mineral lands to the office at St. Louis to a vile newspaper printed there, and that such information was the text for long scurrilous articles published against the government and myself. I also know that upon receipt of your letter of 28th April last an appeal to the public was made in this vulgar newspaper, in which the immaculate register was be-praised and the government and superintendent of mines vilified and shamefully abused. All this I *do* know, and can substantiate, if requested.

I must apologize for thus trespassing upon your time, but, sir, it is proper that you should know these details, and that, from the first hour that I commenced checking the abuses in the mine district, there has



been a steady uninterrupted stream of abuse and villification poured forth upon me, both verbally and in print. When it is known how much illegal gain I have prevented, the cause will doubtless be obvious and duly appreciated.

As respects my returns of mineral lands, they are made with due caution. When it shall be made to appear that the lands reported as such are not mineral lands I shall acknowledge my error; but they are known to be such, are purchased as such, and, for mining purposes, the preservation of which constitutes the groundwork of the hue and cry against the measures of the government.

When examining the mine district I did not stop to inquire which part was sold or unsold French or Spanish claims. It was sufficient for my purposes to know that it was *mineral* land. If it so happened that whilst the reports were in transitu between my office and that of the register a part of the land was sold, that is a matter in which I have no control. Whether the holding of a document from the register and receiver showing that a sum of money has been paid for a portion of the public land constitutes an incipient or complete title is a question for others and not for me to decide. I would only observe that it is best that such decision should take place, as it is *here* contended that a patent must issue, and the custom is to go into possession upon paying money for land.

I am, sir, respectfully, your obedient servant,

M. THOMAS,

*Lieutenant United States Army and Superintendent of Lead Mines.*

GEORGE GRAHAM, Esq.,

*Commissioner of the General Land Office.*

### C.

*A statement exhibiting the number of certificates issued by the recorder of land titles at St. Louis under the act of February 17, 1815, entitled "An act for the relief of the inhabitants of the late county of New Madrid, in Missouri Territory, who suffered by earthquakes," the number of certificates suspended, the number patented, and the number not yet patented on which patents may be issued.*

The opinion of the Attorney General will prevent patents from being issued on eighty-five cases.— (See paper marked D).....	85
In eighty-eight cases the evidence furnished to this office that the persons executing the relinquishment to the United States of the tracts originally confirmed had full authority to do so is defective. Of this number, however, twenty-one cases are included in the preceding item....	67
In ten cases the original confirmations state the tracts to be situated in either the county of Cape Girardeau or in Arkansas, and the law grants relief in those cases only in which the tract injured was situated in the county of New Madrid. Evidence, however, may be produced that the land injured was included within the limits of New Madrid county, as they existed November 10, 1812. In six of these cases the evidence of right to relinquish being defective, they are included in the foregoing item.....	4
There are three cases suspended in consequence of the location certificates having been issued for more land than was confirmed to the claimants, respectively, other than those issued for town lots or tracts of less than 160 acres.....	3
One case is suspended in consequence of the location having been made on lands relinquished to the United States under the acts for the relief of the purchasers of the public lands.....	1
There are four cases suspended in consequence of the locations having been made on unconfirmed private claims. One of these is included in the number suspended in consequence of the opinion of the Attorney General, and one is included in the preceding item of cases suspended in consequence of defect in the title of the persons executing the relinquishments. Patents are also suspended in six or eight cases of purchased lands, in consequence of their interfering with unconfirmed private claims.....	2
There are two cases included in the first item in which the certificates have been erroneously issued in lieu of lots that have not been confirmed to the claimant.	
Patents have been issued on.....	237
Patents will be issued, unless the locations have been made upon unconfirmed private claims or lands relinquished to the United States, whenever the certificates are presented, on.....	116
Total number of certificates issued by the recorder.....	515

It may be proper to state that patents were issued on some certificates covering relinquished lands, and upon others in which the title to relinquish the confirmed claims is defective, before this office was apprised of those facts.

### D—No. 1.

*TREASURY DEPARTMENT, General Land Office, January 17, 1822.*

Sir: The act of February 17, 1815, for the relief of the sufferers by earthquakes in the county of New Madrid, authorizes them to locate the like quantity of land on any of the public lands in the (then) Territory of Missouri the sale of which is authorized by law: "Provided, That no person shall be permitted to locate a greater quantity of land under this act than the quantity confirmed to him, except the owners of lots of ground, or tracts of land of less quantity than one hundred and sixty acres, who are hereby authorized to locate and obtain any quantity of land not exceeding one hundred and sixty acres, nor shall any person be entitled to locate more than six hundred and forty acres."

The point to which I beg leave to call your attention is this: on the list of certificates of the right of new location under that act I find that the same individual has been permitted, in numerous instances, to locate the amount of one hundred and sixty acres for *each* lot of *one arpent*, and certificates of location in such cases have been granted by the recorder of land titles. To exemplify my meaning, I would merely mention two instances: Francis Lesieur has received four certificates of one hundred and sixty acres each, for four lots of one arpent each; Joseph Genercux has received four certificates of the same kind, and for the same number of lots of one arpent.

Conceiving that the law never intended to grant to any one owner of town lots the privilege of locating more than one hundred and sixty acres, except, indeed, in cases where the quantity of the lots owned by them, exceeding the quantity of one hundred and sixty acres, would thereby entitle them to the privilege of locating a like greater quantity, whatever such might be, I beg leave to ask advice whether patents can legally be demanded.

And am, with great respect, your most obedient servant,

JOSIAH MEIGS.

Hon. SECRETARY of the Treasury.

D—No. 2.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES, *January 22, 1822.*

SIR: I entirely concur in the opinion expressed by the Commissioner of the Land Office, that it is not the intention of the act of Congress of February 17, 1815, to permit the owners of town lots in the county of New Madrid to locate a tract of one hundred and sixty acres for *each town lot* they may own, but one tract for the *whole of their town lots, however many*, unless the aggregate shall exceed the quantity of one hundred and sixty acres, when they will fall within the general enactment of being authorized to locate the quantity they have lost.

I have the honor to remain, sir, very respectfully, your obedient servant,

WM. WIRT.

Hon. WM. H. CRAWFORD, *Treasury Department.*

D—No. 3.

GENERAL LAND OFFICE, *January 26, 1826.*

SIR: In reply to your letter of the 25th instant, I furnish you with the enclosed statement, showing the cases in which, under the act of February 17, 1815, the recorder has issued more than one certificate of location to persons holding town lots or other tracts containing less than one hundred and sixty acres.

It may be proper to state that, in issuing certificates under the provisions of the act of February 17, 1815, the recorder issued them in the name of the original confirmee or his legal representatives. When the original claim, therefore, was for more than six hundred and forty acres, only one certificate issued. When the original claim was for more than one hundred and sixty acres, and less than six hundred and forty acres, a certificate issued for the quantity contained in the tract; and if one confirmee had more than one tract of this description, he received more than one certificate, provided the whole quantity did not exceed six hundred and forty acres. When the original confirmation was for town lots or tracts less than one hundred and sixty acres, the recorder issued as many certificates for one hundred and sixty acres each, in the name of the confirmee, as he had town lots or tracts not exceeding four certificates.

The statement enclosed embraces these last cases, and it is to them only that the opinion of the Attorney General refers.

Although the recorder issued the certificates in the name of the original confirmee or his legal representatives, he received the relinquishment of the land injured from the persons claiming the same. Many of these relinquishments were made by the same person, or the legal representatives of the confirmee.

I am, very respectfully, &c.,

GEO. GRAHAM.

Hon. JOHN SCOTT, *Committee on Public Lands, H. R.*

*Statement of the cases in which, under the act of February 17, 1815, the recorder has issued more than one certificate of location to persons holding town lots, or other tracts containing less than one hundred and sixty acres, viz:*

To 11 persons, 4 certificates each.....	44 certificates.
To 15 persons, 3 certificates each.....	45 certificates.
To 18 persons, 2 certificates each.....	36 certificates.
	<hr/> 125 certificates. <hr/>

The opinion of the Attorney General will prevent the patents being issued on eighty-five of the above cases.

E—No. 1.

St. Louis, *August 23, 1824.*

SIR: On the 22d of November last I took the liberty of troubling you with a private letter, enclosing the survey and patent certificate of a New Madrid location for six hundred and forty acres of land, in the

name of Peter Noblesse, under Paul Washburn. You were kind enough to say in your answer that, if it should appear from the certificate of General Clark, or from a plat of the township, that the location did not conflict with the claims of other persons, the patent would be forwarded.

I applied to General Clark immediately, who informed me that he would forward the plat with his first convenience. However, within a few days past I have ascertained that the plat has not been sent, but will probably go by the next mail. I have not had an opportunity of inspecting the plat, and am told that our claim conflicts with the claims of August Chouteau and the heirs of James Mackay, the former of which is, I am told, upon the plat, and must have been placed there by Mr. Chouteau long since the location of the land under the New Madrid certificate.

Mr. Chouteau's claim is now pending (on a petition for confirmation) before the district court; it is, therefore, of the utmost consequence to the heirs of Mr. Coulter (whose rights are jeopardized by that proceeding) to have their title perfected as soon as possible, if they have a legal right to demand it. That they have appears to me evident. That you may not suppose this opinion the mere result of an interested bias in the cause, I beg leave to trouble you with a very brief statement of the main reasons which conduct me to this conclusion.

1st. Mr. Chouteau's claim has been exhibited to and rejected by the board of commissioners, (having been initiated in violation of the regulations of the intendant, Morales, the grantee having already as much as the law allowed him to hold.)

2d. Mr. Chouteau's survey, if it appear upon the plat in the surveyor's office at all, is not there *officially*. It must have been placed there by Mr. C.'s agency, in order to reserve it from public sale by the register and receiver, *since* the location under the New Madrid certificate.

3d. At the time of the location there was no evidence of the locality of Mr. Chouteau's claim in the surveyor's office at St. Louis. That office was the depository of all the surveys of the country, and, of course, the only proper judge (in the first instance) if an interference would be created by the new location. By receiving the entry and giving a certified copy of the survey he has decided that there was no interference.

4th. The act of Congress of 1815 (the New Madrid law) authorized the sufferers by earthquakes to locate on any lands in Missouri "the sale of which was authorized by law." The sale of the land in question *was then authorized by law*, and continued so until after the location was made. In fact, had it not been located by Noblesse, it would have been sold at public auction by the register and receiver, but for the *subsequent* act of Mr. Chouteau, done by virtue of a *subsequent* law, after the rights of Noblesse had attached and were vested.

5th. By the New Madrid law, the right of the sufferers by earthquakes became *vested* by the mere act of the party in making the location; and those rights, in the spirit and in the very terms of the law, are officially authenticated by the issuing of the patent certificate, on the production of which the law says the patent *shall* issue.

6th. Every officer of the government is to be trusted in his own legal sphere of action, and, consequently, the government, in the protection of *its own* interests, has never by its laws, or the regulation of its offices, required further proof of the claimant's right to his patent than the production of the patent certificate for which the law has provided. This proof we have produced; and believing the issuing of a patent to be a duty purely ministerial, we think we may now demand the patent as a common legal right.

If the patent be now refused us, it is obviously not because we have not produced sufficient evidence of our right *as against the government*, but because a *third person* sets up a claim to the same land, and desires the government to withhold the evidence of *our* title until it can be ascertained whether *he* has any legal grounds to dispute it with us. I think it is too plain to admit of a doubt that the executive officers of the United States (supreme and subordinate) are not lawful and competent judges of the conflicting claims and interests of individuals; and hence it has often happened (as in the case of the town of Franklin, in this State) that the President has issued two or more patents for the same land, leaving the settlement of the disputed right to the constitutional tribunals—the ordinary courts of justice. *There* we should have a constitutional judge to expound the law, a jury to ascertain the facts, compulsory process for witnesses, and counsel to explain and enforce the cause. All these helps we are deprived of before the President or the general commissioner. Yet all these are guaranteed by the Constitution. Indeed, there is no trial depending before the President or the land department. We are not called upon and have no opportunity of appearing there to make good our claims. It is a mere suspension of what is our apparent right, on the suggestion of a doubt by a third person, which, whether true or false, and whatever may be its legal effect, is beyond the jurisdiction of any executive officer of the United States.

The law has provided a means of repealing patents issued by fraud or by error, (*a scire facias*,) and has given that power to the courts, because it is a *judicial* act. But to give the President power to refuse the patent, when all the previous requirements of the law have been strictly fulfilled, would, in my judgment, be a great departure from the general principles of our institutions, and a plain infraction of the letter of the act under which we claim.

If the highest officer can withhold the patent, (which is but the embodying of the evidence of a title pre-existent,) the law having made no distinction between him and his subordinate officers in that respect, I see no reason why they, the recorder and surveyor, in the exercise of a like discretion, may not refuse the documents which the act of Congress requires to emanate from their offices respectively, and thus take to themselves the power of deciding between man and man, which, I apprehend, the law never designed to intrust to them. I am led to believe that Mr. Chouteau's attorney has filed in the General Land Office a notice, in the nature of a *caveat*, against the issuing of this patent. I know that some of the States have authorized their land officers by law to suspend the issuing of patents under similar proceedings, but I am unaware of any law of the United States recognizing the use of caveats in any case, and I am at a loss to conceive how a man can, by his own act, in filing a notice in a public office, change or suspend the legal rights of individuals, or the powers and duties of public officers.

By delivering to us our patents, which we deem an act of common justice, it is impossible that any wrong can be wrought to Mr. Chouteau. The courts will be open to him; and if his right be, in truth, better than ours, his remedy will be simple, short, and certain. As yet, however, it does not appear that he has any right, while, on our part, we produce the only proof that the law has ever required to entitle the claimant to a patent—I mean the patent certificate.

On consideration of these suggestions, and others, which, for brevity's sake, I omit, but which will doubtless present themselves to your mind, I feel persuaded you will no longer doubt the propriety of



issuing the patent, and, consequently, that you will do me the favor to cause it to be transmitted to me at your convenient leisure.

I have the honor to be, most respectfully, sir, your obedient servant,

EDWARD BATES.

HON. GEO. GRAHAM, *Commissioner of the General Land Office.*

E—No. 2.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES, *October 10, 1825.*

SIR: The case referred to me by your letter of the 4th instant from the General Land Office has had my earliest attention, and, after a careful examination of the acts of Congress on the subject, I am of opinion that the practice of suspending patents, stated by the commissioner, is perfectly correct. In the particular case I can see no benefit which can arise by issuing the patent immediately, and no injury which can arise to the individual by withholding it, while the issuing it may eventually prove to be a needless expense and trouble, and may, moreover, create improper embarrassment to the petitioner before the district court. The claim on which Mr. Bates demands a patent is one of those which are known to our laws as New Madrid claims. By the act of February 17, 1815, "for the relief of the inhabitants of the county of New Madrid, in the Missouri Territory, who suffered by earthquakes," it is provided that those sufferers might locate an equal quantity of land with that which they had lost, "on any of the public lands of the said Territory (Missouri) the sale of which is authorized by law." In order to ascertain what lands were then authorized by law, we must look to the act of March 3, 1811, "providing for the final adjustment of claims to land," &c., the 10th section of which describes the lands which the President was authorized to sell, and by the proviso to which section it is expressly declared that, "till after the decision of Congress thereon, no tract of land shall be offered for sale the claim to which has been in due time, and according to law, presented to the recorder of land titles in the district of Louisiana, and filed in his office, for the purpose of being investigated by the commissioners appointed for ascertaining the rights of persons claiming lands in the Territory of Louisiana." It is scarcely necessary to remind you that this Territory is the same which, by act of Congress in the following year, (June 4, 1812,) took the name of Missouri. And again, by the 3d section of the act of February 17, 1818, entitled "An act making provision for the establishment of additional land offices in the Territory of Missouri," it is declared that whenever a land office shall have been established in any of the districts aforesaid, the President of the United States shall be authorized to direct a sale of the public lands therein, with the same reservations and exceptions as were provided for the sale of public lands in the Territory of Louisiana by the 10th section of the act of March 3, 1811, which we have just examined. So that the reservation of lands to which claims had been filed, as set forth in the proviso of that section, became permanent, and, being excepted from the sale of public lands, did not fall within the description of those lands on which the New Madrid sufferers were authorized to make their locations. Among the documents handed to me on this subject is a letter from the late Secretary of the Treasury, Mr. Crawford, to the Commissioner of the Land Office, Mr. Meigs, bearing date June 10, 1818, in which I perceive that he takes the same view of this exception, and gives the necessary orders to exempt the lands so claimed from public sale. The decision of Congress, until which lands claimed as above were to be reserved from sale, and consequently from location by the New Madrid sufferers, was not finally taken until May 26, 1824, when, by the act of that date "enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," the claimants were authorized to file petitions in the district court of the United States for the State of Missouri, for the trial of their claims. And by this law it is expressly provided, on the one hand, that when any claim has been decided against the claimant, the land shall belong to the United States; and, on the other, that where the decision shall be in favor of the claimant, and the land shall have been previously sold to another person by the United States, the party interested may reimburse himself by a location elsewhere.

Now, the claim which Mr. Bates represents is a New Madrid claim, which is stated to have been improvidently located upon some of this interdicted land, with regard to which the claimant has filed his petition before the district court, and the case is still *sub judice*. Mr. Bates demands the patent, because, however these facts may be, he has produced the patent certificate, and the issuing of a patent is an act so purely ministerial that the officer is bound to issue it although he may see distinctly that it is about to issue for lands not at all subject to the claim: that is to say, the President of the United States, whose peculiar constitutional function it is to see that the laws are properly executed, is himself to become instrumental in a conscious breach of those laws by signing the patent, because an inferior officer has ignorantly or inadvertently taken a false step in giving what Mr. Bates calls a *patent certificate*. I am not of this opinion. On the contrary, I think it most proper that all executive action on the subject should cease until the judiciary shall have decided on the claims. The documents are returned.

I have the honor to remain, sir, very respectfully, your obedient servant,

WM. WIRT.

HON. RICHARD RUSH, *Treasury Department.*

E—No. 3.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES, *November 25, 1824.*

SIR: On the question "whether patents for lands can be withheld by the government where their confirmation has been obtained by fraud," I entertain no doubt that they can and ought to be withheld; nor have I any doubt that, if patents had been actually issued under such circumstances, the courts of the country might and would cancel and avoid them. The documents are returned.

I have the honor to remain, very respectfully, your obedient servant,

WM. WIRT.

HON. WILLIAM H. CRAWFORD, *Treasury Department.*

## F.

*Third class of cases in which patents have been suspended for claims supposed to have been confirmed under the act passed April 12, 1814.*

## 1. Case of William Nash, under Joseph Deputy.

This is a case where the claimant resorted to the courts of Missouri to establish his claim, and, failing, required of this office a patent founded on a resurvey made under the authority of the United States. The evidence taken in the suit then pending in the case being of such a character as to induce great doubts whether the land claimed under the resurvey was that covered by an original survey actually made for that quantity under the authority of the Spanish government, and that the certificate was not, therefore, issued agreeably to the true intent and meaning of the act of April 12, 1814, a patent was refused to be issued on the resurvey. It has been contended that the Executive was bound to issue a patent for all the surveys confirmed by the act of 1814, as a mere ministerial act; if so, they can be bound only to issue such patents as call for and recognize the old survey. There would be no objection to issuing a patent of this description in this particular case, but to issue patents in disputed cases on a resurvey made under the authority of the United States would be, in fact and in effect, a judicial, and not a mere ministerial act.

All the papers in this case, numbered 1 to 22, are submitted, that Congress may be the better enabled to judge how far an explanatory act for the further and better execution of that of April 12, 1814, may be necessary.

## 2. Gregoire Sarpy, for 7,056 arpents.

In this case Gregoire Sarpy obtained a concession for 6,000 arpents from the Spanish government, on which a survey was made under the authority of that government for 4,002 arpents, 8 miles from St. Louis; and another survey, containing 1,400 arpents, was made under the same authority, about 20 miles from St. Louis. Sarpy entered his claim for 6,000 arpents, and filed the two surveys with the commissioners, who rejected the claim. These surveys, however, were confirmed by the act of 1814, and reported by the recorder as confirmed. The resurvey on which the patent is claimed is for 7,056 arpents; it includes one of the original surveys, which appears to have been accurately made, and contains within the courses and distances the quantity called for, 4,002 arpents. The patent on the resurvey is withheld, because it varies from the original survey, and includes a large quantity of land confessedly not included in either of the original surveys, and therefore not confirmed to the claimant. The papers\* in this case, and a letter from Colonel McKee, are submitted, that Congress may take such measures as to them may seem expedient and proper.

## 3. Louis Labaume, for 9,752.38 acres.

In this case Louis Labaume claimed 8,000 arpents before the board of commissioners, who rejected the claim; and it is not included in the subsequent reports of the recorder of land titles. A patent certificate, issued by the recorder of land titles under the act of 1814, has been presented for a patent, accompanied by a survey for 9,752.38 acres, which has been refused, on the grounds that the claim has not been confirmed, and that the recorder had no authority to act upon claims exceeding a league square.

## 4. Bernard Pratte, under John B. Pujol.

In this case the recorder of land titles has issued a patent certificate in favor of Bernard Pratte, under John B. Pujol, for 204.2 acres, under the act of March 3, 1807, but the reports in the General Land Office do not exhibit such a confirmation.

## 5. Heirs of William Hays, under P. Miller.

In this case the recorder of land titles issued a patent certificate under the act of April 12, 1814, in favor of the heirs of William Hays, under Philip Miller, for 600 arpents, but there is no such confirmation exhibited on the books of the General Land Office, or on those of the recorder of land titles.

## 6. Beneto Vasquez.

Vasquez entered this claim before the commissioners in virtue of settlement, and it was rejected by them. It is not included in any of the reports of the recorder confirmed by the 2d section of the act of April 29, 1816. A certificate, issued by the recorder of land titles under the act of 1814, has been presented for a patent, which is refused, as the claim is not embraced in any of the recorder's reports.

## 7. David Kincaid.

In this case Kincaid claimed before the board of commissioners a settlement right, which was rejected by them; and his claim is not embraced in any of the subsequent reports of the recorder of land titles, who has, however, issued a certificate for a patent, which is refused, as the claim is not considered as having been confirmed.

These two last cases seem to have been cases of omission, as they ought to have been reported by the recorder, and were entitled to confirmation. It is therefore respectfully submitted how far it may be expedient to pass an act of Congress confirming these claims.

## No. 1.

FRANKLIN, Mo., July 12, 1822.

SIR: Permit me to call your attention for a few moments to a piece of business which concerns not only my own interest, but that of several other individuals who are placed in a similar situation. Your attention to it, besides the advantage it will confer on us, will tend to avoid some confusion in the affairs of the land office department. Myself, William Taylor, and James Barnes, settled in township 48 north, range 16 west, on sections 5 and 6, in time to acquire the right of pre-emption according to the act of Congress for that purpose. Sometime after our settlement a claim was set up of 800 arpents by several persons, claiming under and by virtue of a concession said to be made by the authority of the Spanish government to Joseph Deputy, which includes our respective settlements. I have every reason to believe

\* The papers here referred to are not on file.

the claim to be fraudulent, or, at least, that its original place of location is different from the one where they now attempt to establish it. The Spanish claimants commenced suit against myself and the other individuals above named about five years ago. They have sedulously avoided a trial by having the cause often continued on the slightest ground. It, however, has come to trial twice, and at each trial they were non-suited, which is their present situation, the trial having taken place at our last term of the Cal-laway circuit court. My request is, therefore, that you will grant instructions to the register and receiver at this place to issue to me and the other individuals concerned our certificates of pre-emption, our right to them having been regularly proved and returned by the register and receiver to your department; and if any further assurance of our being entitled is requisite, the register and receiver here are prepared and willing to give it, they being perfectly satisfied as to the justice of our claim and the impropriety of longer withholding the acknowledgment of it. If, however, this is not done, I must protest against a patent's being issued to the opposite party, and am satisfied that they will never recommence suit unless they succeed in obtaining one by imposing on the government. This would place us in a very disagreeable situation, as they would then meet with no difficulty in maintaining an action of ejectment, and our remedy afterwards would be tedious and expensive before we could receive possession.

With the hope that you will give your attention to the above, I remain, sir, your very obedient servant,

SHADRACH BARNES.

JOSIAH MEIGS, Esq.

## No. 2.

GENERAL LAND OFFICE, *September 12, 1822.*

SIR: Your letter of the 12th of July last to Josiah Meigs, esq., late commissioner, has been received. It is with pain that I have to inform you that Mr. Meigs departed this life on the 4th instant, and, until a successor shall enter upon the duties of the office, the instructions necessary in your case cannot be given. Meantime, I would suggest that you transmit such evidence in relation to the fraudulency or illegality in the location of the claim of Joseph Deputy as may be in your possession, together with the opinion of the register and receiver.

I am,

JNO. M. MOORE, *Chief Clerk.*

SHADRACH BARNES, Esq., *Franklin, Mo.*

## No. 3.

*To the honorable the Commissioner of the General Land Office at the City of Washington:*

The petition of Shadrach Barnes, James Barnes, and William Taylor, of Howard county, Missouri, represents: That, by the enclosed certificate of the register and receiver of the land office at this place, and the enclosed testimony, it appears that your petitioners have claims, as pre-emptioners, to tracts of land in said district, and have been in possession of the said land for the period of about twelve years; that their cultivation and inhabitation were satisfactorily established before the officers, who have heretofore declined granting your petitioners title papers thereto, solely on the ground of an alleged claim of one Joseph Deputy interfering with, not entirely covering, the whole of their lands thus claimed by your petitioners; that the right of your petitioners is clear, unless barred by the better claim of the said Joseph Deputy; that the claimants of said claim of Joseph Deputy have urged and pressed their pretensions for the purpose of obtaining a patent from your office, but none have issued; that said claimants have endeavored by law to recover possession of the lands, but have also failed in those endeavors; and that the expenses and delays attendant thereon to your petitioners, and the want of a due grant and title to them, in order fully and legally to establish the justness of their own claim, and the fraudulent pretensions of that of their adversaries, have been to them a source of great vexation and regret, and is calculated to enhance the expenses upon them to a great amount; that, by the enclosed depositions, it must appear that the claim of the said Joseph Deputy is fraudulent; that the land should be considered as vacant, and subject to grant to your petitioners for the following reasons: 1st. That the claim of said Joseph Deputy was never specially located nor surveyed prior to March 10, 1804, as required by act of Congress of April, 1814. 2d. That no survey was made or recorded in the land office prior or subsequent to the change of government over the Territory wherein they lie. 3d. That the survey, as pretended to have been made, was made in the name of the grantee, William Nash, from Joseph Deputy, and purports to have been made prior to March 10, 1804, for the said William Nash, whereas, in fact, William Nash purchased and received his title to the land subsequent to the said date, viz., in August or September, 1804. 4th. That it is a fact that the said claim of Joseph Deputy was adjudged fraudulently by the board of commissioners appointed to adjust the land claims in said Territory, and therefore is void by the said act of April, 1814. 5th. That the said claim is not one of those legally certified by any board of commissioners or recorder of land titles as entitled to confirmation, as required by the same act. 6th. That it is believed there are two grants of record in the recorder's office transferred to William Nash; that, upon those two claims, three surveys of land have been reserved from sale, and the one interfering with your petitioners' was the last survey made upon those grants, and the claimant only entitled to the two first made. 7th. That the land, if ever located, was done so by a claim of 400 arpents, but that now claimed amounted to 800 arpents. Passing by many other suggestions and reasons why the said claim is fraudulent and void, and that the land was vacant and subject to settlement by your petitioners, and by which a patent title should be issued to them, they remonstrated to your department against the issuing of any grant to Joseph Deputy, whose claim is manifestly fraudulent, from the papers enclosed, and from others suggested in the foregoing reasons, which can be forthcoming to your office, and within your power to examine. They further represent and pray that the register and receiver of the Howard land office may be directed



to act finally on the case of your petitioners, and grant them such lands as their (without regarding any claim of Joseph Deputy) settlement rights entitle them to upon payment therefor; that such grant can impair no legal claim interfering with them, but, having enjoyed twelve years' possession, the justice of the government will be manifested to them by such grant, and will place them in a situation to defend their possession; and so little doubt is entertained by them of their claim, that their payments will be completed at their own risk. This course will, it is hoped, be not deemed inequitable to them for the reasons assigned, and ever should be adopted towards them in the event of a patent issuing to their adversary, as they are aware that the decision of the illegality or legality of those interfering claims depend ultimately on the judicial department; but it is expected the same means of combating their adversaries before that tribunal will be afforded these petitioners as to their adversary, viz: the issuing of title papers to their lands.

SHADRACH BARNES.  
JAMES BARNES.  
WILLIAM TAYLOR.

FRANKLIN, November 16, 1822.

TERRITORY OF MISSOURI, Northern Circuit, ss:

*The United States of America to any justice of the peace of the county of Howard, greeting:*

We, reposing special trust and confidence in your integrity and circumspection, do require and command you that you cause to come before you such person or persons as may be named or produced to you by William V. Rector and others, and them examine upon their corporal oaths, to be by you administered on the Holy Evangelist of Almighty God, touching their knowledge of anything that may relate to a certain suit now pending in our superior court of our Territory of Missouri for the northern circuit, between the said William V. Rector and others, plaintiffs, and Shadrach Barnes and others, defendants, on the part of the said plaintiffs; and having reduced the said depositions so by you taken as aforesaid into writing, you send the same, with this *dedimus* closed under your seal, to our said superior court with all convenient speed.

Witness the honorable John B. C. Lucas, esquire, presiding judge of our said court, at St. Louis, this thirteenth day of May, in the year of our Lord one thousand eight hundred and eighteen, and of our independence the forty-second.

[L. s.]

J. V. GARNIER, Clerk S. C. N. C.

IN THE SUPERIOR COURT, N. C. S.

*William V. Rector and others vs. Shadrach Barnes and others. In vacation, May 13, 1818.*

On motion of Colonel Benton, for the plaintiffs, it is ruled that a *dedimus* issue to any justice of the peace of the county of Howard, to take the depositions of witnesses for said plaintiffs.

A copy:

J. V. GARNIER, Clerk.

*To Messrs. Shadrach Barnes, Amos Barnes, John Welch, James Welch, William Taylor, and William Ridgway, the above-named defendants:*

SIRS: Take notice that, by virtue of a *dedimus* issued pursuant to the above rule, we shall, by ourselves or agent, attend at the house of John W. Michle, in the Rocher Percé bottom, in the county of Howard, in Missouri Territory, on the thirty-first day of this present month, between the hours of seven of the clock in the forenoon, and six of the clock in the afternoon of that day, then and there to take the depositions of witnesses to be read on the trial of the above cause on the part of the plaintiffs, when and where you may attend if you think proper. March 22, 1819.

WILLIAM V. RECTOR,  
JAMES H. BENSON,  
JOHN W. SCUDDER,  
JOSEPH WIGGINS,  
By GEORGE TOMPKINS, their Attorney.

On my oath I do say that I gave a copy of the within notice and rule to Shadrach Barnes, Amos Barnes, John Welch, William Taylor, and William Ridgway, on the twenty-third day of March, in the year eighteen hundred and nineteen, and read the same to each of them.

BRADFORD LAWLESS, Deputy Sheriff.

TERRITORY OF MISSOURI, County of Howard:

Before me, a justice of the peace in said county, personally appeared Bradford Lawless, who makes oath that the above affidavit is true, and that he, as therein stated, served the within notice on the persons therein named in manner stated in said affidavit.

Given under my hand and seal this 30th day of March, 1819.

AUGUSTUS STORRS, J. P. [L. s.]

Deposition of witnesses produced, sworn, and examined on the thirty-first day of March, in the year of our Lord eighteen hundred and nineteen, between the hours of seven of the clock in the forenoon and six of the clock in the afternoon of that day, at the house of John Michle, in the Rocher Percé bottom, in the county of Howard, in Missouri Territory, before me, Augustus Storrs, a justice of the peace within and for the county of Howard aforesaid, by virtue of a *dedimus* for the examination of witnesses in a certain cause now depending in the superior court in the northern circuit of said court for the Territory of Missouri, between William V. Rector and others, plaintiffs, and Shadrach Barnes and others, defendants, on the part of the plaintiffs, directed to any justice of the peace within and for the county of Howard aforesaid.

Ira P. Nash, of lawful age, being produced, sworn, and examined on the part of the plaintiffs, deposed and saith that he commenced making a survey a few rods above the slough which discharges its waters into the Missouri river; that said slough is about one-quarter of a mile above the town of Franklin, in

Howard county; and that said beginning of said survey was very near the Missouri river, and opposite the island in the Missouri river above Franklin.

By the plaintiffs:

*Question.* For whom did you make this survey?

*Answer.* I made that survey for no person, but to be covered by a claim for myself, or by a claim owned by some other person who might wish to lay it there.

*Question.* Whose claim was laid there?

*Answer.* A claim in possession of William Nash, which he had purchased.

*Question.* Tell what you know of the claim—that is, from whom it was purchased and from whom it was derived?

*Answer.* It originated from Joseph Deputy or from Baptist Presee, but I do not certainly know from which of the two; but I think that William Nash purchased it from Antoine Dejarlay.

*Question.* Did you ever show the beginning of that survey to any one since? If you did, tell to whom.

*Answer.* I showed the place of beginning first to William Clark, James Whiteside, and William Nash; and, in the month of April, eighteen hundred and eleven, if I recollect right, I showed the place of beginning to Abraham Barnes, but the tree had then fallen into the river, as I supposed, on which the corner was made, it being then seven years after the making of the original survey. I think in May, some one or two years since, I showed the same place to Horatio Christman, at the time he was about to resurvey it by order of the surveyor general of Missouri Territory, as said Christman told me.

*Question.* Do any persons live on the land included in that survey? If any, do tell who they are.

*Answer.* It would be a very tough thing for me to tell that. The people in Franklin live on it, and William Taylor likewise.

By the defendants:

*Question.* Was the survey made previous to the first day of March, in the year eighteen hundred and four?

*Answer.* I refer you to my certificate of survey to ascertain that.

*Question.* Do you or do you not recollect the month in which the survey was made?

This question was objected to by the plaintiffs and overruled.

*Question.* Who were the chain-carriers and markers when the survey was made?

*Answer.* The chaining and marking was done by myself.

*Question.* Were any persons in company at that time, and who were they?

*Answer.* I was alone, and run only part of two squares of the survey and called for the balance; nor did I communicate the thing to my company, Stephen Hancock and Stephen Jackson.

*Question.* Did you show any marked tree to William Clark and James Whiteside, to whom you said you showed the place of beginning?

*Answer.* I did not call their attention, but made additional marks at the time they were in company with me; I believe they understood that to be the place of beginning.

*Question.* Was the original marked tree then standing?

*Answer.* It was.

*Question.* What kind of compass had you?

*Answer.* It was a compass having a perfect circle, and degrees marked on the edge; also a needle, being on a pivot, so well balanced that neither end depressed, and, when perfectly horizontal, one end pointed north and the other south, as I supposed; it also had uprights at each extreme end that projected from the circle, through which there were certain crevices or slits through which I could see and take an object.

*Question.* Was it a pocket compass with wooden sights or not?

*Answer.* I do not know whether it was a pocket compass or not; if it was a pocket compass, it was larger than I would wish to carry in my pocket. It had wooden sights.

*Question.* What kind of chain did you use when you made that survey?

*Answer.* It was a two-pole chain, agreeably to French or Spanish measure, and made of genuine Louisiana hemp.

*Question.* Was it the same with which you made the survey in company with Stephen Jackson and Stephen Hancock?

*Answer.* I carried but one chain with me.

*Question.* Did you mark more than one corner when you made the survey?

*Answer.* Only one, and that was the *bourne miellien*, or what I suppose would now be called the middle station on the line.

*Question by the plaintiffs.* When you made the survey above spoken of, were you a surveyor appointed under law for such purposes?

*Answer.* I was appointed by the surveyor general, Antoine E. ulard, who has sanctioned all my returns as his deputy.

*Question by the defendants.* At the time that survey was made did Stephen Jackson and Stephen Hancock act as your chain-carriers in making other surveys?

*Answer.* Yes.

I. P. NASH.

TERRITORY OF MISSOURI, *County of Howard, to wit:*

The foregoing deposition of Ira P. Nash was taken, reduced to writing, sworn and subscribed by the said deponent before me, Augustus Storrs, a justice of the peace in said county, at the house of John M. Michle, in the Rocher Percé bottom, in the said county and Territory, on this thirty-first day of March, in the year of our Lord eighteen hundred and nineteen, between the hours of seven o'clock in the forenoon and six of the clock in the afternoon of said day, and are herewith enclosed, and sent to the clerk of the superior court for the northern circuit, agreeably to the direction of the *dedimus* issued for the taking of said depositions.

AUGUSTUS STORRS, J. P.

TERRITORY OF MISSOURI, *Howard County, to wit:*

Be it known that on the eighteenth day of January, in the year one thousand eight hundred and nineteen, at the office of David Todd, attorney at law, in the town of Franklin, between the hours of ten o'clock in the forenoon and six o'clock in the afternoon, personally appeared before me, Augustus Storrs,

a justice of the peace in said county and Territory, the following witnesses, and their depositions were then and there taken as followeth, before me, agreeably to a *dedimus potestatem* hereto annexed; and also a notice annexed to be read as evidence in favor of Shadrach Barnes, Amos Barnes, William Taylor, and William Ridgway, in a suit of ejectment pending and undetermined in the superior court for the northern circuit, held at St. Louis, in said Territory, wherein William V. Rector and others are plaintiffs, and the said parties first above-named and John Welch and James Welch are defendants.

William Clark, being produced, sworn, and examined on the part of the defendants, deposeeth and saith that on the twenty-second day of July, in the year of our Lord eighteen hundred and four, this deponent set out from Richard Chetwood's, about four miles below the mouth of the Missouri river, in company with Ira Nash, William Nash, James Whiteside, and Daniel Hubbard, for the purpose of ascending the Missouri and seeing the country. On the way said Daniel Hubbard obtained a canoe and returned back. This deponent landed a little above the mouth of Lamine creek, and went with said Ira Nash, William Nash, and James H. Whiteside to Barclay's lick, and from thence to Boon's lick, in company with said two Nashes, and then returned again to Barclay's lick; from thence the party again, being joined by said Whiteside, returned to a place called Prewitt's trading-house, a small distance above where the town of Franklin is now situated. Ira Nash then said that, being up here sometime before, in February, he had left a compass in a hollow tree, and, with the others, went to hunt it, while this deponent went to a place called Sulphur lick to kill deer, agreeing to meet said party the next day at Barclay's lick, where we met accordingly, said party bringing said compass. Said Ira Nash, together with this deponent, and William Nash, then met to run a line from one survey at the bluff to another on the river, for the purpose, as Ira Nash said, of enabling him to make a correct plot of the same, or of what he had once done before. We run the said line about five outs, and coming to a wet—a grassy place, we were obliged to relinquish our design. We then again parted—this witness by land, to hunt, and the others by water—to meet again the next day at Prewitt's trading-house, which we then did. Something less than a mile below said trading-house said Ira Nash marked a corner on three percon trees; from which corner we commenced running a line down the river Missouri, and ran not exceeding five outs, when said Ira Nash mentioned to the company that he was not getting the land which he wanted, and stopped running. Said Ira Nash then went back, as he said, to make a new corner, while all the rest of the company came down the river to the mouth of a slough, a little above Franklin. William Nash then told this deponent that he had an eight hundred arpent claim, and would locate it below the mouth of this discharge or slough above mentioned. Ira Nash then went from the company, but he set his compass, or ran a line with it, this deponent does not recollect; but sometime afterwards he returned, and mentioned that he, William, had got the plum orchard, making the observation to his brother William. All the company then went down the river to a large spring between the Rocher Percé and the Grand Moniton, and William Nash observed that he had an eight hundred arpent claim that he would lay there; but this deponent does not know whether any corner was made, but knows that no lines were run. The company then went on down the river until they came in sight of the place where Cote Sans Dessein now is, and then landed. William Nash then said that he would lay one of his eight hundred arpent claims in that place. Ira Nash then set the compass, intending to locate it in an oblong form running up the river. The whole of the company then again descended the river, and reached the place from which they set off about the 17th of August, in the same year.

By defendants:

*Question.* What kind of compass and chain was used by Ira Nash at the times above mentioned?

*Answer.* It was a large pocket compass, set in a piece of wood, having wooden sights, and the chain was a rawhide tug, and perhaps a piece or some pieces of rope attached to it.

*Question.* When the percon trees were marked as corners, and the line commenced running, who marked the line trees?

*Answer.* I do not recollect.

*Question.* Did you see the lines marked at all?

*Answer.* I do not recollect that I saw them marked; and whether they were marked at all or not, I cannot say.

*Question.* How far from the river were those percon corners?

*Answer.* About five or six poles.

*Question.* At the time William Nash talked of laying his claim below the slough, do you recollect of any claim by one of the company being set up to the land, and what passed?

*Answer.* I heard of none.

*Question.* At or near the percon corners were you shown by any of the company any corner or lines marked which were made at any time previous to that when you were there?

*Answer.* I saw none; neither heard any of the company mention any.

*Question.* How far did Ira Nash make the corners on the percon trees from Barclay's lick?

*Answer.* I do not know exactly, but it was on the Missouri, below said trading-house, and we then called it six or seven miles.

*Question.* How far from Barclay's lick did he commence to run the line to connect the two surveys you first spoke of?

*Answer.* It was at or very near the lick.

*Question.* Did Ira Nash qualify any chain-carriers, or a marker, when he pretended to commence a survey, or did he not?

*Answer.* He did not when I was with him.

*Question.* How far was the place Ira Nash was hunting his compass from the corner he made on the percon trees?

*Answer.* He started from the trading-house, to hunt his compass, toward the slough above mentioned; but I do not know the distance.

*Question.* How far do you think the percon trees marked as a corner are from the slough where William Nash said he would lay his claim?

*Answer.* At that time we called it about three miles from said trading-house to the slough; and said percon trees are between three-quarters of a mile and a mile below the trading-house.

*Question.* Were any corners made about the mouth of the slough, or between the percon trees and the mouth of the slough?

*Answer.* I saw none made; neither saw any at all.

WILLIAM CLARK.



Stephen Jackson, also being sworn at the same time, depose and saith that in the month of February, in the year eighteen hundred and four, this deponent, in company with Stephen Hancock and Ira Nash, set out from a place called Hancock's bottom, about thirty miles above St. Charles, for the purpose of ascending the Missouri and making some surveys; said Stephen Hancock and myself being then employed by said Ira Nash for that purpose, we made several surveys while engaged in the expedition, and the lower line of the lowest survey that we made was just or very nearly opposite the mouth of Lamine creek. After completing said surveys we went to a trading-house called Prew's trading-house, and remained there about two or three days. Said Ira Nash then hid his compass in a hollow cotton-wood tree near said trading-house, and all the company set off home. In passing down passed through a prairie about one mile northwest from Franklin, and returned home between the fifth and tenth days of March, in the same year.

By the defendants:

*Question.* In what manner were the surveys of Ira Nash made?

*Answer.* Said Nash carried the compass and took the course, and said Hancock and myself carried the chain, this deponent blazing the lines.

*Question.* How far above Franklin is the lower line of the last survey you made?

*Answer.* Between three and four miles on a straight line.

*Question.* Did you see any people in this country from whom said Nash could obtain assistance in making his surveys, except the company who came up with him?

*Answer.* I did not.

*Question.* Do you know of his making any corners after he left the trading-house?

*Answer.* I do not.

*Question.* Was the company ever separated so that Nash could have executed a survey where Franklin now stands without your knowing it?

*Answer.* I do not know how to answer the question. He could not have done so until after we came to the trading-house; and I do not rightly recollect about that. We were there two or three days doing nothing.

*Question.* Whilst at the trading-house did you hear Nash say anything about making further surveys?

*Answer.* I did not.

*Question.* Did you, at any time during the trip, hear Ira Nash say that he had any surveys to make for his brother, William Nash?

*Answer.* Not that I recollect at this time.

*Question.* The surveys that he executed, did he not let you know the names for whom he did it?

*Answer.* He made one survey for Barclay, one for Hyacinthe, one for Barraboo, and one for Allen, and one for himself, as he told this deponent; and I recollect no other.

*Question.* How far above Franklin is Prew's trading-house?

*Answer.* Not exceeding two miles.

*Question.* Is Stephen Hancock alive or dead?

*Answer.* He is dead.

*Question.* Will you describe the chain and compass?

*Answer.* The compass was a pocket compass set in a piece of wood, and having wooden sights; and the chain was a piece of a rope and a tug joined.

*Question.* Do you know whether Ira Nash was ever in this country before February, 1804?

*Answer.* He was never to my knowledge, and, from what he told me then, I am satisfied he was not. This deponent is of lawful age, and further saith not.

STEPHEN JACKSON.

The above depositions of William Clark and Stephen Jackson were severally sworn to and subscribed before me, a justice of the peace in Howard county, Missouri Territory, on this eighteenth day of January, in the year eighteen hundred and nineteen; and a further examination of witnesses is hereby adjourned until to-morrow morning at 10 o'clock; at the same place of which adjournment, George Tompkins and Robert Wash, being present during the examination, had notice.

AUGUSTUS STORRS, J. P.

Pursuant to adjournment, met at the same place for the further examination of witnesses; and between the hours of 10 in the forenoon and 6 o'clock in the afternoon, the following depositions were taken:

James H. Whiteside, being sworn before me, a justice of the peace in Howard county, depose and saith that in the month of July, in the year eighteen hundred and four, this deponent, in company with Ira Nash, William Nash, and William Clark, ascended the Missouri and landed opposite the mouth of Lamine creek, about the first of August, in the same year. The object of this deponent in coming to this place was to obtain headright under the Spanish government. From the mouth of Lamine we went to a place called Barclay's lick. This deponent was engaged in improving a place for Mr. Barclay, while both the said Nashes went to survey, as they said, although this deponent did not see them survey. On the river, nearly opposite the mouth of Lamine, said Ira Nash made an improvement by deadening some trees and planting some corn, in which this deponent assisted him. This deponent was not engaged particularly in surveying with said Nashes, and knows nothing of their surveying more until they arrived near the mouth of the Grand Osage, where William Nash said that he would lay an eight hundred arpent claim. Several years ago this deponent saw William Nash, who told him that he was living or about to settle at the Grand Osage, on the claim above mentioned. I believe this is all I know relative to the case.

By defendants:

*Question.* How often had William Nash and Ira Nash been in this country before?

*Answer.* I understood that Ira Nash had been here once before, and that William Nash had never been in the Territory before; and I lived only one mile and a half from said Ira Nash.

*Question.* Did Ira Nash or William Nash mention anything of William Nash having surveys here before that time?

*Answer.* Not to my recollection.

*Question.* Did either of them make any corners between Barclay's lick and Franklin?

*Answer.* I saw nothing of the kind except the improvement before mentioned.

*Question.* Were you present, or do you know anything of any person trees being marked as corners?

*Answer.* I do not know anything of it; neither was I present.

*Question.* When you landed at the mouth of the slough, near Franklin, did you see Ira or William Nash make or mark any corners there?

*Answer.* I did not, to my recollection.

*Question.* Did William Nash say that he had any claim at or near that place?

*Answer.* Not to my recollection. The deponent further adds that if he was present when the person trees were marked, he has totally forgotten it; but is firmly of the opinion that he was not present.

*Question.* When you were encamped at the mouth of the slough as aforesaid, did you hear either Ira or William talk of having surveyed as low down as the mouth of the slough while you were at work at Barclay's lick.

*Answer.* I recollect no such conversation.

JAS. H. WHITESIDE.

William Clark claims two days' attendance and mileage for two hundred miles, and one dollar for his ferriages. James H. Whiteside likewise claims for two days' attendance and mileage for four hundred miles, and one dollar for his ferriages.

AUGUSTUS STORRS, J. P.

Daniel Munroe, also being duly sworn on the same day, deposeth and saith that in the month of January or February, in the year eighteen hundred and eleven, Shadrach Barnes moved to the place where Franklin now is, and immediately commenced clearing a field, which he enclosed with a good rail fence, and raised about fifteen acres of corn during the ensuing summer, which he gathered in the fall; and said Shadrach Barnes has lived on the same place every year since, except when forced, and has, as this deponent believes, raised corn thereon every year since, except since the town of Franklin was laid off thereon. Said Barnes did never move his family to the place above mentioned until June, in the said year eighteen hundred and eleven; and further, this deponent says that William Taylor moved to the place where he now lives, together with his family, in the year eighteen hundred and twelve; and during the summer of the same year raised several acres of corn, and has continued to live on and cultivate the same place every year since, except when necessarily compelled to live in the fort, for two or three years, at intervals; and both said Barnes and said Taylor at this time reside on the places where they first settled; and further, William Ridgway likewise settled, in the year eighteen hundred and twelve, on the Missouri, below where Franklin now is, with his family, and in the same year raised about five acres of corn, and has continued to live on and cultivate said place every year since, except when obliged by Indian hostility to live in the fort; also, Amos Barnes, in the year eighteen hundred and twelve, raised about three or four acres of corn, and settled in the same year on the ground where Franklin now is, together with his family, and built a house on the same place in the same year. And this deponent likewise says that on Friday last, the fifteenth instant, he showed to George Jackson, county surveyor of Howard county, the centre of the four above-mentioned improvements, as they were situated in said year eighteen hundred and twelve, or as near the centre as he could recollect; and all said improvements are, to the personal knowledge of this deponent, in township number forty-eight north, of range number sixteen west of the fifth principal meridian. William Taylor's said improvements are on the northeast quarter of section number six; and William Ridgway's, Amos Barnes', and Shadrach Barnes' said improvements are on the southwest quarter of section number five, except as to Shadrach Barnes' said improvement of eighteen hundred and eleven, which extended into the southeast quarter of section number six. Further, in the spring of the year eighteen hundred and seventeen this deponent was in company when Horatio Christman, a deputy surveyor of the United States, commenced surveying an eight hundred arpent claim of William Nash, this deponent only hearing that the claim was of that size, and including the town of Franklin or a part thereof. Ira Nash went with said surveyor to show the corner or beginning, and was unable to find a corner, saying that it had been marked on a walnut tree. Said party then established a corner above the slough, and about one and a half chain from the Missouri, by marking two or three trees with an axe; said surveyor then took a course from said corner running north twenty degrees west, as this deponent understood, and had the line marked out by blazing the trees near it. The party continued running on said line until they were stopped in Mr. Welch's field, and desisted from running any further.

By defendants:

*Question.* Did you pay particular attention to find a marked corner or a marked line?

*Answer.* I looked for a corner, but could find none except the one then made; and as to line trees, I looked for none.

*Question.* Did Ira Nash, or any one of the company, find a marked corner or a marked line tree?

*Answer.* If they found any I did not know it. This deponent is of lawful age, and further saith not.

DANIEL MUNROE, Jr.

William Munroe, being duly sworn on the same day, deposeth and saith that in the year eighteen hundred and eleven Shadrach Barnes built a house, and raised about fifteen — of corn, and lived in said house with his family during said year; said improvement was on the ground where Franklin now is, and where said Shadrach Barnes now lives. In the year eighteen hundred and twelve this deponent personally knew William Taylor, William Ridgway, and Amos Barnes, each of them, to make separate improvements, by raising, each of them, several acres of corn in fields enclosed with a rail fence; and likewise knew each of them to build houses and inhabit them with their families during the same year—said Amos Barnes on the ground where Franklin now is, the others on quarters adjoining said town of Franklin, in spring, eighteen hundred and seventeen. This deputy surveyor was present when Horatio Christman, a deputy surveyor of the United States, together with others, was engaged in running out or surveying a claim including a part of Franklin, and belonging, as this deponent understood, to William Nash. When assembled at the supposed place of beginning, Shadrach Barnes called on this deponent and others to examine and see if they could find any marked corner or lines; and this deponent, on examining, could find no corner or lines marked; neither heard of any being found at the time, except those then made. This deponent is of lawful age, and further saith not.

WILLIAM MUNROE.

The foregoing depositions of James H. Whiteside, Daniel Munroe, jr., and William Munroe, were severally subscribed by them, and sworn to before me, a justice of the peace in Howard county, at the time of taking the same, and at the place above named; and said depositions, and the foregoing ones of William Clark and Stephen Jackson, are herewith enclosed, annexed to the *dedimus* issued for the taking thereof. Witness my hand this nineteenth day of January, in the year one thousand eight hundred and nineteen.

AUGUSTUS STORRS, *Justice of the Peace.*

Justice's fees, paid by defendants, six dollars and seventy cents.

AUGUSTUS STORRS, *Justice of the Peace.*

Depositions of witnesses produced, sworn, and examined, on the eighth day of September, in the year of our Lord eighteen hundred and nineteen, between the hours of ten of the clock in the forenoon and six of the clock in the afternoon of said day, at the office of Augustus Storrs, in the town of Franklin and county of Howard, in the Territory of Missouri, before me, Augustus Storrs, a justice of the peace within and for the county aforesaid, by virtue of a *dedimus* for the examination of witnesses in a certain cause now depending in the superior court of the Territory of Missouri, for the northwestern circuit, between William V. Rector and others, plaintiffs, and Shadrach Barnes and others, defendants, on the part of the defendants directed to any judge or justice of the peace within and for the county of Howard, in said Territory.

Daniel Munroe, jr., being produced and sworn, and examined, and being of lawful age, deposeth and saith on the part of the defendants:

By defendants:

*Question.* Were you along when Horatio Christman run the lines of William Nash's Spanish grant at Franklin?

*Answer.* I was along.

*Question.* Did Shadrach Barnes particularly call on you to notice for any marks or corner at that time?

*Answer.* He did call on the company generally to notice.

*Question.* Did you particularly notice to marked trees at the beginning or on the line?

*Answer.* I did notice both at the beginning and on the line, but saw none.

*Question.* Have you not, since that time, been called to notice again?

*Answer.* I have.

*Question.* On the second examination did you discover any old marks on the line?

*Answer.* I saw none which appeared older than the line first run by Mr. Horatio Christman.

*Question.* Did you ever have any conversation with Ira Nash relative to the quantity of land included in the Spanish location at Franklin; and, if so, what was it?

This question was objected to by Mr. Tompkins, plaintiffs' attorney, but it is considered that the answer be inserted.

*Answer.* I have had conversation with Ira Nash on that subject, and he told me that he had a claim of four hundred arpents, including Shadrach Barnes' and William Taylor's improvements.

*Question.* Did he state where the beginning corner of the said four hundred arpent claim was?

*Answer.* He did, and told me that the beginning corner was marked on a large walnut tree at the mouth of a slough above Mr. Shadrach Barnes' house.

*Question.* Was that the slough at the mouth of which Horatio Christman began the survey of the eight hundred arpent claim at the time you mentioned looking for marked trees?

*Answer.* I know of no other slough which would be included by a four hundred arpent claim including Barnes' and Taylor's improvements.

*Question.* At what time did the conversation you mentioned take place with Ira Nash?

*Answer.* I think it was in the year eighteen hundred and eleven.

*Question.* Did you understand at that time whether the said land was claimed by him, the said Ira Nash, or by his brother, William Nash?

*Answer.* I do not recollect his saying that it was his brother William Nash's land at that time, but Ira Nash then offered it for sale.

*Question.* Did you, after that time, hear Ira Nash say that the said four hundred arpent claim did belong to his brother, William Nash; and if so, at what time?

*Answer.* I do not recollect his saying that the said four hundred arpent claim belonged to William Nash, but he has since told me that the eight hundred arpent claim belonged to William Nash.

DANIEL MUNROE, JR.

Sworn to and subscribed before me September 8, 1819.

AUGUSTUS STORRS, *Justice of the Peace.*

After taking the foregoing depositions, it being late in the evening, and it being stated in the notices of the plaintiffs that the depositions would be taken from day to day, if necessary, it is considered that an adjournment take place till to-morrow morning, September 9, at the hour of ten of the clock in the forenoon of said day.

At the hour of ten of the clock in the forenoon of this the ninth day of September, in the year eighteen hundred and nineteen, pursuant to the adjournment of yesterday, I again commenced the examination of witnesses touching this suit

AUGUSTUS STORRS, *Justice of the Peace.*

George Avery, of lawful age, being produced, sworn, and examined, on this second day of October, eighteen hundred and nineteen, deposeth and saith, that sometime in the year eighteen hundred and fifteen, as well as this deponent recollects, he met with William Taylor and Ira Nash at the house of David Bryant, near Charette village, and heard William Taylor say to said Ira Nash that he had been gone six months and had made four hundred arpents of land; and that he, Nash, had better go and stay six months longer. Said Nash then observed that he had a four hundred arpent claim where William Taylor lived that was not special, and that he had an eight hundred arpent claim that was special; and that he meant to remove his eight hundred arpent claim to the place where the four hundred arpent claim was, on which William Taylor lived.



*Question by defendants.* Did you hear Ira Nash say that he had laid an eight hundred arpent claim on the place where William Taylor now lives before or since the conversation mentioned before?

*Answer.* I never heard Ira Nash say that he had laid an eight hundred arpent claim there.

GEORGE <sup>his</sup> AVERY.  
mark.

The foregoing deposition of George Avery was taken, sworn to and subscribed, and reduced to writing, before me, Augustus Storrs, a justice of the peace, on the second day of October, eighteen hundred and nineteen, between the hours of ten of the clock in the forenoon and six of the clock in the afternoon of said day, at the office of Augustus Storrs, in the town of Franklin, in Howard county, and Missouri Territory; and, together with the *dedimus* and notices, and other depositions, as by the notices and certificate affixed will appear, are sent under seal to the clerk of the superior court for the northern circuit. Given under my hand and seal, at Franklin, this second day of October, eighteen hundred and nineteen.

AUGUSTUS STORRS, [L. S.]  
*Justice of the Peace.*

STATE OF MISSOURI, *County of Callaway, set:*

I, Irvine O. Hockaday, clerk of the circuit court within and for the county and State aforesaid, do hereby certify that the foregoing twenty-seven\* pages contain true and precise copies of the depositions of Ira P. Nash, William Clark, Stephen Jackson, James H. Whiteside, Daniel Munroe, jr., Wm. Munroe, and George Avery, filed among the papers in the suit lately depending in the circuit court for the circuit and county of Callaway aforesaid, between William V. Rector and others, plaintiffs, and Shadrach Barnes and others, defendants.

In testimony whereof, I have hereunto set my hand, as clerk aforesaid, this twenty-second day of October, eighteen hundred and twenty-two.

IRVINE O. HOCKADAY.

STATE OF MISSOURI, *County of Callaway, set:*

I, Wharton R. Moore, a justice of the peace within and for the county aforesaid, do hereby certify that Irvine O. Hockaday, clerk of the circuit court for said county, made oath before me the foregoing twenty-seven pages contain true, perfect, and precise copies of the depositions named in his certificate above, and filed in the suit therein mentioned.

Given under my hand and seal this twenty-second day of October, eighteen hundred and twenty-two.

WHARTON R. MOORE, *J. P. C. C.*

LAND OFFICE AT FRANKLIN, *October 31, 1822.*

I certify that Shadrach Barnes, James Barnes, and William Taylor, (pre-emption claimants,) did prove, to the satisfaction of the register and receiver, that they had inhabited and cultivated, as required by law, tracts of land within what appears by the maps to be a private survey in the name of Joseph Deputy, and that certificates would have issued to them but for said survey.

T. A. SMITH, *Receiver.*

LAND OFFICE AT FRANKLIN, *Missouri, November 16, 1822.*

I certify that I have examined the application of Shadrach Barnes, James Barnes, and William Taylor, (pre-emption claimants,) and the accompanying testimony in support of their respective claims to the right of pre-emption, filed in this office, and am of the opinion that they have inhabited and cultivated, as required by the law, tracts of land within what appears from the maps to be a private survey in the name of Joseph Deputy.

JOHN MILLER, *Register.*

No. 4.

GENERAL LAND OFFICE, *September 20, 1823.*

Sir: Application having been made to this office to issue a patent for the claim of William Nash, under Joseph Deputy, for 680.56 acres, in townships 48 and 49, range 16 west, against which you entered a caveat July 12, 1822, I have to request that you furnish this office with evidence in support of your belief that the claim is fraudulent, or at least that its original place of location is different from the present place of location, and this evidence be produced by the 1st day of February next. If it is not produced by that time the patent will be issued on the claim of Mr. Nash.

I am, &c.,  
MR. SHADRACH BARNES, *Franklin, Missouri.*

GEO. GRAHAM.

No. 5.

FRANKLIN, *Missouri, September 25, 1823.*

Sir: Sometime in the year eighteen hundred and eleven the writer of this letter, one William Taylor, and James Barnes, settled on section five, in township forty-eight north of the base line and north of the Missouri river, and range sixteen west of the fifth principal meridian, and have ever since continued in the possession of the improvements which were respectively made by them on said land. Agreeably to the act of Congress, they, at the time appointed by law, made application to the register and receiver of the Howard land district to grant them, according to the law extending that privilege to the inhabitants of the Territory of Missouri, the right of pre-emption on said land, and made proof of their inhabiting and

\*There are twenty-seven pages in the original.

cultivating said land, before the register and receiver aforesaid. The said section of land, however, being marked on the books of the said land office as a confirmed Spanish grant, the register and receiver have refused hitherto to grant to us the right of pre-emption. The said pretended Spanish grant was made in the name of Joseph Deputy, and is now held by persons who have purchased under him. Sometime ago they commenced an action of ejectment against the writer of this letter and the persons before named to take from them the possession of said land, but were finally non-suited, and, although more than a year has elapsed since, have made no advances towards a recommencement of their suit. At the time of the non-suit aforesaid the writer forwarded on to the general offices the depositions of witnesses, which went to establish the fact that said Spanish grant was pretended and fraudulent, and that it never had been confirmed by the board of commissioners established for that purpose; but, as he has never received any intelligence of the reception of these depositions, he presumes they have miscarried. The proof of his being entitled to the right of pre-emption under the act of Congress was also forwarded to your department by the register and receiver aforesaid, who have been waiting ever since for instructions from your department how to proceed. As it is the wish of the writer of this letter that the controversy should be settled as speedily as possible, he earnestly requests that these instructions may be forwarded immediately. The persons claiming said grant pretend it was confirmed specially by Congress after the dissolution of the board of commissioners. Any information on that subject will be gratefully acknowledged by the writer.

Respectfully,  
The COMMISSIONER of the General Land Office.

SHADRACH BARNES.

#### No. 6.

Sm: Agreeably to your request of the 20th September last, I hasten to enclose to you some of the evidence necessary to invalidate the claims of William Nash, under Joseph Deputy, situated in township 48 and 49, range 16 west. This evidence was forwarded to your office more than a year since, and was accompanied by a certificate from the register and receiver of the Howard land district, stating that the evidence I had offered to them in support of my claim to a pre-emption was satisfactory, and that it would have been granted but for the interference of the Spanish grant. I will forward a similar certificate as soon as I can obtain it.

The enclosed depositions, it will appear, were taken in the course of judicial investigation by competent officers, where the opposing parties were present to cross-examine the witnesses. Had I the certificate of the register and receiver now to forward, I should deem it unnecessary to trouble you with any evidence in support of my claim to a pre-emption, but, in its absence, I would call your attention to the depositions marked A, B, and C. By these depositions it will appear that I came completely within the provisions of the pre-emption laws, and unless there be some claim to the same land, valid against the government, I am entitled to the land by the beneficence of the government. As a patent itself may be repealed and annulled on account of fraud in obtaining it, I suppose those proceedings necessary to be had before the emanation of a patent are, at least, liable to the same objections that might be urged against the title when complete. The act of Congress of April 12, 1814, requires, in cases like the present, that it should "appear by the report of the commissioners, register or recorder, that the concession, warrant, or order of survey, under which the claim is made, should contain a special location, or had been actually located or surveyed, within the late Territory of Orleans, before December 20, 1803, or actually located or surveyed within the Territory of Missouri before March 10, 1804, by a surveyor duly authorized by the government making such grant." These facts were to appear by the report, in order that the claims should be confirmed. By the petition of Deputy, and the concession by the commandant, Don Carlos Delahut Delassus, marked D and E, it will appear that both were general, and referred to no particular part of the domain from which the land was to be taken. It remains to see whether there was any survey according to the act of Congress. The plat only shows that the survey was made in the month of February, 1804, but not for whom it was made. It is signed, as would appear by the record of the recorder's office, by R. L. Nash. This is evidently a mistake in the recording clerk, as will appear by the deposition of Nash, and must have proceeded from the singular manner in which Ira P. Nash signs his name, as Ira P. was certainly the person who made the survey. The original survey is not now to be found. It appears by the deposition of Stephen Jackson, marked F, that in the month of February, 1804, he, together with one Stephen Hancock, (who was dead when the depositions were taken,) ascended the Missouri with I. P. Nash for the purpose of making surveys, and that the lowest line of the lowest survey made to his knowledge was just opposite, or a little above, the mouth of Lamine creek, which is between three and four miles in a straight line above Franklin. Jackson further states that he saw no person then in the country from whom Nash could have received assistance in making a survey; that Nash mentioned the names of those for whom he made the surveys, but did not mention that he made any for his brother, William Nash. He also describes the manner of making the surveys, and what kind of compass and chain Nash used. Take now Nash's own deposition, marked G, on the other side of the case, taken at a different time and place, and see how it corresponds with other statements. First, as to the time of making the survey, he says nothing of it at the beginning, but being asked directly, he refers to his certificate of survey, thereby, as he may suppose, avoiding anything like direct perjury. (See that part of his deposition marked Z.) In subsequent parts of his deposition he identifies the time by saying, in one place, he did not "communicate the thing to his party, Stephen Hancock and Stephen Jackson;" and, in another, that "at the time that survey was made Stephen Hancock and Stephen Jackson acted as chain-carriers in making other surveys. It must, then, have been made when Jackson was with him, or it was not within the time required by the act of Congress.

You will see that Jackson and Nash differ in their description of the compass and chain used by Nash, and, taking Nash's own evidence, the matter must seem improbable that any survey was made at the time he mentions. It is shown by his own deposition that his return on the plat is false. He says on the plat that the survey was made "according to the decree of the lieutenant governor, Don Carlos Delahut Delassus, dated March 5, 1800;" in his deposition he says "it was not made for any person, but to be covered by a claim for himself, or by a claim owned by some other person who might wish to lay it there." It was, therefore, not made by the order of the surveyor general, or any other person, or by

virtue of any concession, warrant, or order of survey. It appears further from his deposition, "that a claim was laid there that was in the possession of William Nash, which he had purchased." Now, it will appear from the deeds (copies of which are enclosed, H, I, K and L,) that Deputy sold to Don St. Vrain, on February 5, 1804, two hundred arpents of the concession; that afterwards, on July 20, 1804, Deputy sold to Tyson two hundred arpents; that Tyson, on July 21, sold to Dejarlai his two hundred arpents, and that St. Vrain, on the same day, sold six hundred arpents to Dejarlai; and that, on the same day, Dejarlai sold the whole to William Nash. The deed from Deputy to St. Vrain appears by the copy to be for only two hundred arpents, and St. Vrain afterwards sold six hundred. How they managed it I know not, but, admitting them to be correct, I think the whole most clearly, and without question, contradict Ira P. Nash's deposition, and show that, if a claim in the possession of William Nash, and which he had purchased, was laid where he had made his pretended survey, it must have been in July, 1804, and therefore bad; but I call your attention to these deeds once more before I dismiss them. You find William Nash, to whom this land was confirmed, a witness to them all but the one to himself, and that three of them are dated July 21, 1804. This was a time when it was necessary to make haste, and, accordingly, we find by Clark's deposition, marked N, that on July 22, 1804, he, together with Ira Nash, William Nash, James H. Whitesides, and Daniel Hubbard, started up the Missouri. By the deposition of Whitesides, marked O, it appears they started sometime in the month of July, without mentioning the day, but as William Nash is witness to the deed on the 21st, it must have been after that time. Mention is made in Clark's deposition of I. P. Nash running a line to connect a survey at the bluff to one on the river, to enable him to make a correct plat of what he had once done before, and that they had failed. He speaks of Nash marking a corner on three percon trees, and running thence down the river, and of his stopping because he was not getting the land he wanted. This corner has nothing to do with the case now before you, as you will find that it was less than a mile below the trading-house, which is shown by the depositions that speak of its distance above Franklin to have been at least two miles, and the survey pretended to be made by Nash, on which the present claim rests, was commenced, as he himself says, a few rods above the slough that discharged its waters into the Missouri river, and that said slough is about a quarter of a mile above the town of Franklin. You find, further, from Clark's deposition, that the party came down to the mouth of a slough a little above Franklin, when William Nash told Clark "that he had an eight hundred arpent claim, and he would locate it below the mouth of the discharge or slough above mentioned," and "that Ira Nash then went from the company, but whether he set his compass or run a line Clark does not recollect, but sometime afterwards he returned, and mentioned that he, William, had got the plum orchard, making the observation to his brother William." It appears that William Nash had divers eight hundred arpent claims, as he mentioned no less than three to Clark. It appears pretty certain that Ira Nash, when he was up the river in July, 1804, was engaged in making surveys, and, from the whole evidence thus offered, I think it will not be questioned that his *fraternal affection* for William Nash has carried back the time of the survey on which this claim must rest. I regret extremely that there is no cause now pending in which I could take evidence to prove Ira Nash unworthy of belief on his oath; but if you should deem such evidence material, and would receive affidavits, I believe they can be procured. The cause in which the depositions were taken, of which the enclosed are copies, has been dismissed by the plaintiffs.

You will see by the deposition of Chrisman, marked P, that he pretended to find a corner of beginning and line trees, but this is entirely destroyed by the second deposition of William Munro and of Turner, marked Q and R. The second deposition of Daniel Munro jr., goes as far as it possibly can to show Ira P. Nash's villany. It is marked S, and to it I would ask your attention. It is there shown that Ira Nash himself had a claim of four hundred arpents, covering, as he said, my improvement and that of Taylor, and that the beginning corner was at the mouth of the slough above my house, marked on a large walnut tree. It is further shown to be the same slough, near the mouth of which Chrisman, the deputy surveyor, began his survey; and further, that this conversation was in the year 1811. Ira Nash himself offered to sell the land, and afterwards told Munro that the eight hundred arpent claim belonged to William Nash.

The person who obtained the enclosed copies of the depositions forgot to procure the letter and plat mentioned in Canole's deposition, and therefore I regret it is entirely useless. If you could extend the time, and inform me of the fact, I could send a copy to your office. I shall, lastly, ask you to examine the deposition of Avery, marked T, where you will find that Ira Nash, after claiming a four hundred arpent tract at the same place, was bold enough to avow that, it not being special, he had removed it, and located the land with another claim; this deposition is marked T. Having now recited the principal facts, I leave it to any man to say if, from the testimony, it does not appear that the brothers, William and Ira Nash, have combined to defraud the United States out of eight hundred arpents of land. I do think it appears most manifest that no survey was made before March 4, 1804, and I can only account for the claim being embraced in the report of the recorder of land titles, by supposing the officer who appeared before the commissioners ignorant, as he must have been, of the facts here detailed.

The case resting upon evidence so very lengthy, I shall not trouble you with my remarks on it. I have shown the manifold contradictions of Nash's own evidence, and of his return, as it appears to have been recorded. I need not urge upon you the correctness of the position, that letters patent may be repealed after their emanation, on account of fraud in obtaining them. Nor do I suppose it necessary to attempt the proof of a position so evident, as that the same fraud would vitiate the confirmation itself. The law under which I claim my right of pre-emption was passed on the same day with that authorizing the confirmation of claims on the report of the recorder. If the land was not on that day "*rightfully claimed by another*," shall I lose the benefits intended to be conferred on persons standing in my situation? Shall I not be placed in a situation to combat the opposing claim? Or, rather, will the government, when convinced of the illegality of the claim, grant a patent to a person in whose hands, as against the government, it is a nullity? I humbly hope that, after an attentive perusal of the enclosed copies, you will with me conclude that the claim of Nash is fraudulent, and that he is not entitled to a patent. I have underscored the particular parts of the depositions to which I wish your attention.

With the highest respect, your obedient servant,

SHADRACH BARNES,  
By H. R. GAMBLE.

GEORGE GRAHAM, Esq., *Commissioner of General Land Office.*

P. S.—Will you be kind enough to inform me if these papers arrived in time, directing to St Louis.

HAMILTON R. GAMBLE.



TERRITORY OF MISSOURI, *Northern Circuit*, ss:

*The United States of America to any justice of the peace of the county of Howard, greeting:*

We, reposing special trust and confidence in your integrity and circumspection, do command and require you that you cause to come before you William Munroe, Daniel Munroe, ——— Whitesides, William Clarke, James Riggins, Stephen Jackson, John Sneathen, David Kincaid, Harris, Jamieson, and Matthew Kincaid, and such other witnesses as may be named to you by ——— Barnes, Shadrach Barnes, William Ridgway, and William Taylor, who are impleaded, with John Welch and James Welch, and them examine upon their corporal oaths, to be by you administered, on the Holy Evangelists of Almighty God, touching their knowledge of anything that may relate to a certain action of ejectment now depending in our said court between William V. Rector and others, plaintiffs, and the said ——— Barnes, Shadrach Barnes, William Ridgway, and William Taylor, who are impleaded, as aforesaid, defendants, on the part of the said defendants, and having reduced the said depositions, so by you taken, as aforesaid, into writing, you send the same, with this commission enclosed, under your seal, to our said superior court, with all convenient speed.

Witness the honorable John B. C. Lucas, esq., presiding judge of our said court, at St. Louis, this fifth day of September, in the year of our Lord one thousand eight hundred and eighteen, and of our independence the forty-third.

[L. s.]

J. V. GARDNIER, *S. C. N. C.*

FRANKLIN, *Howard County*, December 16, 1818.

GENTLEMEN: Take notice that, on the third Monday in January next, being the eighteenth day of the month, we shall proceed, at the house of David Todd, attorney at law, in the town of Franklin, between the hours of 10 o'clock in the forenoon and 6 o'clock in the afternoon, to take the depositions of William Munro, David Munro, jr., ——— Whitesides, William Clarke, James Riggins, Stephen Jackson, John Sneathen, David Kincaid, Harrison Jamieson, and Matthew Kincaid, and others, to be read as evidence in a case of ejectment, brought by you against us, and John Welch and James Welch, in the superior court of Missouri Territory, held at St. Louis; and, at the same place, and between the same hours, we shall adjourn from day to day thereafter, if necessary, until all said depositions are completed.

JOHN BARNES.

SHADRACH BARNES.

WILLIAM TAYLOR.

WILLIAM RIDGWAY.

MESSTs. JAMES H. BENSON, WILLIAM V. RECTOR, JOHN W. SCUDDER, and JOSEPH WIGGINS.

JANUARY 11, 1819.

I received a copy of the within notice, as attorney in fact for Joseph Wiggins.

GEORGE TOMPKINS.

HOWARD COUNTY, *Territory of Missouri*, sc: t:

The affidavit of David Todd, taken this 5th day of February, 1819, who states that, on the sixteenth day of December last, he delivered a true copy of the within notice to John W. Scudder, William V. Rector, and James H. Benson; and also, on the 11th day of January, 1819, he delivered a true copy of the same notice to George Tompkins, attorney in fact for Joseph Wiggins; and that said four named persons reside in the town of Franklin, or within three miles thereof.

DAVID TODD.

Sworn to and subscribed before me, a justice of the peace, at the date above written.

AUG. STORRS, *Justice of the Peace.*

TERRITORY OF MISSOURI, *Howard County*, to wit:

Be it known that, on this eighteenth day of January, in the year one thousand eight hundred and nineteen, at the office of David Todd, attorney at law, in the town of Franklin, between the hours of 10 o'clock in the forenoon and 6 o'clock in the afternoon, personally appeared before me, Augustus Storrs, a justice of the peace in said county and Territory, the following witnesses, and their depositions were then and there taken as followeth, before me, agreeably to a *dedimus potestatem* hereunto annexed; and, also, a notice annexed, to be read as evidence in favor of Shadrach Barnes, Amos Barnes, William Taylor, and William Ridgway, in a suit of ejectment pending and undetermined in the superior court for the northern circuit, held at St. Louis, in said Territory, wherein William V. Rector and others are plaintiffs, and the said parties first above named, and John Welch and James Welch, are defendants. (N.)

William Clark being produced, sworn and examined, on the part of the defendants, deposeth and saith that, on the twenty-second day of July, in the year of our Lord eighteen hundred and four, this deponent set out from Richard Chitwood's, about four miles below the mouth of the Missouri river, in company with Ira Nash, William Nash, and James H. Whitesides, and Daniel Hubbard, for the purpose of ascending the Missouri and seeing the country; on the way, said Daniel Hubbard obtained a canoe and returned back. This deponent landed a little above the mouth of Lamine creek, and went with said Ira Nash, and William Nash, and James H. Whitesides, to Barclay's lick, and from thence to Boon's lick, in company with said two Nashes, and then returned again to Barclay's lick. From thence the party again, being joined by said Whitesides, returned to a place called Prewitt's trading-house, a small distance above where the town of Franklin is now situate. Ira Nash then said that, being up here sometime before, in February, he had left a compass in a hollow tree, and, with the others, went to hunt it, while this deponent went to a place called Sulphur lick to kill deer, agreeing to meet said party the next day at Barclay's lick, where we met accordingly, said party bringing said compass. Said Ira Nash, together with this deponent and William Nash, then went to run a line from one survey at the bluff to another on the river, for the purpose, as Ira Nash said, of enabling him to make a correct plat of the same, or of what he had once done before; we run the said line about five outs, and, coming to a wet, grassy place, we were obliged to relinquish our design; we then again parted, this witness by land to hunt, and the others by water, to meet again the

next day at Prewitt's trading-house, which we then did. Something less than a mile below said trading-house said Ira Nash marked a corner on three percon trees, from which corner we commenced running a line down the Missouri river, and ran not exceeding five outs, when said Ira Nash mentioned to the company that he was not getting the land which he wanted, and stopped running. Said Ira Nash then went back, as he said, to make a new corner, while all the rest of the company came down to the river to the mouth of a slough a little above Franklin. William Nash then told this deponent that he had an eight hundred arpent claim, and would locate it below the mouth of this discharge or slough above mentioned. Ira Nash then went from the company, but whether he set his compass or ran a line with it this deponent does not recollect, but sometime afterwards he returned, and mentioned that he, William, had got the plum orchard, making the observation to his brother William. All the company then went down the river to a large spring between the Rocher Percé and the Grand Monitoc, and William Nash observed that he had an eight hundred arpent claim, which he would lay there, but this deponent does not know whether any corner was made, but knows that no lines were run. The company then went on down the river until they came in sight of the place where Cote Sans Dessein now is, and then landed. William Nash then said that he would lay one of his eight hundred arpent claims in that place. Ira Nash then set the compass, intending to locate it in an oblong form, running up the river. The whole of the company then again descended the river, and reached the place from which they set off about the seventeenth day of August, in the same year.

By the defendants:

*Question.* What kind of compass and chain was used by Ira Nash at the times above named?

*Answer.* It was a large pocket compass, set in a piece of wood, and having wooden sights, and the chain was a rawhide tug, and perhaps a piece, or some pieces, of rope attached to it.

*Question.* When the percon trees were marked as corners, and the line commenced running, who marked the line trees?

*Answer.* I do not recollect.

*Question.* Did you see the lines marked at all?

*Answer.* I do not recollect that I saw them marked; and whether they were marked at all or not I cannot say.

*Question.* How far from the river were these percon corners?

*Answer.* About five or six poles.

*Question.* At the time William Nash talked of laying his claim below the slough, do you recollect of any claim by one of the company being set up to the land, and what passed?

*Answer.* I heard of none.

*Question.* At or near the percon corners, were you shown, by any of the company, any corner or lines marked which were made at any time previous to that when you were there?

*Answer.* I saw none, neither heard any of the company mention any.

*Question.* How far did Ira Nash make the corners on the percon trees from Barclay's lick?

*Answer.* I do not know exactly, but it was on the Missouri, below said trading-house, and we then called it six or seven miles.

*Question.* How far from Barclay's lick did he commence to run the line to connect the two surveys you first spoke of?

*Answer.* It was at or very near the lick.

*Question.* Did Ira Nash qualify any chain-carriers or a marker when he pretended to commence a survey, or did he not?

*Answer.* He did not when I was with him.

*Question.* How far was the place Ira Nash was hunting his compass from the corner he made on the percon trees?

*Answer.* He started from the trading-house, to hunt his compass, towards the slough above mentioned, but I do not know the distance.

*Question.* How far do you think the percon trees marked as a corner are from the slough where William Nash said he would lay his claim?

*Answer.* At that time we called it about three miles from said trading-house to the slough, and said percon trees are between three-quarters of a mile and a mile below the trading-house.

*Question.* Were any corners made about the mouth of the slough, or between the percon trees and the mouth of the slough?

*Answer.* I saw none made, neither saw any at all.

WILLIAM CLARK.

## F.

Stephen Jackson, also being sworn at the same time, deposeth and saith that in the month of February, in the year eighteen hundred and four, this deponent, in company with Stephen Hancock and Ira Nash, set out for a place called Hancock's bottom, about thirty miles above St. Charles, for the purpose of ascending the Missouri and making some surveys, said Stephen Hancock and myself being then employed by said Ira Nash for that purpose. We made several surveys while engaged in the expedition, and the lower line of the lowest survey that we made was just or very nearly opposite the mouth of Lamine creek. After completing said surveys, we went to a trading-house called Prew's trading-house, and remained there about two or three days. Said Ira Nash then hid his compass in a hollow cotton-wood tree near said trading-house, and all the company set off home. In passing down, passed through a prairie about one mile northwest from Franklin, and returned home between the fifth and tenth day of March in the same year.

By the defendants:

*Question.* In what manner were the surveys of said Ira Nash made?

*Answer.* Said Nash carried the compass and took the course, and said Hancock and myself carried the chain, this deponent blazing the lines.

*Question.* How far above Franklin is the lower line of the last survey you made?

*Answer.* Between three and four miles in a straight line.

*Question.* Did you see any people in this country from whom said Nash could obtain assistance in making his surveys except the company that came up with him?

*Answer.* I did not.

*Question.* Do you know of his making any corners after he left the trading-house?

*Answer.* I do not.

*Question.* Were the company ever separated so that Nash could have executed a survey where Franklin now stands without your knowing it?

*Answer.* I do not know how to answer the question. He could not have done so until after we came to the trading-house, and I do not rightly recollect about that. We were there two or three days doing nothing.

*Question.* Whilst at the trading-house did you hear Nash say anything about making further surveys?

*Answer.* I did not.

*Question.* Did you, at any time during the trip, hear Ira Nash say that he had any surveys to make for his brother, William Nash?

*Answer.* Not that I recollect at this time.

*Question.* The survey that he executed, did he not let you know the names of those for whom he did it?

*Answer.* He made one survey for Barclay, one for Hyacinthe, one for Baraboo, and one for Allen, and one for himself, as he told this deponent, and I recollect no other.

*Question.* How far above Franklin is Prew's trading-house?

*Answer.* Not exceeding two miles.

*Question.* Is Stephen Hancock alive or dead?

*Answer.* He is dead.

*Question.* Will you describe the chain and compass?

*Answer.* The compass was a pocket compass, set in a piece of wood, and having wooden sights, and the chain was a piece of a rope and a tug joined.

*Question.* Do you know whether Ira Nash was ever in this country before February, 1804?

*Answer.* He was never to my knowledge, and from what he told me then I am satisfied he was not. This deponent is of lawful age, and further saith not.

STEPHEN JACKSON.

The above depositions of William Clark and Stephen Jackson were severally sworn to and subscribed before me, a justice of the peace in Howard county, Missouri Territory, on this eighteenth day of January, in the year eighteen hundred and nineteen; and a further examination of witnesses is hereby adjourned until to-morrow morning at ten of the clock, at the same place; of which adjournment George Tompkins and Robert Wash, being present during the examination, had notice.

AUG. STORRS, J. P.

Pursuant to adjournment met at the same place for the further examination of witnesses, and, between the hours of 10 in the forenoon and 6 o'clock in the afternoon, the following depositions were taken. (O.)

James H. Whiteside, being sworn before me, a justice of the peace in Howard county, deposeth and saith that in the month of July, in the year eighteen hundred and four, this deponent, in company with Ira Nash, William Nash, and William Clark ascended the Missouri and landed opposite the mouth of Lamine creek, about the first of August in the same year. The object of this deponent in coming to this place was to obtain a headright under the Spanish government. From the mouth of Lamine we went to a place called Barclay's lick. This deponent was engaged in improving a place for Mr. Barclay, while both the said Nashes went to survey, as they said, although this deponent did not see them survey. On the river, nearly opposite the mouth of Lamine, said Ira Nash made an improvement by deadening some trees and planting some corn, in which this deponent assisted him. This deponent was not engaged particularly in surveying with said Nashes, and knows nothing of their surveying more until they arrived near the mouth of the Grand Osage, where William Nash said that he would lay an eight hundred arpent claim. Several years ago this deponent saw William Nash, who told him that he was living or about to settle at the Grand Osage, on the claim above mentioned. I believe this is all I know relative to the case.

By the defendants:

*Question.* How often had William Nash and Ira Nash been in this country before?

*Answer.* I understood that Ira Nash had been here once before, and that William Nash had never been in the Territory before; and I lived only one mile and a half from said Ira Nash.

*Question.* Did Ira Nash or William Nash mention anything of William Nash having surveys here before that time?

*Answer.* Not to my recollection.

*Question.* Did either of them make any corners between Barclay's lick and Franklin?

*Answer.* I saw nothing of the kind except the improvement before mentioned.

*Question.* Were you present, or do you know anything of any person trees being marked as corners?

*Answer.* I do not know of it; neither was I present.

*Question.* Where you landed at the mouth of the slough, near Franklin, did you see Ira or William Nash make or mark any corners there?

*Answer.* I did not, to my recollection.

*Question.* Did William Nash say that he had any claim at or near that place?

*Answer.* Not to my recollection. The deponent further adds that if he was present when the person trees were marked he has totally forgotten it, but is firmly of the opinion that he was not present.

*Question.* When you were encamped at the mouth of the slough, as aforesaid, did you hear either Ira or William talk of having surveyed as low down as the mouth of the slough while you were at work at Barclay's lick?

*Answer.* I recollect no such conversation.

J. H. WHITESIDE.

William Clark claims two days' attendance and mileage for two hundred miles, and one dollar for his ferriages. James H. Whiteside likewise claims for two days' attendance and mileage for four hundred miles, and one dollar for his ferriages.

AUG'S STORRS, J. P.



## A.

Daniel Munroe, also being duly sworn on the same day, deposeth and saith that in the month of January or February, in the year eighteen hundred and eleven, Shadrach Barnes moved to the place where Franklin now is, and immediately commenced clearing a field which he enclosed with a good rail fence, and raised about fifteen acres of corn during the ensuing summer, which he gathered in the fall; and said Shadrach Barnes has lived on the same place every year since, except when fortified; and has, as this deponent believes, raised corn thereon every year since, except since the town of Franklin was laid off thereon. Said Barnes did not move his family to the place above mentioned until June in the said year, eighteen hundred and eleven; and further, this deponent says that William Taylor moved to the place where he now lives, together with his family, in the year eighteen hundred and twelve, and during the summer of the same year raised several acres of corn, and has continued to live on and cultivate the same place every year since, except when necessarily compelled to live in the fort for two or three years at intervals; and both said Barnes and said Taylor at this time reside on the places where they first settled; and further, William Ridgway likewise settled, in the year eighteen hundred and twelve, on the Missouri, below where Franklin now is, with his family, and in the same year raised about five acres of corn, and has continued to live on and cultivate said place every year since, except when obliged by Indian hostility to live in the fort; also, Amos Barnes, in the year eighteen hundred and twelve, raised about three or four acres of corn, and settled in the same year on the ground where Franklin now is, together with his family, and built a house on the same place in the same year; and this deponent likewise says that on Friday last, the 15th instant, he showed to George Jackson, county surveyor of Howard county, the centre of the four above-mentioned improvements as they were situated in the said year of eighteen hundred and twelve, or as near the centre as he could recollect, and all said improvements are, to the personal knowledge of this deponent, in township number forty-eight north, of range number sixteen west of the fifth principal meridian; William Taylor's said improvements are on the northeast quarter of section number six, and William Ridgway's, Amos Barnes', and Shadrach Barnes' said improvements are on the southwest quarter of section number five, except as to Shadrach Barnes' said improvement of eighteen hundred and eleven, which extended into the southeast quarter of section number six. Further, in the spring of the year eighteen hundred and seventeen this deponent was in company when Horatio Chrisman, a deputy surveyor of the United States, commenced surveying an eight hundred arpent claim of William Nash, this deponent only hearing that the claim was of that size, and including the town of Franklin, or a part thereof. Ira Nash went with said surveyor to show the corners or beginning, and was unable to find a corner, saying that it had been marked on a walnut tree. Said party then established a corner above the slough, and about one and a half chain from the Missouri, by marking two or three trees with an axe. Said surveyor then took a course from said corner, running north twenty degrees west, as this deponent understood, and had the line marked out by blazing the trees near it. The party continued running on said line until they were stopped in Mr. Welcher's field, and desisted from running any further.

By the defendants:

*Question.* Did you pay particular ——— to find a marked corner or marked line?

*Answer.* I looked for a corner, but could find none except the one then made; and as to line trees, I looked for none.

*Question.* Did Ira Nash or any one of the company find a marked corner or marked line tree?

*Answer.* If they found any I did not know it. This deponent is of lawful age, and further saith not.

DANIEL MUNROE, Jr.

## B.

Harrison Jamieson, also being sworn on the same day, deposeth and saith that this deponent was in this country in eighteen hundred and eleven and twelve, and knew the situation of the improvements near Franklin during those years, and this deponent knew Shadrach Barnes, William Taylor, and William Ridgway, residing on their places near or adjoining Franklin, and each of them to raise corn thereon, and to live thereon with their families during the years eighteen hundred and twelve and thirteen, except when occasionally in the fort; likewise, he knew Amos Barnes in eighteen hundred and twelve to cultivate a field of corn between the fields of Shadrach Barnes and William Ridgway; on the fifteenth day of January instant, in company with Daniel Munroe, jr., this deponent showed to George Jackson, county surveyor of Howard county, the centre of each of the above-mentioned improvements as they were in eighteen hundred and twelve; William Taylor's improvement is on the northeast quarter of section number six, and William Ridgway's and Amos Barnes' improvements are on the southwest quarter of section number five; and Shadrach Barnes' said improvement is on the southwest quarter of section number five, and extending over to the southeast quarter of section number six, all in township number forty-eight, in range number sixteen west of the fifth principal meridian, on the north side of the river Missouri. And this deponent is of lawful age, and further saith not.

HARRISON JAMIESON.

## C.

William Munroe, being duly sworn on the same day, deposeth and saith that in the year eighteen hundred and eleven Shadrach Barnes built a house, and raised about fifteen bushels of corn, and lived in said house with his family during said year; said improvement was on the ground where Franklin now is, and where said Shadrach Barnes now lives. In the year eighteen hundred and twelve this deponent personally knew William Taylor, William Ridgway, and Amos Barnes, each of them, to make separate improvements, by raising, each of them, several acres of corn in fields enclosed with a rail fence, and likewise knew each of them to build houses and inhabit them with their families during the same year—said

Amos Barnes on the ground where Franklin now is, and the others on quarters adjoining said town of Franklin. In the spring of eighteen hundred and seventeen this deponent was present where Horatio Chrisman, a deputy surveyor of the United States, together with others, was engaged in running out or surveying a claim, including a part of Franklin, and belonging, as this deponent understood, to William Nash. When assembled at the supposed place of beginning, Shadrach Barnes called on this deponent and others to examine and see if they could find any marked corner or lines, and this deponent, on examining, could find no corner or lines marked; neither heard of any being found at the time except those then made. This deponent is of lawful age; and further saith not.

WILLIAM MUNROE.

The foregoing depositions of James H. Whiteside, Daniel Munroe, jr., Harrison Jamieson, and William Munroe were severally subscribed by them, and sworn to before me, a justice of the peace in Howard county, at the time of taking the same, and at the place above named; and said depositions, and the foregoing ones of William Clark and Stephen Jackson, are herewith enclosed, annexed to the *dedimus* issued for the taking thereof. Witness my hand this 19th day of January, in the year one thousand eight hundred and nineteen.

AUG. STORRS, J. P.

Justice's fees, paid by defendants, six dollars and seventy cents.

A. S., J. P.

P.

Depositions of witnesses produced, sworn, and examined on the eighth day of September, in the year of our Lord eighteen hundred and nineteen, between the hours of ten of the clock in the forenoon and six of the clock in the afternoon of said day, at the office of Augustus Storrs, in the town of Franklin and county of Howard, in the Territory of Missouri, before me, Augustus Storrs, a justice of the peace within and for the county aforesaid, by virtue of a *dedimus* for the examination of witnesses in a certain cause now depending in the superior court of the Territory of Missouri for the northwestern circuit, between William A. Rector and others, plaintiffs, and Shadrach Barnes and others, defendants, on the part of the defendants, directed to any judge or justice of the peace within and for the county of Howard, in said Territory.

Horatio Chrisman, of lawful age, being produced, sworn, and examined on the part of the defendants, deposeseth and saith that—

By the defendants:

*Question.* Have you ever more than once surveyed William Nash's Spanish claim at Franklin?

*Answer.* I have run the lines around it twice.

*Question.* Had you a copy of an old survey at that time?

*Answer.* I had no old survey, but acted under an order of survey from General Rector, surveyor general.

*Question.* Did you find any corners of said survey at that time?

*Answer.* I saw many marked trees at that time which I supposed to be the corner of the beginning.

*Question.* Where was that beginning?

*Answer.* Immediately west of the first slough bank putting into the river above Franklin, about half a mile above said town.

*Question.* Did you speak in a former deposition of lined trees marked; and, if so, on what line were they, and how were they marked?

*Answer.* On the first line running north twenty west, magnetic meridian, I discovered some marked trees six or eight feet west of me, which were blazed on each side.

*Question.* Who was with you when you saw said marked trees?

*Answer.* As well as I can recollect, there were William V. Rector, James H. Benson, Shadrach Barnes, Mr. Roland, and some others.

*Question.* Did you examine those marks?

*Answer.* Not particularly; I only saw them.

*Question.* How old were those marks?

*Answer.* I did not examine them particularly, and do not know how old they were.

*Question.* Do you think those marked trees were a line of a survey?

*Answer.* I cannot tell; they were running the same course which I run.

*Question.* Might they not have been the blazes of some path or road?

*Answer.* I do not know; I did not suppose them to be at that time.

*Question.* How many marked trees did you see at that time on said line?

*Answer.* I saw several near the beginning, and others near or about half a mile from the corner, towards William Taylor's house, south and west of said house.

*Question.* Do you consider those marked trees where you began your survey as a corner; and if so, how were they marked?

*Answer.* That place was shown to me as the place of beginning, where said marked trees were. They were marked different ways, some being notched and some blazed.

HORATIO CHRISMAN.

Sworn to and subscribed before me, a justice of the peace, on this 8th day of September, in the year 1819.

AUG. STORRS, J. P.

## S.

Daniel Munro, jr., being produced, sworn, and examined, and being of lawful age, deposeth and saith on the part of the defendants—

By defendants:

*Question.* Were you along when Horatio Chrisman run the lines of William Nash's Spanish grant at Franklin?

*Answer.* I was along.

*Question.* Did Shadrach Barnes particularly call on you to notice for any marks or corners at that time?

*Answer.* He did call on the company, generally, to notice.

*Question.* Did you particularly notice to see marked trees at the beginning, or on the line?

*Answer.* I did notice both at the beginning and on the line, but saw none.

*Question.* Have you not, since that time, been called to notice again?

*Answer.* I have.

*Question.* On the second examination did you discover any old marks on the line?

*Answer.* I saw none which appeared older than the line first run by Horatio Chrisman.

*Question.* Did you ever have any conversation with Ira Nash relative to the quantity of land included in the Spanish location at Franklin; and if so, what was it?

This question was objected to by Mr. Tompkins, plaintiffs' attorney, but it is considered that the answer be inserted.

*Answer.* I have had conversation on that subject with Ira Nash, and he told me that he had a claim of four hundred arpents, including Shadrach Barnes' and William Taylor's improvements.

*Question.* Did he state where the beginning corner of said four hundred arpent claim was?

*Answer.* He did, and told me that the beginning corner was marked on a large walnut tree at the mouth of a slough, above Mr. Shadrach Barnes' house.

*Question.* Was that the slough at the mouth of which Horatio Chrisman began the survey of the eight hundred arpent claim at the time you mentioned looking for marked trees?

*Answer.* I know of no other slough which would be included by a four hundred arpent claim, including Barnes' and Taylor's improvements.

*Question.* At what time did the conversation you mentioned take place with Ira Nash?

*Answer.* I think it was in the year eighteen hundred and eleven.

*Question.* Did you understand at that time whether the said land was claimed by him, the said Ira Nash, or by his brother, William Nash?

*Answer.* I do not recollect his saying that it was his brother William Nash's land at that time, but Ira Nash then offered it for sale.

*Question.* Did you after that time hear Ira Nash say that the said four hundred arpent claim did belong to his brother, William Nash; and if so, at what time?

*Answer.* I do not recollect his saying that the said four hundred arpent claim belonged to William Nash, but he has since told me that the eight hundred arpent claim belonged to William Nash.

DANIEL MUNRO, Jr.

Sworn to and subscribed before me September 8, 1819.

AUG. STORRS, J. P.

## Q.

William Munro, of lawful age, being produced and sworn on the part of the defendants, deposeth and saith—

By defendants:

*Question.* Were you present at any time when Horatio Chrisman surveyed the Spanish grant at Franklin?

*Answer.* I was present.

*Question.* At what time was that survey made?

*Answer.* It was made in May or June, eighteen hundred and seventeen.

*Question.* Were you called upon at that time by Shadrach Barnes to notice for marked trees at the beginning corner, or on the line?

*Answer.* I was.

*Question.* Did you see any marked trees or marked corner?

*Answer.* I saw none.

*Question.* What course did they run from the place of beginning?

*Answer.* They run nearly a north course.

*Question.* Did you see any marked trees at that time?

*Answer.* I saw none except those then marked.

*Question.* Have you ever examined since at the corner and on said line; and if so, did you see any marked trees at the corner or on said line?

*Answer.* I saw none except two, which appeared to have been marked about seven years before, and did not run with the line, and being about half a mile from the beginning corner.

*Question.* Were not there marked trees on a wagon road leading to the Weed's prairie?

This question was objected to by the plaintiffs' attorney as a leading question.

*Answer.* There is a road now running near where said marked trees then were, but I do not know whether any road was there then or not.

*Question.* Are not those marked trees in the direction the road now runs, and nearly at right angles to the said line?

*Answer.* They are.

*Question.* Did you ever have any conversation with Ira Nash touching said Spanish claim at Franklin; and if so, what was it?



This question was also objected to by plaintiffs' attorney.

*Answer.* I have had conversation with him in eighteen hundred and eleven. He told me that he had a Spanish claim beginning at the slough above where Franklin now is, and running out to a grassy slough, cornering at a stake in said slough, and containing four hundred arpents.

*Question.* In what direction and how far is the grassy slough from the Missouri river?

*Answer.* It is between three-quarters and a mile from the Missouri river, in nearly a northeast direction, and it does not communicate with said river.

*Question.* What the corner at which Ira Nash said his four hundred arpent claim commenced the same at which Horatio Chrisman began his survey?

*Answer.* It was.

*Question.* On which side of the beginning line did Shadrach Barnes and William Taylor live?

*Answer.* On the east side.

*Question.* Did you hear Ira Nash say that William Nash had any part in the four hundred arpent claim?

*Answer.* I did not.

*Question.* Did you ever hear Ira Nash offer to sell the four hundred arpent claim as his own?

*Answer.* I heard him say that he would sell it.

WILLIAM MUNRO.

Sworn to and subscribed before me on September 8, 1819.

AUG. STORRS, J. P.

After taking the foregoing depositions, it being late in the evening, and it being stated in the notices to the plaintiffs that the depositions would be taken from day to day, if necessary, it is considered that an adjournment take place till to-morrow morning, September 9, at the hour of 10 o'clock in the forenoon of said day.

AUG. STORRS, J. P.

# R.

At the hour of 10 o'clock in the forenoon of this the ninth day of September, in the year 1819, pursuant to the adjournment of yesterday, I again commenced the examination of witnesses touching this suit.

Talton Turner, of lawful age, being produced, sworn, and examined on the part of the defendants, deposeth and saith that—

By the defendants:

*Question.* Are you a deputy surveyor under the surveyor general of this Territory?

*Answer.* I consider myself as such.

*Question.* Did you ever run around the lines of William Nash's Spanish claim at Franklin?

*Answer.* I have begun at the beginning corner as established by Horatio Chrisman, and run the west, north, and east boundaries.

*Question.* Did you see any marked line or corner trees; and if so, describe them and the age of the marks?

*Answer.* I saw four corners, and trees marked from each corner, as established by Horatio Chrisman on the west boundary line from the beginning. I saw blocks cut of the trees, by which the marks appeared to be from two to eight years old. The marks which appeared to be eight years old did not run apparently with the line which I run, but run east and west. One mark cut out appeared to be four years old, and was in range with my line. I followed the said west line from the beginning about fifty or sixty chains, and saw blocks cut out of all the most ancient marked trees, and only one mark appeared to be so old as eight years.

*Question.* Will you describe the corner trees, and the marks, and the age of the marks?

*Answer.* I know of no corner trees except those I saw made on the bank of the Missouri river, a little above the first slough above Franklin, by Horatio Chrisman, or under him by his company, in the last of May or first of June, 1817. The marks on the trees were large blazes facing a stake on the bank of the river, marked with letters and figures made with a marking iron.

*Question.* Were you with Horatio Chrisman when he made the survey of William Nash's claim at Franklin, and did you see, or did he show the company, any marked trees, and at what time did he survey it?

*Answer.* I was in company with him when he made the beginning, and went with him on the west boundary line about one mile, where he was stopped for that day by John Welch. I saw no marked line or marked trees, neither did Mr. Chrisman point out any to me, nor do I know that he did to any of the company. Said survey was made by said Horatio Chrisman in the latter part of spring or first of summer, in the year eighteen hundred and seventeen.

*Question.* Were you called on by Shadrach Barnes, when Horatio Chrisman first made the survey of said claim at Franklin, to notice for the beginning corner and marked lines, and did you see any?

*Answer.* I was asked by Shadrach Barnes to go with him to the place where Horatio Chrisman was about beginning his survey. I looked and examined for marks at the corner and on the line, but saw none except what I have before described.

TALTON TURNER.

Sworn to and subscribed before me, a justice of the peace, on September 9, 1819.

AUG. STORRS, J. P.

Jeremiah Murphy, being produced, sworn, and examined, and of lawful age, deposeth and saith—

By the defendants:

*Question.* Were you present when Horatio Chrisman surveyed Nash's Spanish claim at Franklin?

*Answer.* I was present.

*Question.* Did Shadrach Barnes call on you to observe for marked trees or corners?

*Answer.* He called me as one of the company, calling the company generally to observe.

*Question.* Did you take particular notice, and did you see any marked trees at the corner or on the line?

*Answer.* I saw none excepting those marked that day.

*Question.* How far did you go with the surveyor from the corner; and in what year was the survey made?

*Answer.* I went with them about three-quarters of a mile from the beginning corner; and the survey was made about two years ago, the last of May or first of last June.

his  
JEREMIAH + MURPHY.  
mark.

Sworn to and subscribed before me, a justice of the peace, on this 9th day of September, in the year 1819.

AUG. STORRS, J. P.

The foregoing depositions of Horatio Chrisman, Daniel Munro, William Munro, Talton Turner, and Jeremiah Murphy, were taken, sworn to, and subscribed, and reduced to writing, before me, Augustus Storrs, a justice of the peace, on the eighth and ninth days of September, eighteen hundred and nineteen, between the hours of ten of the clock in the forenoon and six of the clock in the afternoon of said days, at the office of Augustus Storrs, in the town of Franklin, in Howard county, in the Territory of Missouri, and, together with the notices and *dedimus*, are sent under seal to the clerk of the superior court for the northern circuit.

Given under my hand and seal this 9th day of September, 1819, at Franklin.

[L. s.]

AUG. STORRS, *Justice of the Peace.*

Justices' fees, five dollars eighteen and one-fourth cents; paid. Constables' fees in serving subpoenas on witnesses, six dollars eighty-seven and a half cents; paid.

AUG. STORRS, J. P.

Charles Canole, of lawful age, being produced, sworn, and examined, on the part of the defendants, on this second day of October, in the year eighteen hundred and nineteen, deposeeth and saith that on the eighteenth day of May, in the year eighteen hundred and fifteen, on his way down Holston river, in the State of Tennessee, in a boat, on his way to the Missouri Territory, William Nash came on board this deponent's said boat, on the said river Holston, and wrote a few lines, requesting this deponent to deliver the same to Mr. Barnes, living in Missouri Territory, at Boon's lick, which lines this deponent delivered to Shadrach Barnes during the ensuing November, near said Barnes' dwelling-house, and read the same to the said Shadrach Barnes. Said William Nash, in said letter or writing, notified said Shadrach Barnes that he, Nash, had been informed that said Barnes had settled on a piece of land claimed by said Nash; and that he, Nash, gave said Barnes the said notice, so that he, Barnes, might not be taken unawares. On my way to Boon's lick I stopped at the house of John E. Allen, in the neighborhood of St. Louis, and, in conversation with said Allen, this deponent informed him that he had a letter from William Nash to Mr. Barnes. Said Allen then informed this deponent that he had William Nash's papers, and that he would send a copy of the plat of said land by this deponent to said Barnes, which he did do; and this deponent delivered the said plat to said Barnes at the same time of delivering the letter above mentioned. This deponent has, at the time of giving in this his testimony, examined said letter and plat, being to him produced by said Shadrach Barnes, and well knows them to be the same that were sent by Nash and Allen, by this deponent, to Shadrach Barnes. This deponent, at the time of giving this testimony, has marked said letter with the letter A, and said plat with the letter B, and has seen them hereunto annexed to his deposition. And further saith not.

CHARLES CANOLE.

Sworn to and subscribed before me, a justice of the peace, on this 2d day of October, 1819.

AUG. STORRS, J. P.

## T.

George Avery, of lawful age, being produced, sworn, and examined, on this second day of October, 1819, deposeeth and saith that sometime in the year eighteen hundred and fifteen, as well as this deponent recollects, he met with William Taylor and Ira Nash at the house of David Briant, near Charette village, and heard William Taylor say to said Ira Nash that he had been gone six months, and had made four hundred arpents of land, and that he, Nash, had better go and stay six months longer. Said Nash then observed that he had a four hundred arpent claim where William Taylor lived that was not special, and that he had an eight hundred arpent claim that was special, and that he meant to remove his eight hundred arpent claim to the place where the four hundred arpent claim was, on which William Taylor lived.

*Question by defendants.* Did you hear Ira Nash say that he had laid an eight hundred arpent claim on the place where William Taylor now lives, before or since the conversation you mentioned before?

*Answer.* I never heard Ira Nash say that he had laid an eight hundred arpent claim there.

his  
GEORGE + AVERY.  
mark.

The foregoing depositions of Charles Canole and George Avery were taken, sworn to, and subscribed, and reduced to writing, before me, Augustus Storrs, a justice of the peace, on the 2d day of October, 1819, between the hours of ten of the clock in the forenoon and six of the clock in the afternoon of said day, at the office of Augustus Storrs, in the town of Franklin, in Howard county, and Missouri Territory, and,

together with the *dedimus* and notices, and other depositions, as by the notices and certificates affixed will appear, are sent under the seal of the clerk of the superior court for the northern circuit.

Given under my hand and seal, at Franklin, this second day of October, 1819.

[L. s.]

AUG. STORRS, *Justice of the Peace.*

### G.

Depositions of witnesses produced, sworn, and examined, on the thirty-first day of March, in the year of our Lord eighteen hundred and nineteen, between the hours of seven of the clock in the forenoon and six of the clock in the afternoon of that day, at the house of John McMiche, in the Rocher Percé bottom, in the county of Howard, in Missouri Territory, before me, Augustus Storrs, a justice of the peace within and for the county of Howard aforesaid, by virtue of a *dedimus* for the examination of witnesses in a certain cause now depending in the superior court, in the northern circuit of said court for the Territory of Missouri, between William V. Rector and others, plaintiffs, and Shadrach Barnes and others, defendants, on the part of the plaintiffs, directed to any justice of the peace within and for the county of Howard aforesaid:

Ira P. Nash, of lawful age, being produced, sworn, and examined on the part of the plaintiffs, deposeth and saith that he commenced making a survey a few rods above the slough which discharges its waters into the Missouri river; that said slough is about one-quarter of a mile above the town of Franklin, in Howard county, and that said beginning of said survey was very near the Missouri river, and opposite the island in the Missouri river, above Franklin.

By the plaintiffs:

*Question.* For whom did you make this survey?

*Answer.* I made that survey for no person, but to be covered by a claim for myself, or by a claim owned by some other person who might wish to lay it there.

*Question.* Whose claim was laid there?

*Answer.* A claim in possession of William Nash, which he had purchased.

*Question.* Tell what you know of the claim; that is, from whom it was purchased, and from whom it was derived?

*Answer.* It originated from Joseph Deputy or Baptist Presee, but I do not certainly know from which of the two; but I think William Nash purchased it from Antoine Dejarlai.

*Question.* Did you ever show the beginning of that survey to any one since? If you did, tell to whom.

*Answer.* I showed the place of beginning first to William Clark, James Whitesides, and William Nash; and in the month of April, eighteen hundred and eleven, if I recollect right, I showed the place of beginning to Abraham Barnes; but the tree had then fallen into the river, as I suppose, on which the corner was made, it being then seven years after the making the original survey. I think in May, some one or two years since, I showed the same place to Horatio Chrisman at the time he was about to resurvey it by order of the surveyor general of Missouri Territory, as said Chrisman told me.

*Question.* Do any persons live on the land included in that survey? If any do, tell who they are.

*Answer.* It would be a very tough thing for me to tell that; the people in Franklin live on it, and William Taylor likewise.

By defendants:

*Question.* Was the survey made previous to the first day of March, in the year eighteen hundred and four?

*Answer.* I refer to my certificate of survey to ascertain that.

*Question.* Do you, or do you not, recollect the month in which the survey was made?

This question was objected to by the plaintiffs, and overruled.

*Question.* Who were the chain-carriers and markers when the survey was made?

*Answer.* What chaining and marking was done was done by myself.

*Question.* Were any persons in company at that time; and who were they?

*Answer.* I was alone, and ran only part of two squares of the survey, and called for the balance; nor did I communicate the thing to my company, Stephen Hancock and Stephen Jackson.

*Question.* Did you show any marked tree to William Clark and James Whitesides, to whom you said you showed the place of beginning?

*Answer.* I did not call their attention, but made additional marks at the time they were in company with me; and I believe they understood that to be the place of beginning.

*Question.* Was the original marked tree then standing?

*Answer.* It was.

*Question.* What kind of compass had you?

*Answer.* It was a compass having a perfect circle, and degrees marked on the edge; also a needle, being on a pivot, so well balanced that neither end depressed, and, when perfectly horizontal, one end pointed north and the other south, as I suppose. It also had uprights at each extreme end that projected from the circle, through which there were certain crevices or slits through which I could see and take an object.

*Question.* Was it a pocket compass with wooden sights or not?

*Answer.* I do not know whether it was a pocket compass or not; if it was a pocket compass, it was larger than I would wish to carry in my pocket. It had wooden sights.

*Question.* What kind of chain did you use when you made that survey?

*Answer.* It was a two-pole chain, agreeably to French or Spanish measure, and made of genuine Louisiana hemp.

*Question.* Was it the same with which you made the survey in company with Stephen Jackson and Stephen Hancock?

*Answer.* I carried but one chain with me.

*Question.* Did you mark more than one corner when you made the survey?

*Answer.* Only one; and that was the *bourne meillien*, or what I suppose would now be called the middle station in the line.



*Question by the plaintiffs.* When you made the survey above spoken of, were you a surveyor appointed under law for such purposes?

*Answer.* I was appointed by the surveyor general, Antoine Soulard, who has sanctioned all my returns as his deputy.

*Question by defendants.* At the time that survey was made, did Stephen Jackson and Stephen Hancock act as your chain-carriers in making other surveys?

*Answer.* Yes.

I. P. NASH.

TERRITORY OF MISSOURI, *County of Howard, to wit:*

The foregoing deposition of Ira P. Nash was taken, reduced to writing, sworn and subscribed by the said deponent, before me, Augustus Storrs, a justice of the peace in said county, at the house of McMichle, in the Rocher Percé bottom, in the said county and Territory, on this thirty-first day of March, in the year of our Lord eighteen hundred and nineteen, between the hours of seven o'clock in the forenoon and six of the clock in the afternoon of said day, and are herewith enclosed and sent to the clerk of the superior court for the northern circuit, agreeably to the direction of the *dedimus* issued for the taking of said deposition.

AUGUSTUS STORRS, J. P.

STATE OF MISSOURI, *County of Callaway, sct:*

I, Irvine O. Hockaday, clerk of the circuit court within and for the county aforesaid, do hereby certify that the foregoing thirty-nine pages contain true, perfect, and complete copies of the depositions therein named, the said depositions being filed in a suit, the papers of which are in my office, between William V. Rector and others, plaintiffs, and Shadrach Barnes and others, defendants. Given under my hand this 8th day of November, 1823.

IRVINE O. HOCKADAY.

STATE OF MISSOURI, *County of Callaway, sct:*

This day personally appeared before me, a justice of the peace for the county aforesaid, Irvine O. Hockaday, clerk of the circuit for the said county, and made oath that the foregoing thirty-nine pages contain true and complete copies of the depositions therein named, to the best of his knowledge. Given under my hand this 8th day of November, 1823.

WHARTON R. MOORE, J. P. C. C.

D.

*Dn. Cs. Dehault Delassus, lieutenant gouverneur de la Haute Louisiane:*

MONSIEUR: Joseph Departy á l'honneur de vous exposer que résidant dans ce pays depuis longtems il désire y former un établissement en consequence, il a recours aux boutés de ce gouvernement pour qu'il vous plaise lui accorder un morceau de terre, de huit cents arpents en superficie, á prendre sur la terre vacante du domaine du Roy, dans l'endroit qui paraitra le plus convenable aux intérêts de votre suppliant qui espere cette grace de votre justice. St. Louis, 3 Mars, 1800.

JOSEPH + DEPARTY.  
marque.

SN. LUIS DE ILLINOIS, 5 *Marzo*, 1800.

Como estamos asegurados vue el supte. los medios suficientes para hazer valer los tierras que solicita le concedo para el y sus hereferos la etierra qe. solicitar si no perjudice á nadie y el agor. Dn. Anto. Soulard, pondra al interesado en posesion de la cantidad de tierra que pide en un sitio vacante del domo. real, lo que evacuado formara plano entregando á la parte este y certificación para que le serva á obtener el titulo en forma del señor intendente general, á quien corresponde privativamente por real orden el repar-tir y conceder toda clase de tierras, &ca.

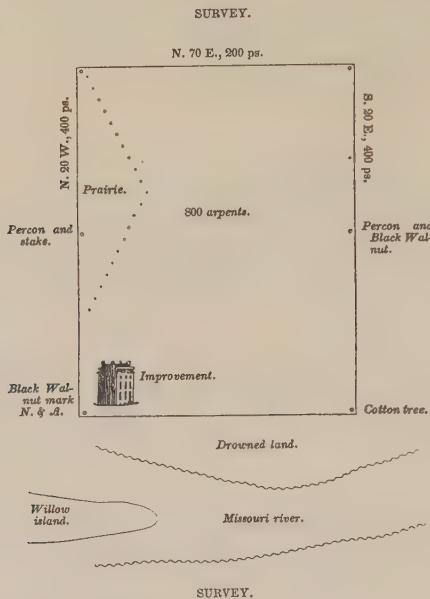
CARLOS DEHAULT DELASSUS.

H.

Je soussigné, Joseph Departy, sons ma marque ordinaire, et en presence de temoins soussignés reconnais avoir, vendu, cede, quitte, transporté et abandonne, comme par ces presentes je vend, cede, quitte, transporté et abandonne, au sr. Jaques Lassus de St. Vrain, tous les droits, titre, action, possession, et propriété, que j'ai sur la concession de terre ci-dessus pour lui, enjouer, disposer, vendre, ou aliener, á sa volenté ses heritez ou ayant cause, aux clauses et condition, que le dit sr. J'ques Lassus de St. Vrain, en faire faire l'arpentage á ses frais et depens pour son compte et risque qu'il fera tous les fraix á ce necessaire et qu'il ma donner á deux cent arpents de terre superficie, de la dite concession, quitte, et net de toute depence, lesquels deux cent arpents je prendrai dans le lien on la dite concession au la été arpentée sans cependant nuire en aucune maniere au reste de la dite concession et pour ca les dits deux cents arpents, seront designés sur le plan figuratif pur une ligne que l'on livra sur l'un des cotés du dit plan. Fait et passé á St. Louis des Illinois, le cinq du mois de Fevrier, de l'an mil huit cent quatre.

JOSEPH + DEPARTY.  
marque.

Temoins: ALBERT TISON.  
WM. NASH.



I do certify that the above survey, stated in plat to be made by me in the month of February, 1804, according to the decree of the lieutenant governor, Don Carlos Dehault Delassus, dated March 5, 1800, which I will attest wherever need shall require.

R. L. NASH, D. S.

Received for record. St. Louis, February 28, 1806.

ANTOINE SOULARD, S. G. T. L.

# I.

## FIRST DEED.

Je soussigné, Joseph Departy, sous ma marque ordinaire, et en présence des temoins soussigné, reconnais avoir, vendu, cédé, quitté, transporté et abandonné, comme par ce present, je vend, cédé, quitte, transporte et abandonne, ces à present comme pour toujours au sieur Albert Tison acquerreur, pour lui les tiens ou ayant causes, la quantité de deux cents arpents de terre en superficie, lesquels deux cents arpents font partie d'une concession de huit cents arpents qui m'a été accordé par Dn. Chs. Dehault Delassus, lt. gov'eur de la Haute Louisiane, en datte du cinq Mars de l'an mil huit cent: partie de laquelle concession j'ai vendu, au Sr. J'ques Lasso de St Vrain, qui en á le litre m'étant cette quantité de deux cents arpents, pour enjouir, &c., á ma volonté en vertu de quoi la presente vente est faite et passé pour le prix et somme de soixante et dix piastres, la quelle somme le dit Sr. Albert Tison, m'a présentement payée comptant et pour laquelle je lui donne pleine et entière quittance au moyen de quel payement je me désiste, demets, renonce et abandonne, tous les droits, titres, actions, possession et propriété, que j'ai sur la dite terre sans en rien retenir ni reserver, je les vend, cédé, quitte, transporte, au dit Sr. Albert Tison, pour par lui les tiens ou ayant causes, enjouir, disposer, vendre ou aliener, á sa volonté comme propriété á lui appartenante, promettant et m'obligeant, de ratifier la presente vente par devant un juge competent, aussitot que j'en serai requis, fait á passé á St. Ferdinand, le vingt jour du mois de Juillet, de l'an mil huit cent quatre.

JOSEPH  DEPARTY.  
marque.

Temoins: JAC. ST. VRAIN.  
WILLIAM NASH.

# K.

## SECOND DEED.

Je soussigné, Albert Tison, et en presence des temoins soussignés, reconnais avoir, vendu, cédé, transporte et abandonné, comme par ces presentes je vend, cédé, quitte et transporte, au Sr. Antonio Dejarlaix, ai acquerreur pour lui les tiens ayant causes, quantité de deux cent arpents de terre en superficie, lesquels deux cent arpents font partie d'une concession de huit cent arpents qui á été accordé au Sr. Joseph

Departy, par Dn. Charles Dehault Delassus, lieutenant gouverneur de la Haute Louisiane, en datte du cinq de Mars, mil huit cent, et acquit par moi, Albert Tison, du Sr. Joseph Departy, en datte du vingt de Juillet, de l'an mil huit cent quatre. La presente faite et passé pour le prix et somme de soixante et dix gourdes, laquelle somme le Sr. Antoine Dejarlaix m'a presentement payée comptant et pour laquelle somme je lui donne pleine et entiere quittance au moyen de quel payement je desiste de tous les droits, et titres, et possessions, que j'ai sur la dite terre, sans en rien retenir ni reserver, je les vend, cedé, quitte et transporte, au dit Antoine Dejarlaix, pour lui les siens ou ayant causes, enjouer en disposer, vendre, aliener, à sa volonte comme propriété, à lui appartenante. Les presente vente faite et passée, sans aucun recours quelconques m'obligeant sentement de la ratifier pardevant un juge competant dans le cas ou j'en servais fait et passé à l'eau froide, le vingt et unieme jour du mois de Juillet, de l'an mil huit cent quatre.

TISON.

Temoins: J'QUES DE ST. VRAIN.  
WILLIAM NASH.

## L

## THIRD DEED.

Je soussigné, Jacques de St. Vrain, et en presence des temoins soussignés, je reconnais avoir, vendu, cedé, quitte, transporte et abandonne, comme par les presentes je vend, cedé, quitte et transporte, au Sr. Antoine Dejarlaix, acquerreur, pour lui les tiens ou ayant causes, la quantité de dix cents arpents de terre en superficie, lesquels dix cents arpents font partie d'une concession de huit cents arpents qui a été accordé au Sr. Joseph Departy par Dn. Charles Dehault Delassus, lieutenant gouverneur de la Haute Louisiane, en datte de cinq de Mars, mil huit cent, et acquit par moi, Jacques de St. Vrain, du dit Sr. Departy, en datte du cinq de Fevrier, mil huit quatre. La presente vente faite et passée pour le prix et somme de cent vingt gourdes, laquelle somme le Sr. Antoine Dejarlaix, in a presentement, payée comptant et pour laquelle somme je lui donne pleine et entiere quittance au moyen de quel payement je ne desiste de tous les droits, et titres, et possessions, que j'ai sur la dite terre sans en rien retenir ni reserver, je les vend, cedé, quitte, et transporte, au dit Antoine Dejarlaix, pour lui les tiens ou ayant causes en jouir en disposer, vendre, aliener à sa volonte et comme propriété à lui appartenante, la presente vente faite et passé sans aucun recours quelconques m'obligeant seulement de la ratifier pardevant un juge competant dans le cas ou j'en serais requis fait et passé à mon habitacion, le vingt et unieme jour du mois de Juillet, de l'an mil huit cent quatre.

ANTOINE <sup>sa</sup> DEJARLAIX.  
marque.  
JACQUES St. VRAIN.

Temoins: ALBERT TISON.  
WM. NASH.

STATE OF MISSOURI, *St. Louis*, November 18, 1823.

Truly copied from book B, page (504) five hundred and four and following, remaining in the office of the recorder of land titles for the present State of Missouri, of which I certify.

M. P.

## M.

## FOURTH DEED.

Je soussigné, Antoine Dejarlaix, en presence des temoins soussignés, reconnais avoir, vendu, cedé, quitte, transporté et abandonne, comme par ces presentes je vend, quitte, transporte et abandonne, au Sr. William Nash, acquerreur, la quantité de huit cent arpents de terre en superficie, lesquels huit cent arpents proviennent d'une concession qui a été accordé par Dn. Chs. Dehault Delassus, lt. gouv. de la Haute Louisiane, au Sr. Joseph Departy, en datte du cinq Mars, de l'an mil huit cent, les dits huit cent arpents de terre, nous provenant d'une part, du Sr. Jacques de St. Vrain, qui en a acquit dix cents arpents de terre, du Sr. Joseph Departy, et m'en a passé la vente en datte du dix huit Juillet, de l'an mil huit cent quatre, d'autre part du Sr. Albert Tison, qui en a acquit deux cents arpents du Sr. Departy, m'en a passé la vente en datte du vingt de l'an mil huit cent quatre, laquelle, quantité formant ensemble huit cent arpents reuni en un seul titre, en vertu de quoi la presente vente est faite et passée, pour le prix et somme de deux cent gourdes, laquelle somme le Sr. William Natche m'a presentement payée comptant et pour laquelle somme je lui donne pleine et entiere quittance au moyen de quel payement je me desiste de tous les droits, titre, action, propriété, que j'ai sur la dite terre sans en rien retenir ni reserver, je lui donne pleine et entiere quittance au moyen de quel payement je me desiste de tous les droits, titre, action, propriété, que j'ai sur la dite terre sans en rien retenir ni reserver je les vend, cedé, quitte et transporte, au Sr. William Natche, pour lui les siens ou ayant cause en jouer, disposer, vendre ou aliener, a sa volonte comme propriété à lui appartenante. La presente vente faite en passée sans aucun recours, m'obligeant sentement de la ratifier pardevant un juge competant aussitot que j'en serai requis, fait et passé à l'eau froide, le vingt unieme jour du mois de Juillet, de l'an mil huit cent quatre.

ANTOINE DEJARLAIX.

ANTOINE DEG.  
ALBERT TISON.  
JACQUES DE ST. VRAIN.

St. Louis, *Missouri*, November 18, 1823.

Truly copied from book B, page (505) five hundred and five and following, remaining in the office of the recorder of land titles for the present State of Missouri, of which I certify.

M. P. LEDUC.



## No. 7.

LAND OFFICE, *Franklin, Missouri, December 11, 1823.*

We do hereby certify that Shadrach Barnes, James Barnes, and William Taylor, of Howard county, Missouri, applied for the purchase, by right of pre-emption, of fractional section No. 6, and part of fractional section No. 5, in fractional township No. 48 (N. M.) of range No. 16 west of the fifth principal meridian; and that, in support of their claim, they produce satisfactory evidence of having inhabited and cultivated said land prior to April 12, 1814; and that a certificate of purchase would have been granted them had it not appeared on the maps that the greater part of said fractional sections were covered by a Spanish grant claimed by William Nash under Joseph Deputy.

JOHN MILLER, *Register.*  
T. A. SMITH, *Receiver.*

## No. 8.

GENERAL LAND OFFICE, *December 30, 1823.*

SIR: Your letter of ———, transmitting evidence in support of the claims of J. Barnes and others to a pre-emption right in townships 48 and 49 north, of range 16 west, and tending to invalidate the claim of William Nash, under Joseph Deputy, to the same land, as a Spanish grant, required by my letter of the 20th September last to S. Barnes, was received on the 24th instant.

When I give a decision on the claim I wish to have all the evidence before me, and I have therefore requested the recorder of land titles to furnish me with copies of all the papers in his office in relation to the claim of Mr. Nash; and I will thank you to furnish me with all the evidence you may wish to have taken in consideration when the decision is made, in addition to what has already been received.

Any evidence furnished prior to the 1st of April next will then be examined.

I am, sir,

HAMILTON R. GAMBLE, Esq., *St. Louis, Missouri.*

GEO. GRAHAM.

GENERAL LAND OFFICE, *December 30, 1823.*

SIR: I will thank you to furnish me with copies of all the papers in your office in relation to the claim of William Nash, under Joseph Deputy, for 800 arpents, situated in townships 48 and 49 north, of range 16 west, as soon as convenient.

I am, &c.,

FREDERICK BATES, Esq., *Recorder of Land Titles in St. Louis, Missouri.*

GEO. GRAHAM.

## No. 9.

OFFICE OF THE RECORDER OF LAND TITLES, *St. Louis, January 26, 1824.*

SIR: I send, as required by your letter of 30th ultimo, copies of all the papers in the claim of William Nash, under Joseph Deputy. The proceedings of the late commissioners will be found, page 326 of the registry of rejections, in the General Land Office. When, under the act of Congress, of April 12, 1814, I took up this claim for examination, it appeared to me that the board had given authenticity to the survey as having been made in proper time; and it was selected under that act for confirmation.

With great respect, I have the honor to be, sir, your obedient servant,

FREDERICK BATES.

HON. GEORGE GRAHAM, *Commissioner of General Land Office.*

*Record Book B, page 502, and following.*

William Nash claims 800 arpents of land situated in the district of St. Charles, on the river Missouri, granted to Joseph Deputy, by Dn. Carlos Dehault Delassus, March 5, 1800; 200 arpents aforesaid to James St. Vrain, and the remainder to Albert Tison, by said Tison and St. Vrain to Antoine Dejarlais, and by him assigned to this claimant.

*Dn. Cs. Dehault Delassus, lieut. gouverneur de la Haute Louisiane:*

MONSIEUR: Joseph Deputy à l'honneur de vous exposer que résidant dans ce pays depuis longtems, il désire y former un établissement; en conséquence il à recours aux bontes de ce gouvernement pour qu'il vous plaise lui concéder un morceau de terre de huit cent arpents de superficie aprendre sur la terre vacantes du domaine du Roy, dans l'endroit qui paraitra le plus convenable aux intérêts de votre supt, qui ose espérer cette grace de votre justice. St. Louis, le 3 Mars, 1800.

JOSEPH <sup>sa</sup> + DEPARTY.  
marque

SN. LUIS DE ILLINOIS, 5 de Marzo, 1800.

Como estamos asegurados que el supte. tiene los medios suficientes para hacer valer los tierras que solicita, le concedo para el y sus herederos la tierra que solicita si no perjudica a nadie. Y el agrimensur, Dn. Antonio Soulard, pondra el interesado en posesion de la cantidad de tierra que pide en un sitio vacante del dominio real, loque evacuado formara plano entregando á la parte este y certificacion para que le sirva

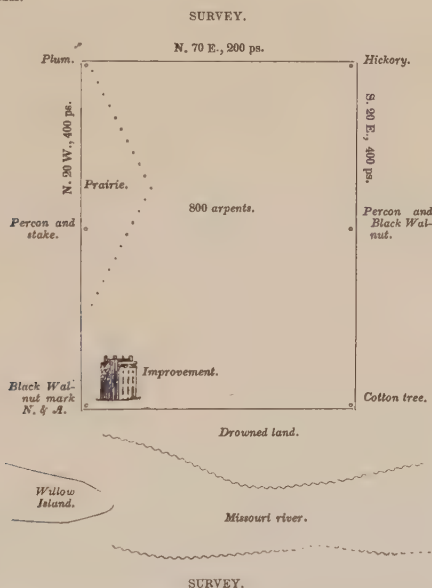
à obtenir el titulo en forma del Sr. intendente general, a qui en corresponde privativamente por real orden el repartir y conceder toda clase de tierras, &c.

CARLOS DEHAULT DELASSUS.

Je soussigné, Joseph Departy, sous ma marque ordinaire, et en presence de temoins soussigné, reconnais avoir vendu, cédé, quitté, transporté et abandonné, comme par ces présentes je vends, cede, quitte, transporte et abandonne, au Sieur Jacques Lassus de St. Vrain, tous les droits, titres, actions, possessions, et propriétés que j'ai sur la concession de terre ci-dessus pour lui enjouir, disposer, vendre ou aliéner, a sa volonté ses héritiers ou ayant causes, aux clauses et conditions que le dit Sr. Jqe. Lassus de St. Vrain en faire faire l'arpentage à ses fraix et dépens pour son compte et risque, qu'il fera tous les fraix à ce nécessaire et qu'il me donnera deux cents arpents de terre en superficie de la dite concession quitte et nete de toutes depense, les quels deux cents arpents je prendrai dans le lieu ou la dite concession aura été arpentée sans ce pendant nuire en aucune manière au reste de la dite concession, et pour ce les dits deux cents arpents seront designés sue le plan figuratif par une ligne que l'on tirera sur l'un des cotes du dit plan: fait et passé à St. Louis des Illinois le cinq du mois de Fevrier, de l'an mil huit cent quatre.

an  
JOSEPH + DEPARTY.  
marque.

Temoins: ALBERT TISON.  
WILLIAM NASH.



I do certify that the above survey, stated in plat to be made by me in the month of February, 1804, according to the decree of the lieutenant governor, Don Carlos Dehault Delassus, dated March 5, 1800, which I will attest wherever need shall require.

R. L. NASH, D. S.

Received for record. St. Louis, February 28, 1806.

ANTOINE SOULARD, S. G. T. L.

Je soussigné, Joseph Departy, sous ma marque ordinaire, et en presence du témoin soussigné reconnais avoir, vendu, cede, quitté, transporté et abandonné, comme par ce present je vends, cede, quitte, transporte, et abandonne, des à présent comme pour toujours au Sr. Albert Tison, acquéreur pour lui les siens ou ayant causes la quantité de deux cents arpents de terre en superficie, lesquels deux cents arpents font partie d'une concession de huit cents arpents qui m'a été accordé par D. Chs. Dehault Delassus, lt. gr. de la Haute Louisiane, en datte du cinq Mars de l'an mil huit cent, partie de laquelle concession j'ai vendu au Sr. Jques. Lassus de St. Vrain qui en a la titre m'étant cette quantité de deux cents arpents pour enjouir, &c., à ma volonté en vertu se quoi la presente vente est faite et passée pour le prix et somme de soixante et dix piastres, laquelle somme le dit Sr. Albert Tison m'a présentement payée comptant et pour laquelle somme je lui donne pleine et entiere quittance, au moyen de quel payement je me désiste, remets, renonce et abandonne tous les droits, titres, actions, possession et propriété, que j'ai sur la dite terre sans en rien retenir ni reserver, je les vends, cède, quitte et transporte, au dit Albert Tison, pour par lui les siens ou ayant causes, enjouir, disposer, vendre au aliéner, à sa volonté et comme propriété a lui appartenant, promettant et m'obligeant de ratifier la presente vente, pardevant un juge compétant aussitot que j'en serai requis: fait et passé à St. Ferdinand, le vingt jour du mois de Juillet, de l'an mil huit cent huit cent quatre.

an  
JOSEPH + DEPARTY.  
marque.

Temoins: JAQ. ST. VRAIN.  
WM. NASH.

Je soussigné, Albert Tison, et en présence des témoins soussignés, reconnais avoir, vendu, cédé, quitté, transporté et abandonné, comme par les presentes je vends, cédé, quitte et transporte, au Sr. Antoine Dejarlaix, acquéreur pour lui les siens ou ayant causes la quantité de deux cents arpents de terre en superficie, lesquels deux cents arpents font partie d'une concession de huit cents arpents qui a été accordée au Sr. Joseph Depty par Dn. Charles Delassus, lieutenant gouverneur de la Haute Louisiane en datte du cinq de Mars, mil huit cent, et acquit par moi, Albert Tison, du Sr. Joseph Depty en datte du vingt de Juillet, de l'année mil huit cent quatre la presente vente, faite et passée pour le prix et somme de soixante et dix piastres gourdes laquelle somme le Sr. Antoine Dejarlaix m'a présentement payée comptant et pour laquelle somme je lui donne pleine et entiere quittance, au moyen de quel payement je me désiste, de tous les droits, et titres, et possessions, que j'ai sur la dite terre sans en rien retenir ni réserver je les vends, cede, quitte, et transporte au dit Antoine Dejarlaix, pour lui les siens ou ayant causes, enjouir, en disposer, vendre, aliener, à sa volonté comme propriété à lui appartenante la presente vente faite et passée sans aucun recours quelconques m'obligeant seulement de la ratifier devant un juge compétant dans le cas ou j'en serais requis. Fait et passé à l'eau froide, le vingt et unieme jour du mois de Juillet, de l'année mil huit cent quatre.

ALBERT TISON.

Temoins: JAS. DE ST. VRAIN.  
WM. NASH.

Je soussigné, Jacques St. Vrain, et en présence des témoins soussignés, je reconnais avoir, vendu, cédé, quitté, transporté et abandonné, comme par le present je vends, cédé, quitte, et transporte au Sieur Antoine Dejarlaix acquereur pour lui les tiens ou ayant causes, la quantité de six cents arpents de terre en superficie, lesquels six cents arpents font partie d'une concession de huit cents arpents qui a été accordée au Sr. Joseph Depty par Dn. Chs. Dehault Delassus, lieut. gov. de la Haute Louisiane en datte du cinq Mars mil huit cent et acquit par moi, Jaq. de St. Vrain, du dit Sr. Depty en datte du cinq de Fevrier, de mil huit quatre, la presente vente faite et passée pour le prix et somme de cent vingt gourdes, laquelle somme le Sr. Antoine Dejarlaix m'a presentement payée comptant et pour laquelle somme je lui donne pleine et entiere quittance au moyen de quel payement, je me désiste de tous les droits, et titre, et possessions que j'ai sur la dite terre sans en rien retenir ni réserver, je les vends, cede, quitte, et transporte au dit Antoine Dejarlaix, pour lui les siens ou ayant causes enjouir, en disposer, vendre, aliener à sa volonté et comme propriété à lui appartenante la presente vente faite et passée sans aucun recours quelconque m'obligeant seulement de la ratifier devant un juge compétant dans le cas ou j'en serais requis. Fait et passé à mon habitation, le vingt et unieme jour du mois de Juillet, de l'année mil huit cent quatre.

ANTOINE X DEJARLAIX.  
marque.  
JACQUES ST. VRAIN.

Temoins: ALBERT TISON.  
WM. NASH.

Je soussigné, Antoine Déjarlaix, en présence des témoins soussignés, reconnais avoir, vendu, cédé, quitté, transporté et abandonne, comme par ces presentes je vends, cédé, quitte, transporte et abandonne, au Sieur Wm. Nash, acquereur la quantité de huit cents arpents de terre en superficie, lesquels huit cents arpents proviennent d'une concession qui a été accordée par Dn. Charles Dehault Delassus, lt. gov. de la Haute Louisiane, au Sr. Joseph Depty en datte du cinq Mars de l'an mil huit cent, les dits huit cents arpents de terre me provenant d'une part du Sr. Jacques St. Vrain qui en a acquit six cents arpents de terre du Sr. Joseph Depty et m'en a passé la vente en datte du dix huit Juillet, de l'an mil huit cent quatre, d'autre part du Sr. Albert Tyson, qui en a acquit deux cents arpents du Sr. Depty m'en a passé la vente en datte du vingt de l'an mil huit cent quatre, laquelle quantité formant ensemble huit cents arpents reunis en un seul titre, en vertu de quoi la présente vente et faite et passée pour le prix et somme de deux cent gourdes, laquelle somme le Sr. William Natche m'a présentement payé comptant et pour laquelle somme je lui donne pleine et entiere quittance, au moyen du quel payement je me désiste de tous les droits, titres, actions, propriété, que j'ai sur la dite terre sans en rien retenir ni réserver, je lui donne pleine et entiere quittance, au moyen de quel payement je me désiste de tous les droits, titres, actions, propriétés, que j'ai sur la dite terre sans en rien retenir en réserver, je les vends, cede, quitte, et transporte au Sieur William Natche, pour lui les siens ou ayant causes enjouir, disposer, vendre au aliener à sa volonté, comme propriété à lui appartenante, la presente vente, faite et passé sans aucun recours, m'obligeant seulement de la ratifier par devant un juge compétant assistot que j'en serai requis. Fait et passé à l'eau froide, le vingt unieme jour du mois de Juillet, de l'an mil huit cent quatre.

ANTOINE DEJARLAIX.

Temoins: ALBERT TISON.  
JACQUES DE ST. VRAIN.

*Minute Book No. 2, page 5.*

SEPTEMBER 16, 1806.

The board met agreeably to adjournment. Present: the Hon. John B. C. Lucas, Clement B. Penrose, and James L. Donalson, esquires.

William Nash, assignee of Joseph Deputy, claiming 800 arpents of land, situate on the Missouri, district of St. Charles, produces a concession from Charles D. Delassus, dated March 5, 1800, and a survey of the same taken in February, 1804, and certified February 28, 1806, together with a deed of transfer of the same, dated February 5, 1804.

David Delaunay, being duly sworn to give true answers, &c., says that he believes he wrote the aforesaid decree or concession; that he was in the habit of writing several of them, but cannot positively say when the aforesaid was written.

The board reject this claim, and require further proof.

*Minute Book 4, page 511.*

WEDNESDAY, September 27, 1810.

Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners. William Nash, assignee of Antoine Dejarlaix, assignee of Albert Tison, assignee of Jacque St. Vrain,



assignee of Joseph Deputy, claiming 800 arpents of land. (See book No. 2, page 5.) It is the opinion of the board that this claim ought not to be confirmed.

OFFICE OF RECORDER OF LAND TITLES, *St. Louis, January 26, 1824.*

I certify that the above and foregoing records and minutes are truly copied from the books of the late commissioners.

FREDERICK BATES.

VOLUME II.

*Report of the opinions of the recorder of land titles for the Territory of Missouri, &c. Confirmations of concessions, orders or warrants of survey, principally under the act of Congress of April 12, 1814.*

Concession, warrant or order of survey.	Survey.	Claimants.	Land claimed.	Situation.	Acts of ownership.	Opinions of the recorder.	Page of report.
C. D. Delassus, L. S. ....	Mar. 5, 1800	William Nash, under Joseph Deputy.	800 arpents..	Missouri, county of St. Charles.	.....	Confirmed, 800 arpents.	336

This second volume, containing confirmations of concessions, order or warrants of survey, principally under act of Congress of April 12, 1814, and forming a part of the general report, respectfully submitted.

FREDERICK BATES.

WASHINGTON CITY, February 2, 1816.

Hon. JOSIAH MEIGS, Commissioner of the General Land Office, Washington City.

*Rejections of the board of commissioners at St. Louis, page 326.*

"William Nash, assignee of Antoine Dejarlais, assignee of Albert Tison, assignee of Jacque St. Vrain, assignee of Joseph Deputy, claiming 800 arpents of land, situated on the Missouri, district of St. Charles, produces to the board a concession from Charles D. Delassus, lieutenant governor, dated March 5, 1800, and a survey of the same taken in February, 1804, and certified February 28, 1806, together with a deed of transfer of the same, dated November 5, 1803."

*Testimony taken September 16, 1806.*

"David Delauney, sworn, says that he believes he wrote the aforesaid decree or concession; that he was in the habit of writing several of them, but cannot positively say when the aforesaid was written."

"September 22, 1810.—Present: Lucas, Penrose, and Bates, commissioners. It is the opinion of the board that this claim ought not to be confirmed. September 16, 1806, the board require further proof."

No. 10.

FRANKLIN, *Missouri, January 1, 1824.*

SIR: Sometime since some papers were transmitted to the General Land Office for a patent to Ira Nash for 800 arpents of land in townships Nos. 48 and 49 north, and range 16 west, including the town of Franklin. I have since been informed that a caveat has been filed by Shadrach Barnes against the issuing of the patent to Nash, setting forth in his caveat that he (Barnes) has had a pre-emption granted him for the same land. I beg leave to refer you to a report made by the register and receiver at Franklin to your office in 1819 of all the pre-emptions claimed, granted, and rejected in the Howard land district. You will there find S. Barnes' pre-emption rejected. If they conceived it their duty to report his case at all, for I know they told him they had no power to act upon his case at all, as he had thought proper to withdraw his application for the land where he resided, and applied for adjoining lands, which were surveyed and laid down upon the maps as private lands. Barnes did know, for years before any pre-emption laws passed, that this Spanish grant was located there. Nash gave him notice of it. I trust, sir, the patent will not be longer withheld, as a greater delay in issuing the patent under the Spanish grant will produce serious damages to a multiplicity of the purchasers and sellers of lots in the town of Franklin. They have been sold by the purchasers under the grant, with bonds to make title by a given time; and as the time has arrived, in most instances, for the titles to be made, the purchasers prefer getting back their money, as the property has fallen, and are suing for the recovery on the grounds that title cannot be made in fee simple without a patent first issuing from the United States. I am interested in the patenting of the grant, which I beg leave to offer to you as my apology for addressing you upon this subject.

I am, with great respect, your very obedient, humble servant,

TAYLOR BERRY.

GEORGE GRAHAM, Esq.,

Commissioner General Land Office, Washington City.

No. 11.

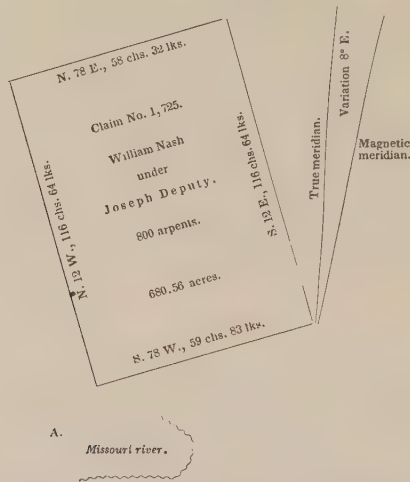
WASHINGTON, *January 15, 1824.*

The enclosed was received by me to-day. The object is the patent, as appears by the letter of one of the claimants, upon the supposition that Mr. Barnes' claim to a pre-emption right has not been sustained.

Respectfully,

DAVID BARTON.

COMMISSIONER OF GENERAL LAND OFFICE.



*Claim No. 1,725.*—Surveyed for William Nash, under Joseph Deputy, 800 arpents of land, beginning at a post on the north bank of the Missouri river, opposite an island from which a black walnut, 16 inches diameter, bears N. 76° W., 68 links, and a — 15 in diameter, bears N. 49° E. 48 links; thence N. 12° W., at 78 chains 54 links, intersected the township line between townships Nos. 48 and 49 N., range 16 W., 27 chains 48 links E. of the township corner, on the line between ranges 16 and 17, W. 116°, 64 chains, set a post from which a hackberry, 15 inches diameter, bears N. 33° E., 12 links, and a hackberry, 20 inches diameter, bears S. 38° W., 70 links; thence N. 78° E., 46 chains 4 links, the line between sections 31 and 32, township No. 49 N., range 16 W., 8 chains 20 links N. of quarter-section corner 58 chains 32 links, a hackberry 10 inches diameter, corner, from which a live-oak, 12 inches diameter, by S. 87° W., 18 links, and an ash, 6 inches diameter, bears N. 59° E., 9 links; thence S. 12° E., 51 chains, intersected the south boundary of section 32, 17 chains 84 links west of quarter-section corner, 116 chains 64 links, set a post in the edge of drowned land, from which a hackberry, 10 inches diameter, bears N. 57° E., 27 links, and an ash, 14 inches diameter, bears S. 64° W., 27 links; thence S. 78°, W. 36° 48', intersected the line between sections 5 and 6, 7 chains 67 links north of the corner on the river, 59 chains 83 links in the beginning.

Surveyed by—

HORATIO CHRISMAN, D. S.

SURVEYOR'S OFFICE, *St. Louis, November 17, 1823.*

I certify the within to be a true copy of the survey on record in this office.

WILLIAM RECTOR.

**STATE OF MISSOURI, County of St. Louis:**

William Milburn, being duly sworn, on his oath, sayeth that in August, 1818, he was a clerk in the office of the surveyor of United States lands in Illinois and Missouri, and that as clerk in said office, and a duly commissioned and authorized deputy surveyor, he did, by the authority and under the direction of said surveyor, examine the surveys of the several private claims in the district of Howard, among which was one of 800 arpents, confirmed to William Nash, under Joseph Deputy, No. 1,725, in township Nos. 48 and 49 north, range 16 west; that I was furnished with an authenticated copy of the confirmation of said claim, as certified to said surveyor by the United States recorder of land titles for the Missouri Territory; and that, after examining the survey of said claim, as executed by Horatio Chrisman, and comparing it with the confirmation, I did believe that it had been by him surveyed on the ground where it originally was; that I found natural marks, such as are called for in the confirmation; and that, in tracing the lines, there were trees with ancient notches or blazes which appeared to have been made ten or fifteen years previous; and that I examined the connexion with the section lines and found it to be as stated in the foregoing survey.

Sworn to and subscribed November 19, 1825, before me.

WILLIAM MILBURN.

T. C. TURNER, J. P.

**STATE OF MISSOURI, County of Howard, ss:**

Before me, Augustus Storrs, a justice of the peace within and for the county aforesaid, on this third day of December, in the year of our Lord one thousand eight hundred and twenty-three, personally appears Ira P. Nash, who, being first duly sworn, deposeth and saith: That about the year eighteen hundred and four he was authorized by the Spanish government to locate and survey lands belonging to individuals under the said government, and return the survey of lands so made to the surveyor general of the Spanish government at St. Louis; and that he did, in or about that year, locate and survey the claim of one Joseph Deputy, for William Nash, of eight hundred arpents on the Missouri river, opposite a willow island, and made return of the said survey to the surveyor general at St. Louis, agreeably to the views of the Spanish government at that time. He further deposes that about the year eighteen hundred and seventeen he was called on by a deputy surveyor under the government of the United States, by the name of Horatio Chrisman, to show the beginning of the survey so made, as aforesaid, by him, for Joseph Deputy, at the time and in the manner aforesaid, and that he did go with the said Horatio Chrisman and showed him the beginning corner; and

that, after tracing the line some little distance, a certain Shadrach Barnes, in company with others, stopped the said surveyor, H. Chrisman, and utterly refused by force to let him pass through their improvements, and that the survey on the opposite page of this sheet is conformable to the original survey made and returned by him as aforesaid in or about the year 1804.

I. P. NASH.

In April, 1811, I was at the improvement of Shadrach Barnes where he now lives. I then told his son that they were on William Nash's land, and showed the beginning, &c., &c.

I. P. NASH.

Sworn to and subscribed before me, Augustus Storrs, a justice of the peace as aforesaid, on the day and year first above written, both as to the body of this affidavit and the continuation thereto.

AUGUSTUS STORRS, *J. P. H. C.*

# No. 12.

TREASURY DEPARTMENT, *General Land Office, January 16, 1824.*

SIR: Yours of yesterday, enclosing a survey of the claim of William Nash, under Joseph Deputy, has been received.

As the claim of S. Barnes and others to the same land has not been decided, it would be improper to issue a patent to Mr. Nash at present.

I am, &c.,

GEO. GRAHAM.

Hon. D. BARTON, *Senate.*

# No. 13.

FRANKLIN, *Missouri, July 1, 1824.*

SIR: I have heretofore transmitted to your department a statement of the evidence in support of the claim of myself and others to a pre-emption right in townships 48 and 49 north, and range 16 west of the fifth principal meridian, and also, as I conceive, conclusive testimony to invalidate the claim of William Nash, under Joseph Deputy, to the same land. It is important to myself, and to those who are similarly situated with me, that a decision should be had in your department as soon as possible as to the merits of those claims. I am fully convinced that the only object of my opponents is to obtain a patent from the government which at law would give them an advantage over me, and compel me, finally, to resort to a tedious and expensive chancery proceeding in order to establish my title to the land in question; if a patent should be issued to me I am convinced that they would give up the contest. It will be seen, by a reference to the papers, that the claim of Nash was rejected by the board of commissioners for non-compliance with the law of Congress making particular requisitions as to the time in which such claims should be surveyed, and that the said claim was only confirmed by Congress with a number of others in 1816, upon a general recommendation of the recorder of land titles at St. Louis, three years after the law had passed granting the right of pre-emption to settlers upon public lands in the Territory of Missouri. I have been favored with the perusal of a letter from you, sir, to my attorney, H. R. Gamble, in which you expressed your willingness to have received further evidence on the subject prior to the 1st day of April last, on which day it was implied in your letter that a decision would be made on the evidence before you. Relying confidently on the testimony heretofore forwarded by me, I have forborne to offer any more, but awaited the decision which was to be made. As no information has yet reached me as to the result of that decision, I am again under the necessity of troubling you for information on the subject, and of urging a speedy determination upon my claim. If, however, any further evidence appears to be necessary in order to a correct decision, and if the points upon which that evidence is required are suggested to me by a letter from your department, it would afford me pleasure to produce it; and such a requisition will be punctually complied with. As I have adduced all the proof that I conceive to be necessary, I would be at a loss, in any other way, on what point to offer additional evidence.

I have the honor to be, &c.,

SHADRACH BARNES.

Hon. GEORGE GRAHAM, *Commissioner General Land Office, Washington City.*

# No. 14.

GENERAL LAND OFFICE, *August 17, 1824.*

GENTLEMEN: From certificates given by you, separately, it appears that pre-emption claims would have been granted to Shadrach Barnes, Joseph Barnes, and William Taylor, but that the lands claimed interfered with a private survey in the name of Joseph Deputy.

On an examination of the papers which have been filed in this office, I am of opinion that the claim of the assignees of Joseph Deputy has not been confirmed, agreeably to the true intent and meaning of the act of April 12, 1814, under which they claim it to have been confirmed, and shall withhold a patent for the same; this claim, therefore, should not prevent Shadrach Barnes and others from obtaining their pre-emption certificates if they are now otherwise entitled to them.

With great respect,

GEO. GRAHAM.

The REGISTER and RECEIVER at Franklin, *Missouri.*



No. 15.

GENERAL LAND OFFICE, August 17, 1824.

SIR: I have informed the register and receiver of the land office at Franklin that I have declined to issue a patent to the assignees of Joseph Deputy, and that that claim ought not to prevent them from issuing certificates to S. Barnes and others, who claim the same land by pre-emption, if they are now otherwise entitled to certificates.

I give you this information that the parties claiming under Deputy may take the necessary measures for trying the title to the land in a court of chancery, the proper tribunal for the final decision of the points in dispute between the parties.

So far as the United States may be interested, the case may be decided under the provisions of the act of the last session.

With great respect, &c.,

GEO. GRAHAM.

TAYLOR BERRY, Esq., *Franklin, Missouri.*

No. 16.

GENERAL LAND OFFICE, August 17, 1824.

SIR: In reply to your letter of the 1st July, I have to inform you that I have advised the register and receiver of the land office at Franklin that I have declined to issue a patent on the claim of the assignees of Joseph Deputy, and that that claim ought not to prevent them from issuing a certificate to you for your pre-emption if you now are otherwise entitled to it.

The parties claiming under the assignees of Deputy will, I presume, institute the necessary proceeding in a court of chancery to try the right of title.

Very respectfully, &c.,

GEO. GRAHAM.

MR. SHADRACH BARNES, *Franklin, Missouri.*

No. 17.

FRANKLIN, October 8, 1824.

SIR: Your letter of August 17, in answer to mine of July 1, has been received. I immediately waited upon the register and receiver, and was informed by them that your instructions to them to issue me a certificate for my pre-emption had been received, but that they had declined acting upon them, *as, in their opinion, you had transcended your legitimate authority in giving them.* They say that while the claim of Joseph Deputy stands upon their maps, they are compelled by law to reserve the land from sale. They at the same time express it as their thorough conviction that the claim of Deputy is *fraudulent*, and it is only upon this matter of form they hesitate. They acknowledge your authority, however, as far as this, that if you will instruct them directly and pointedly to treat the claim of Deputy as a nullity, to issue without regard to that claim certificates of pre-emption to such persons settled on the tract as are entitled to them under the act of Congress, they will obey you. Now, it appears to me that your instructions already given have been as pointedly and directly to that effect as you could possibly word them. In your letter to me you say "that you have advised the register and receiver of the land office at Franklin that you had declined to issue a patent on the claim of the assignees of Joseph Deputy, and that that claim ought not to prevent them from issuing to me a certificate, if I was entitled to it otherwise;" nevertheless, they seem to require that you should tell them to treat the claim of Deputy as a nullity, and to issue to me a certificate in the same manner as if that claim were not marked on their map. I know that the business of your department is very laborious and extensive, and feel reluctant again to trouble you on a subject which, compared to your weightier avocations, must appear trifling, but to me it is a matter of the first importance, independently of the pride I feel in asserting and vindicating those rights to which I feel conscious I am entitled. The most valuable part of my property depends upon the issue of this dispute. I am confident of eventually gaining it, but the possibility of losing it prevents me from making improvements that are necessary for the comfort of my family. I am old, too, and wish to be freed from legal difficulty as soon as possible. These considerations I hope will excuse the trouble I give you, and induce you to bestow your consideration again upon the matter. It is impossible that any prejudice can result to the assignees of Deputy by my obtaining a patent. If their claim is good, their remedy in a court of chancery is easy and certain; otherwise the dispute must be protracted for years. If it should meet your approbation, I would therefore request that you would issue to the register and receiver at this place such instructions as would authorize them (in their opinion) to give me my certificate. I should feel grateful, in any event, if you would apprise me of your determination.

I have the honor to be, respectfully, &c.,

SHADRACH BARNES.

GEO. GRAHAM, Esq., *Commissioner of the General Land Office.*

N. B.—The proof of my right to a pre-emption is irrefragable. The register and receiver express themselves perfectly satisfied with it; it is only the interference with Deputy's claim that creates any difficulty.

S. B.

No. 18.

FRANKLIN, *Missouri*, January 20, 1825.

SIR: Your letter of November 9 came to hand, and was immediately laid before the register and receiver. I was aware that the register and receiver were the sole judges of what proof was sufficient to entitle an individual to a pre-emption right, and must have been misunderstood if you supposed I wished your department to assume that right; all I wished was that you should order them to disregard the claim of Deputy's assignees, and to grant me a certificate if my *proof* was sufficient to fulfil the requisitions of the pre-emption law. This I think you did in the order you had previously issued, but the register and receiver seemed to think your instructions did not amount to that. My object was, therefore, to elicit such an order (to that effect merely) as would be beyond the reach of cavil or objection. You observe, at the conclusion of your letter, that if the register and receiver would make out a special report of the case you would lay it before the Attorney General for his opinion; no alternative could have been more agreeable to me, if it could have been carried into effect; but to this there are insuperable difficulties. To make a report of the case the register and receiver would have had to give the foundation and grounds upon which Deputy's claim rests, and as the evidences of that title are in the office of the recorder of land titles, they would have had to assume data of which they are *officially* ignorant. Upon this ground they declined to make such report.

I have, however, I imagine, obtained such testimonials from them as will overcome any further difficulty in the issuing of a patent by your department for the land included in my pre-emption claim, which testimonials are herewith transmitted to you. The paper marked No. 1 is a certificate of the register and receiver that the proof of my right to pre-emption is full and satisfactory to them, and goes on to show, as the reason for their withholding my certificate of purchase, that the land is covered with a Spanish grant, which grant, being laid down on their plat, precludes them from acting upon it. This certificate was given with a view that your department might be informed officially that they, the register and receiver, had determined upon the sufficiency of my proof to the land claimed by me, so that you could issue a patent without making yourself a judge of the sufficiency of my proof. On the back of the certificate is a receipt of the receiver that I have paid the amount of money for the land if my claim should be confirmed; this was necessary, in order that all the requisitions of the law should be fulfilled before I could ask a patent of your department. No. 2 is a survey in which my claim is laid down under the direction of the register and receiver, with a field note on the margin showing its boundaries, and a certificate at the bottom in which the amount of acres is certified. This survey was made and is certified by Jeremiah Rice, a deputy surveyor, by authority of the surveyor general. It shows the quantity to be 194.86 acres, which agrees with the amount of money paid in at the rate of \$125 per acre, which the register and receiver have determined is all they can now receive for pre-emption rights, as the minimum price of land has been reduced to that. The paper marked No. 3 is a certified copy of two applications made by me to the register and receiver, the first of which was withdrawn by their leave, inasmuch as it called for the two small fractions which, by reference to the accompanying plat, you will observe lay south and east of my claim: these fractions have been subsequently granted by pre-emption right to Amos Barnes and William Ridgway's assignees.

The second application calls for all the land applied for in the first, excepting the two fractions aforesaid, and being under the impression that there were not 160 acres (the quantity to which I was entitled) in the tract laid down on the accompanying plat as my claim, I applied further for an adjoining quarter of section six, instead of the two fractions aforesaid. The subsequent survey has shown, however, that there is in the land marked as my claim even more than 160 acres, to wit: 194.86 acres. The register and receiver have, therefore, properly restricted me to the tract marked on the plat. These applications are sent with no other view than to put you in possession of as many of the facts in the case as possible. They are certified as true copies by the register and receiver.

Upon these premises I ask of your department to grant me a *patent* for the land marked on the plat (herewith transmitted) as my claim. The register and receiver, declining to act in accordance with your instruction for the reason mentioned in their enclosed certificate, have advised this course, and I adopt it with confidence.

The case presents this view: Your department has decided that the claim of Deputy's assignees is invalid and void. The testimonials upon which that decision was made are in your possession; a patent for their claim (you have observed in your letter to me) will not be issued; the enclosed certificate of the register and receiver shows that *they* have *judged* of my proof and found it to be entirely satisfactory; the receipt of the receiver shows that I have paid for the land; the accompanying plat shows (of which they have a counterpart) the boundaries, and defines the land, with the quantity of acres. I have complied, therefore, with every requisition of the law. Your department, then, having decided the claim of Deputy to be fraudulent, and that claim being the only obstacle to the attainment of my title, I think, with deference, that there can no longer be any reason for not issuing me a patent.

I might draw arguments from the peculiar hardship which attends my situation, but, resting my case solely upon its merits, I shall only observe there is no hope that Deputy's assignees will ever bring a suit to determine the dispute. They have sold and executed title bonds for a number of out-lots comprised in my claim for which they have received the money; they know their claim to be fraudulent, and that whenever it comes to a trial it will be declared so; they will then have to refund the money which they have received so iniquitously; they will not on that account sue me, and if a patent is not granted to me they can practice such fraud with impunity. They have heretofore sued me, and although in possession of every title of evidence relating to their claim they would not suffer the case to go to the jury, but took a non-suit; they have licensed individuals to use timber off the land until it is now *entirely* destroyed. My title being merely equitable, I can do nothing, and have no other remedy but applying for my title papers to your department. If it was their object to have the dispute ended they could do so at once, as our statute authorizes actions of ejectment upon surveys and concessions; but their wish is to procrastinate the result as long as possible; and under these circumstances I am compelled to submit, without any means of redress, to all the grievances I have mentioned. Tendering my sincere thanks for the attention you have been so kind as to give to my former solicitations, I conclude with a confident hope it will be continued to me again.

Your obedient servant,

Hon. GEO. GRAHAM, *Commissioner General Land Office.*

SHADRACH BARNES.

## CERTIFICATE NO. 1.

We certify that the proof established by Shadrach Barnes does establish, to our satisfaction, the fact of his having inhabited and cultivated as the law required to have secured to him the right of pre-emption, had not the land claimed by him been covered by a Spanish claim in the name of Joseph Deputy; which claim, whether valid or otherwise, having been laid down on the plat furnished us by the surveyor general, has precluded us from acting on the subject.

Certified January 13, 1824.

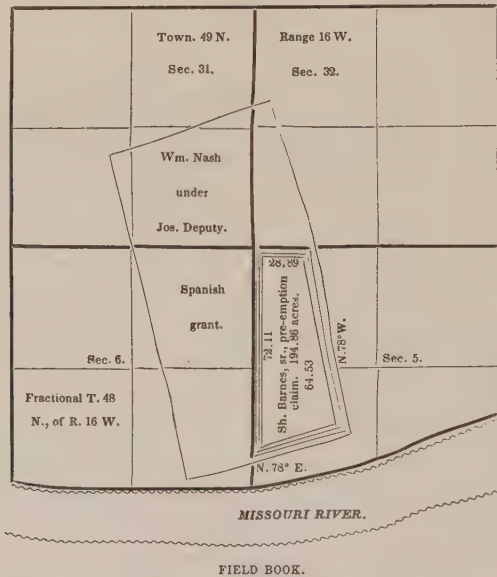
T. A. SMITH, *Receiver.*  
JOHN MILLER, *Register.*

I certify that Shadrach Barnes has deposited with me two hundred and forty-three dollars and fifty-cents to pay for the lands claimed by him as a pre-emption right if his claim should be confirmed.

T. A. SMITH.

JANUARY 13, 1825.

No. 2.—Showing the quantity and boundaries of Shadrach Barnes' pre-emption right.



Beginning at southeast corner of Deputy's Spanish grant; thence north 78° west, on the line of said Spanish grant, 64 chains and 53 links, to township line; thence north 88° west, on said township line, 20 chains and 89 links, to the corner of sections five and six, fractional township 48 north, range 16 west; thence south, on said line, 72 chains and 11 links, to intersect the line of said Spanish grant; thence on said line to the place of beginning.

This may certify that I surveyed the above tract of land, marked Shadrach Barnes, sr., on January 6, 1825, and find its contents to be 194.86 acres; the chainmen being duly sworn according to law.

JEREMIAH RICE, *Deputy Surveyor of the United States.*

PHILIP BARNES, ABRAHAM BARNES, *Chainmen.*

COPY OF PAPER NO. 3.

To the register and receiver of the land office for the Franklin district, at Franklin, December 29, 1818:

I apply for the purchase of the southeast fractional quarter of section six, and the fractional southeast quarter of section five, or the west half thereof, and an equal half of northeast fractional quarter of the same section five, and equal one-half of the northeast quarter of section five, and northwest quarter of section five, all in township forty-eight north of the base line, and in range sixteen west of the fifth principal meridian; and for all the land in said quarters surveyed, notwithstanding the location, appropriation, or survey of the Spanish claim, in the name of William Nash, on any part of the land thus claimed and applied for, by virtue of having inhabited and cultivated a tract of land in the Territory of Missouri, in the Franklin land district, and within the land applied for, and by not removing out of said Territory, by virtue of the act of Congress relative to pre-emption rights for said Territory, passed April 12, 1814, and the amendatory act thereto of April 29, 1816, and offers the following proof.

SHADRACH BARNES.

To the register and receiver of the land office, Howard county, Missouri Territory, March 19, 1819:

The memorial of Shadrach Barnes, of said county and Territory aforesaid, respectfully sheweth: That his original application for purchase by pre-emption calls for a part of fractional section five, in range sixteen, in fractional township forty-eight, (north of the Missouri river,) which lies east of Spanish



claim, which part of said section laying east of said Spanish claim your memorialist stands bound not to claim by virtue of his pre-emption; that part of said section five laying east of said claim is also claimed by William Ridgway and Amos Barnes by equal right of pre-emption; also a small fraction in said section five is equally claimed by said William and Amos, and all possessing and living thereon. I therefore request the privilege to withdraw my application of that part of said section which lays east of said Spanish claim; also to withdraw my application of the small fraction which lays south of said line in section five, and, in lieu thereof, beg leave to apply for the purchase of the southwest fractional quarter of fractional section six, in range sixteen, township forty-eight, west of the fifth principal meridian, and north of the Missouri river.

SHADRACH BARNES.

REGISTER'S OFFICE, *Franklin, January 19, 1825.*

We certify that the foregoing is a true copy from the original papers filed in this office.

JOHN MILLER, *Register.*  
T. A. SMITH, *Receiver.*

GENERAL LAND OFFICE, *November 9, 1824.*

SIR: I have to acknowledge the receipt of your letter of October 8. The registers and receivers of the land office are the exclusive judges of the propriety of issuing certificates for pre-emption claims. With their rights I never meant to interfere. All that I intended to express in my letter to the register and receiver was, that the claim confirmed in the name of the assignees of Joseph Deputy was invalid, and, as a confirmed claim, should not prevent the issuing of a certificate to you, if you were otherwise entitled to a certificate; but whether you were entitled to a certificate was left to the register and receiver to decide, upon a review of the whole case, as well in relation to the law as the facts, and I cannot undertake to direct what that decision shall be. If they think proper to make a special report of the case to this office, it shall be submitted to the Attorney General for his opinion.

I enclose, for your information, a copy of a letter addressed by me, to Taylor Berry, esq., in relation to this claim.

With great respect, &c.,

Mr. SHADRACH BARNES, *Franklin, Missouri.*

GEO. GRAHAM.

#### No. 19.

1. If the concession to Deputy has not been confirmed heretofore, it stands for confirmation now under the late act of Congress for adjusting land claims in *Missouri*, and is not subject to examination before any other tribunal.

2. If not confirmed, the conduct of the register and receiver at Franklin, in receiving the *testimony* and *money* for a pre-emption claim upon it, is illegal and vexatious; the United States having no right to sell, or offer to sell, any unconfirmed claim till Congress shall decide upon its validity. See act of 1811.

3. But the concession to Deputy is confirmed, and has been for eleven years. By the act of 1814 all concessions are confirmed which did "*appear*," by the "*reports*" of the commissioners, registers, or recorders of land offices, to possess certain requisites. The concessions in question did "*appear*" by such "*reports*" to possess these requisites; it was therefore confirmed by *law*, and is not reversible by any officer of the law.

The withholding of the patent for eleven years has been almost ruinous to the holders, and I request that it may be issued immediately.

MARCH 12, 1825.

THOMAS H. BENTON.

#### No. 20.

GENERAL LAND OFFICE, *March 15, 1825.*

SIR: The papers in the case of the assignees of Deputy to S. Barnes were submitted to you in August last, when you concurred in opinion with me that the evidence filed by Barnes justified the belief that the survey under which Deputy claimed had not been actually made, and that therefore a patent should be withheld. In consequence of that opinion, letters, of which the enclosed are copies, were addressed to the register, Mr. Barnes, and Mr. T. Berry, one of the assignees of Deputy.

Colonel Benton lately applied for a patent to be issued to the assignees of Deputy, on the ground that the claim was confirmed by the 1st section of the act of April 12, 1814, and that the powers vested in the Commissioner of the General Land Office by the third section of that act did not authorize him to inquire into *any fact* in relation to the *validity* of the claim. In order that you may review your opinion, I enclose Colonel Benton's memorandum, with an extract from the proceedings of the board of commissioners in relation to Deputy's claim, and a letter from Mr. Bates, the recorder, stating the reason why he issued a certificate of confirmation in this case. These papers will be sufficient to enable you to decide whether the Commissioner of the General Land Office has a right to withhold a patent in this case, on the ground that the evidence filed in bar of the claim is such as to induce him to believe that the survey was not "actually made." Should the opinion heretofore intimated by you remain unchanged, then another question will arise on which your opinion is requested. It is provided by the tenth section of the act passed February 11, 1811, (vol. 4, p. 326, U. S. Laws,) "that, till after the decision of Congress thereon, no tract of land shall be offered for sale the claim to which has been, in due time, and according to law, presented to the recorder of land titles in the district of Louisiana, and filed in his office for the purpose of being investigated by the commissioners appointed for ascertaining the right of persons claiming lands in the Territory of Louisiana." The claim of Deputy was thus filed and marked down in the public

surveys as a private claim. Admitting the fact that Deputy's claim was not confirmed by the act of 1814, is it not reserved from sale by the act above alluded to?

I am, with great respect, your obedient servant,

GEO. GRAHAM.

WM. WIRT, Esq., *Attorney General of the United States.*

No. 21.

OFFICE OF THE ATTORNEY GENERAL, *April 12, 1825.*

SIR: In relation to your questions which have grown out of the claim of the assignees of Joseph Deputy and Shadrach Barnes, I am of the opinion that the third section of the act of April 12, 1814, makes it your duty to examine whether the certificate of the recorder of land titles, in Missouri in favor of the assignees of Deputy was fairly obtained according to the true intent and meaning of that act; and if it does not appear to your satisfaction to have been a case which comes fairly within the proper construction, and the true intent and meaning of the act, it is, in my opinion, within your power, and becomes your duty, to withhold the patent.

On your second question I am of opinion that the land claimed by Deputy had better be reserved from public sale until he shall have had an opportunity of trying his title under the act of May 20, 1824; or, in case of his neglecting that course, until the limitation prescribed by the fifth section of that act shall bar the assertion of his claim under it.

I have the honor to remain, sir, very respectfully, your obedient servant,

WM. WIRT.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

No. 22.

St. Louis, *January 16, 1826.*

SIR: William Nash claims eight hundred arpents of land by the assignment of a concession made by the Spanish government to Joseph Deputy. This concession was located in townships forty-eight and forty-nine, range sixteen west. This concession was confirmed by the recorder and surveyor, by his order, under the direction of the surveyor general, which proceeding was afterwards reported to Congress, who, by a legislative act, approved all the proceedings of the recorder contained in said report, giving a complete title to Nash, claiming under Deputy.

But the patent to this land has been withheld on account of a pretended right of one Barnes, who claims a pre-emption to the land covered by the concession—a claim without pretext of right, as will be shown by the following statement.

A pre-emption right ought not to be acquired to this land under our laws, because it was not vacant, but had been previously, by the Spanish government, severed from the King's domain, and had become private property before the acquirement of this country by the United States. All private property acquired, as well by the act of the government as the industrious enterprise of individuals, is protected by the treaty of cession.

That this was a just and legitimate concession, and appropriated the land above described, is ascertained by the acts of the recorder and surveyor general, governmental officers appointed to act in this business, who adjudicated the right, and reported their proceedings and decision in favor of Nash to Congress, who, by solemn act, affirm the proceedings and judgment. It may be urged that the land was fraudulently surveyed, but this could only be suggestion, and is negative as a cause for withholding the patent by the following reasons: the land was surveyed by an order of the recorder, under the superintendence of the surveyor general, a sworn officer; the survey returned to the recorder, who confirms the claim according to the survey, and the claim, thus confirmed by metes and bounds, is by him reported to Congress, whose legislative act conveys all right of this government to that part of the public domain contained in said survey to William Nash, who claims under Joseph Deputy; for, on examination, you will find that the act of Congress refers specially to the books reported to that body, containing the proceedings of the recorder, in which this survey and information is contained. The correctness of the survey is further corroborated by the fact that the government has sold all the adjoining land; and if you had the power in the abstract, the acts of the government have produced such a state of things that you cannot now exercise the power; you cannot deprive *bona fide* purchasers of land acquired from the government, nor can you arbitrarily deprive Deputy of the land acquired from the Spanish authorities, sanctioned by ours. Nash is entitled to eight hundred arpents; and if the survey is inaccurate, and it can be corrected, he is entitled to the land sold by this government; for no reasonable form will hold that an inaccurate survey forfeits a right to land, especially when that inaccuracy is the fault of an officer of the government. But all difficulty in issuing the patent is removed by the indubitable fact that Barnes never was legally entitled to a pre-emption right. This land was surveyed and confirmed by the recorder in the year 1815, and reported to Congress, who approved his decision in 1816. Three years afterwards, in 1819, an act was passed giving pre-emption rights in that district of country where this land is situated. Previous to the passage of this act, the occupation of this land was a violation of policy and laws of the government, and the Executive of the United States had issued orders to the commander of the military stationed at Bell Fountain to remove the intruders, of which number Barnes was one, from that country. Thus, then, when this land was surveyed in 1815, and by that act appropriated to Nash, Barnes could have no pretence of title, no claim even to the generosity of the government. He was then an intruder in open violation of law, and ordered to be removed by military force. Government had exclusive title to the land environing Deputy's concession. The land is as valuable one side as the other. If the survey was inaccurate, the government was not defrauded, for all the adjoining land has been sold, and the proceeds paid into the public treasury. But if this land had not been covered by Deputy's concession, and appropriated previous

to 1819, and had continued a part of the public domain, Barnes was and is not entitled under the pre-emption laws to a pre-emption right. By the acts of Congress on the subject of pre-emption rights the claimant must furnish evidence to satisfy the register and receiver of the validity of his claim previous to the day when the said lands are to be exposed to sale under the President's proclamation. There is no discretion left with the register and receiver. The time is prescribed within which the evidence is to be introduced and the claim made; and if all this is not accomplished within the appointed period, the claim is forfeited, and the land must be sold at public auction to the highest bidder. It will appear in your office that sufficient evidence was not produced by Barnes to establish his right previous to the day of sale, and that the register and receiver, in consequence of a deficiency in testimony, postponed a decision upon his application, and, during this postponement, have sold all the adjacent lands. These officers are special agents created by an act of Congress. The act creating defines their powers, and they can do nothing but what that act empowers them to do, and in the manner it directs. Barnes was bound to produce sufficient evidence previous to the day of sale. If he did not furnish sufficient testimony to establish his claim, that fact, appearing from his own showing, had no title, for his title springs out of the law, and must be made out according to the provisions of the law granting pre-emption, or the claim cannot exist. The register and receiver had no right to postpone a claim for the purpose of procuring further testimony in this case; and the postponement itself implies a decision within the legal period against Barnes, for, if there had been sufficient testimony, no postponement would have been required, but the pre-emption would have been granted. Then the conclusion is inevitable that Barnes has, within the period prescribed, established no claim, and his right to establish the claim being now forfeited, his only remedy, if he has any, must be on application to Congress to enable him to purchase elsewhere; for no constitutional power exists in any branch of our government to enable him to get the land in controversy. Congress cannot interfere with Nash's right, because it has by solemn act granted this land to him, which cannot now be re-examined and revoked. I have thus endeavored hastily to give you my view of this case. To me it appears one without difficulty, and I flatter myself you will send the patent by the bearer.

Yours, respectfully,

GEORGE F. STROTHER.

GEO. GRAHAM; Esq., *Commissioner of the General Land Office.*

### No. 3.

#### CASE OF LOUIS LABAUME.

In this case Louis Labaume claimed 800 arpents before the board of commissioners, who *rejected* the claim, and it is not included in the subsequent reports of the recorder of land titles. A patent certificate, issued by the recorder of land titles under the act of 1814, has been presented for a patent, accompanied by a survey for 9,752.38 acres, which has been refused on the ground that the claim has not been legal, and that the recorder had no authority to act on claims exceeding a league square.

RECORDER'S OFFICE, *St. Louis, March 1, 1825.*

SIR: On the 25th ultimo a caveat was served on me, requesting that a patent certificate (reported to you by my predecessor as having been issued, but one of those at present in the hands of Mr. Milburn,) should not issue for a claim of the representatives of Louis Labaume, situated in the point of the Missouri.

Having no control over this certificate, it being one of those in the hands of Mr. Milburn, I have thought it advisable to furnish you with a copy of the caveat, which is herewith enclosed. In addition, I would remark, in relation to this claim, that I have been unable to find any confirmation of it in the books of this office. The decision of the board of commissioners upon it I herewith forward to you. Nothing subsequent to this decision appears to have been done in relation to this claim either by the board of commissioners or recorder of land titles, except that it appears to have been reported to the surveyor of Missouri, &c., to be surveyed, as will appear by his descriptive list, as given me in the note of Mr. Milburn, a copy of which is herewith enclosed.

The patent certificate is number 388, and is therefore one of those which Mr. Milburn is instructed by Mr. Le Duc not to deliver until re-examined by Mr. Bates, as they relate to New Madrid certificates, a copy of which was forwarded to you on the 15th of February last.

I have the honor to be, with great respect, your obedient servant,

THEODORE HUNT.

HON. GEORGE GRAHAM, *Commissioner of the General Land Office.*

*To the Recorder of Land Titles of the State of Missouri and Territory of Arkansas:*

Take notice that sundry persons claiming to be the legal representatives of Louis Labaume in a claim to a tract of land lying and being in the county of St. Charles, containing 8,000 arpents, adjoining on the one side the lands of the late Samuel Griffith, have caused to be surveyed and included in said claim a quantity of land exceeding 11,000 arpents, thereby including a tract of land of which the undersigned is entitled to a preference in becoming the purchaser from the United States. And the undersigned also shows that the tract of land claimed by said Labaume and his representatives has not been confirmed. And because the granting a patent certificate for said land would not only be manifestly unjust and greatly injurious to the United States, but a violation of the rights of the undersigned, he prays that no patent certificate be issued, and that the whole matter be re-examined as to the recorder shall seem just.

DANIEL JOHNSON.



## COUNTY OF ST. LOUIS:

This day personally appears Daniel Johnson, and makes oath that he this day saw in the office of the surveyor general a paper purporting to be a patent certificate, issued by the late recorder of land titles, of upwards of nine thousand arpents of land, being the same tract of land mentioned in the foregoing notice.

DANIEL JOHNSON.

Sworn to and subscribed, February 25, 1825, before me.

J. V. GARNIER, J. P.

SURVEYOR'S OFFICE, *March 1, 1825.*

The description of Louis Labaume's claim was omitted by Mr. Bates in the first list of confirmations furnished the surveyor's office, and was afterwards, together with several other tracts, furnished by him in a note without date. The note commences as follows:

"Description of sundry tracts of land omitted in the general lists heretofore supplied to the surveyor general's office, but which the undersigned, recorder of land titles for Missouri Territory, is now desirous to add to those lists, to wit:"

Then follows the description of Baptiste Dechoquet's claim, and after it "Louis Labaume, Con. c. page 338, 8,000 arpents, between Missouri and Mississippi rivers, and bounded north by Samuel Griffith, and south (at the time of the survey being vacant lands, but afterwards) by Francis Saucier and Charles Sanguinet.

"Note.—The general limits of the survey contained 9,000 arpents, 1,000 of which were considered worthless on account of inundation, &c. Survey at expense of claimant."

Then comes three other claims, and the note signed Frederick Bates, recorder of land titles, acting as commissioner.

WILLIAM MILBURN.

T. HUNT, Esq.

SATURDAY, *January 11, 1812.*

Board met. Present: John B. C. Lucas, Clement B. Penrose, Frederick Bates, commissioners.

Louis Labaume, claiming 8,000 arpents of land situate in Portage de Sioux, district of St. Charles, produces record of a grant from Juan Ventura Morales, dated July 5, 1802, with condition for the compliance with the 3d, 4th, 6th, 7th, and 9th articles of the instructions, &c., "and is found in the abstract of all the concessions and patented grants of land appertaining to the district of Louisiana recorded in the registry kept by the Spanish and French governments of the province of Louisiana since July 2, 1756, until April 23, 1802, transmitted to this board by the Secretary of the Treasury."

A majority of the board decline acting on this claim. The original title papers not produced.

John B. C. Lucas, commissioner, declares that he cannot act, as no original title paper is produced.

RECORDER'S OFFICE, *St. Louis, March 1, 1825.*

Truly copied from the minutes and proceedings of the board of commissioners, book 5, page 556, on file in my office.

THEODORE HUNT.

GENERAL LAND OFFICE, *May 16, 1825.*

SIR: Your letter of the 1st of March has been received. As the claim of Louis Labaume to 8,000 arpents at the Portage de Sioux was not confirmed by the board of commissioners, or by the recorder of land titles, under the provisions of the act of 1814, it must be considered as an unconfirmed claim. Of this fact you will inform the present claimant of the land, in order that the title to the land may be tried agreeably to the act of May 26, 1824.

With great respect, your obedient servant,

GEORGE GRAHAM.

THEODORE HUNT, Esq., *Recorder, St. Louis, Missouri.*

No. 4.

BERNARD PRATTE, UNDER JOHN B. PERJOL.

In this case the recorder of land titles has issued a patent certificate in favor of Bernard Pratte, under John B. Perjol, for 204.02 acres, under the act of March 3, 1807; but the reports in the General Land Office do not exhibit such a confirmation.

GENERAL LAND OFFICE, *May 31, 1824.*

SIR: The issuing of a patent in favor of Bernard Pratte, under John B. Perjol, for 204.02 acres, is suspended in consequence of the claim not being in your reports. You will please give me a certified copy of that part of the report in your office which embraces the claim.

I am, very respectfully, &c.,

GEORGE GRAHAM.

FRED. BATES, Esq., *Recorder, St. Louis.*

*Extract of a letter from the recorder of land titles at St. Louis to the Commissioner of the General Land Office, dated July 10, 1824.*

"The case of Bernard Pratte, under John B. Perjol, is not very intelligible even to myself at this time, and I must confess that I have fallen into an inadvertency in the issue of the patent certificate. It was acted upon by the late board, who decided in its favor, but not conclusively, as the quantity had not been ascertained by actual survey. This our books show, but I cannot learn at the surveyor's office the authority under which the survey was made. I hope in a short time to give a satisfactory account."

## No. 5.

## CASE OF HEIRS OF WILLIAM HAYS, UNDER P. MILLER.

In this case the recorder of land titles issued a patent certificate under the act of April 12, 1814, in favor of the heirs of William Hays, under Philip Miller, for 600 arpents; but there is no such confirmation exhibited on the books of the General Land Office, or in the office of the recorder of land titles.

GENERAL LAND OFFICE, *July 18, 1825.*

SIR: Private claim certificate No. 346, in favor of the heirs of William Hays, under Philip Miller, for 600 arpents, has been sent to this office for a patent, but on an examination of the reports in this office the claim cannot be found. The recorder, in his report, recommends for confirmation a claim of the heirs of William Hays to a tract of land in the county of St. Charles, containing 1,000 arpents, founded on a concession from Z. Trudeau, surveyed November 10, 1799, and inhabited and cultivated from 1799 to 1809. If these are different claims, I will thank you to furnish me with a copy of the confirmation of the 600 arpent tract.

I am, very, &c.,

THEODORE HUNT, Esq., *Recorder, St. Louis.*

JNO. M. MOORE, *Chief Clerk.*

*Extract of a letter from the recorder of land titles to the Commissioner of the General Land Office, August 17, 1825.*

"In reply to your letter of the 18th ultimo I do myself the pleasure of enclosing you a list of all the confirmations on record in this office in favor of William Hays or Philip Miller."

GENERAL LAND OFFICE, *September 22, 1825.*

SIR: I enclose herewith private claim certificate No. 346, in favor of the heirs of William Hays, under Philip Miller, for 600 arpents, in relation to which you were written to on the 18th of July last. The confirmations to the heirs of William Hays, to Philip Miller, and to Ira Cottle, under William Hays, copies of which were received with your letter of the 17th August, are contained in the reports in this office; but the certificate issued by the recorder does not correspond with either of these confirmations, as the confirmation to the heirs of William Hays is for 1,000 arpents, and no mention is made of their having claimed that tract in right of Philip Miller.

You will be pleased to endorse on the certificate a copy of the confirmation for which it was issued, with such remarks as you may deem applicable to the case.

I am, very, &c.,

THEODORE HUNT, Esq., *Recorder.*

GEORGE GRAHAM.

RECORDER'S OFFICE, *St. Louis, November 7, 1825.*

SIR: I have the honor of acknowledging the receipt of your letter of the 22d September, together with patent certificate No. 346. Upon a strict search in this office, I do not find any confirmation for the land as specified in said certificate. Mr. Le Duc, the former agent or clerk of Mr. Bates, has likewise made a search in this office with the same result; but he told me there were other confirmations made than those in this office, in the surveyor's office, and that he would search there and let me know the result; since which I have not heard from him. I therefore enclose the said private claim certificate No. 346 without any endorsement on it.

I am, very, &c.,

HON. GEORGE GRAHAM, *Commissioner General Land Office.*

THEODORE HUNT.

*Commissioner's certificates issued.*

No.	Date.	Name of person under whom land was claimed.	In whose favor issued.	Nature of the claim.	Water-course.	No. of acres.	No. of arpents.	Reference to books for testimony and decision.				District.
								No. 1.	No. 2.	No. 3.	No. 4.	
524	Oct. 17	William Hays' fils ...	Ira Cottle.....	Concession....	River Cuivre.....	.....	600	.....	.....	.....	.....	St. Charles.
337	April 5	Philip Miller.....	Philip Miller...	Concession....	Femme Osage.....	.....	800	.....	.....	.....	.....	St. Charles.

*Opinions of the Recorder of Land Titles.*

Concession, order, or warrant of survey.	Survey.	Notice to the recorder.	Land claimed.	Situation.	Possession, inhabitation, and cultivation.	Opinions of the recorder.
Concession from L. Trudeau, lieutenant governor, November 10, 1799.	Survey, November 10, 1799.	William Hays' heirs.	1,000 arpents...	Tugue co., St. Charles.	Possession, inhabitation, and cultivation, from 1799 to 1809.	Confirmed 1,000 arpents. C. P. 26, Report 96.

THEODORE HUNT, *Recorder in the State of Missouri, &c.*

RECORDER'S OFFICE, *St. Louis, August 17, 1825.*

No. 6.

BENITO VASQUEZ.

Vasquez entered this claim before the commissioners in virtue of settlement, and the enclosed paper states the reasons why it was rejected by them. It is not included in any of the recorder's reports alluded to in the second section of the act of April 29, 1816. A certificate issued by the recorder of land titles at St. Louis, under the act of 1814, has been presented for a patent, which is refused because the claim is not considered as being confirmed.

RECORDER'S OFFICE, *St. Louis, December 20, 1825.*

SIR: In reply to your letter of 15th October, I do myself the pleasure of forwarding you all the information this office affords, as required by that communication. The claim of Benito Vasquez does not appear to have been confirmed.

I have the honor to be, with great respect, your obedient servant,

THEODORE HUNT.

HON. GEORGE GRAHAM, *Commissioner General Land Office.*

Dn. Francisco Cruzat, ten. coronel graduado de infanteria, capitan de granaderos del regimiento fino de la Louisiana, comandante teniente de gobernador de esta partida occidental y distritos de los Illinois.

Visto lo espuesto en el memorial presentado por Dn. Benito Vasquez vecino de este pueblo con fecha diez y ocho de Noviembre de este corriente ano le è concedido y concedo à titulo de propiedad para el y sus herederos y otros que representen su derecho, los nueve arpanes de tierra que solicita que confinan por un lado à las tierras de Joseph Brazeau por el otro à las tierras de Jose Motar, por el leste à la orilla del rio Misisipi y por el oeste al camino real que Ca. à la praderia à catalana con condicion de establecer la dentro de un ano à contar desde esta fecha y de lo contrario quedara incorporados dichos nueva arpanes al dominio real, deviendo estar sujeto à todos los cargos publicos y otros que S. M. quiera imponerle. Dado en Sn. Luis de Illinois, à los viente dias del mes de Noviembre del ano de mil setecientos ochenta y seis.

FRANCO. CRUZAT.

A true copy from Livre Terrien, book 4, page 15.

THEODORE HUNT.

JULY 19, 1806.

The board met agreeably to adjournment. Present: the Hons. John B. C. Lucas, Clement B. Penrose, and James L. Donaldson, esqs.

Joseph Brazeau, assignee of Benito Vasquez, claiming two hundred arpents of land, situate in the district of St. Louis, running north and south, bounded northerly by a tract, the property of said claimant, being part of a tract granted said Benito Vasquez by concession from Francis Cruzat, dated November 22, 1796, produces the said concession, together with an assignment of said land, dated May 25, 1800.

Jacques Clamorgan, being duly sworn, says that the said Benito settled on said tract of land about 1788, built a house on the same, and that the same has been actually cultivated either by said Benito or his representatives to this day; and that three crops have been raised on the same prior to the year 1800.

The board reject this claim for want of actual inhabitation on October 1, 1800, and remark that the said Benito, having raised three crops on the same, had, by the Spanish laws and usages, acquired the right of domain.—(Book 1, pages 412, 413.)

MONDAY, *August 19, 1811.*

Board met. Present: Clement B. Penrose and Frederick Bates, commissioners.

Joseph Brazeau, assignee of Benito Vasquez, claiming two arpents front, running back to the road leading from St. Louis to Carondelet.—(See book No. 1, page 412.) The board order that this tract be surveyed—survey at expense of claimant.—(Book 5, page 319.)

WEDNESDAY, *January 15, 1812.*

Board met. Present: John B. C. Lucas, Clement B. Penrose, and Frederick Bates, commissioners.

Joseph Brazeau, claiming under Benito Vasquez.—(See book 5, page 319.) A majority of the board declare that they would have confirmed this claim had it been found not to have exceeded twenty arpents.

John B. C. Lucas, commissioner, makes the same remarks as in the claim of August. Chouteau, page 559.—(Book 5, page 562.)

RECORDER'S OFFICE, *St. Louis, December 20, 1825.*

A true copy.

THEODORE HUNT.

No. 7.

DAVID KINCAID.

In this case Kincaid claimed before the board of commissioners a settlement right, which was rejected, and his claim is not embraced in any of the recorder's reports submitted to Congress. The recorder has, however, issued a certificate for a patent, which has been refused, as the claim is not considered as having been confirmed.



RECORDER'S OFFICE, *St. Louis*, October 11, 1825.

SIR: On Wednesday last I had the honor of receiving your several letters of the 7th and 14th ultimo, together with the patent of John Andrews. Enclosed you will please receive all the information this office is enabled to furnish relating to the claim of David Kincaid, it being one of the claims referred to in my letter of the 20th of June.

I have the honor to be, with great respect, your obedient servant,

THEODORE HUNT.

Hon. GEORGE GRAHAM, *Commissioner of the General Land Office.*

APRIL 2, 1806.

The board met agreeably to adjournment. Present: the Hon. John B. C. Lucas and James L. Donaldson, esq.

David Kincaid, claiming, as aforesaid, 500 arpents of land situate on a fork of the river Charette, district aforesaid, produces, as a special permission to settle, a concession from Charles D. Delassus, dated June 14, 1803, and a certificate of survey, dated February 27, 1806.

Kincaid Caldwell, being duly sworn, says that claimant having purchased the right of one Francis Woods to the said land, who had then a cabin on the same, did, in the year 1803, proceed to the building of a house; that he had then a family consisting of himself, wife, and eight children, and that early in the spring of 1804 he removed on said land, and has actually inhabited and cultivated it to this day.

The board rejected this claim.

On motion, adjourned till to-morrow, 10 o'clock a. m.

JOHN B. C. LUCAS.  
JAS. L. DONALDSON.

*Book 1, page No. 219.*

TUESDAY, 9 o'clock, August 14, 1807.

The board met agreeably to adjournment. Present: the Hon. John B. C. Lucas and Frederick Bates, esq.

David Kincaid, claiming, under the second section of the act of Congress of March 2, 1805, 500 arpents of land situate on the forks of the river Charette, district of St. Charles, produces, as a special permission to settle, a concession from Charles D. Delassus, dated January 14, 1803, together with a plat and certificate of survey of the same, dated February 27, 1806.

Laid over for decision

JOHN B. C. LUCAS.  
FREDERICK BATES.

*Book 3, page 31.*

MONDAY, November 20, 1809.

Board met. Present: John B. C. Lucas and Clement B. Penrose, commissioners.

David Kincaid claiming 500 arpents of land, situate on the fork of the river Charette, in the district of St. Charles.—(See book No. 1, page 219, book No. 3, page 31.) It is the opinion of the board that this claim ought not to be granted.

JOHN B. C. LUCAS.  
CLEMENT B. PENROSE.

THEODORE HUNT.

RECORDER'S OFFICE, *St. Louis*, October 11, 1825.

GENERAL LAND OFFICE, *November 2, 1825.*

SIR: Your letter of the 11th ultimo, with copies of the decisions of the commissioners on the claim of David Kincaid, has been received, and I have to inform you that the claim cannot be considered as being confirmed.

I am, very respectfully, your obedient servant,

GEO. GRAHAM.

THEODORE HUNT, Esq., *Recorder of Land Titles, St. Louis, Mo.*

GENERAL LAND OFFICE, *September 7, 1826.*

SIR: The recorder's certificate, No. 720, in favor of David Kincaid, for 425.35 acres, survey No. 1830, has been presented to this office for a patent, which has been suspended in consequence of the reports in this office not exhibiting any confirmation in his name. I will thank you to furnish me, as soon as practicable, with a copy of the evidence in your office in relation to this claim.

With great respect, your obedient servant,

GEO. GRAHAM.

THEODORE HUNT, Esq., *Recorder, &c., St. Louis, Mo.*

G.

#### CASE OF SEABURN'S REPRESENTATIVES.

A patent certificate, No. 975, has been issued by the recorder of land titles in favor of "George Seaburn's representatives," and presented to this office for a patent. The recorder of land titles was informed that the reports in this office did not exhibit any confirmation to the "representatives of George Seaburn," but that there was one in favor of the "representatives of John Seaburn," and the certificate was sent to him for correction, which he has returned without correction, with information that the reports in his office correspond with the patent certificate.

## CASE OF NATHANIEL SIMONDS.

Nathaniel Simonds claims, before the board of commissioners at St. Louis, a tract of 410 arpents on the river *Cuiver*, by whom his claim was rejected. The recorder of land titles has, in his report of claims founded on settlement, recommended the claim for confirmation in the name of Nathaniel *Simonot*, on the river *Dardenne*. On this confirmation a survey in the name of Simonds has been made on the *Cuiver*.

The report of the recorder was confirmed by the act of April 29, 1816.

19TH CONGRESS.]

No. 535.

[2D SESSION.]

## CLAIM TO LAND IN TENNESSEE UNDER A GRANT FROM NORTH CAROLINA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 20, 1826.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of John Winton, a citizen of Tennessee, reported:

The petitioner alleges that one David Stewart, after the State of North Carolina had opened an office for the entry of vacant and unappropriated lands for the redemption of specie and other certificates, made an entry October 25, 1783, for one thousand acres of land, in the words and figures following: "No. 429. David Stewart, 1,000 acres in Green county, on the north side of Tennessee river, Little Chickamaga creek, including the island opposite the same, and running down the river for complement." That a warrant issued June 25, 1784; that a grant issued to said Stewart thereon, from said State of North Carolina, on November 15, 1800. He states that he purchased said 1,000 acres of land from said Stewart, and received a deed of conveyance from him for said land, dated August 18, 1815. He also states that the tract of country in which said 1,000 acres of land are situated was ceded to the State of Tennessee by the Cherokee nation of Indians, by treaty ratified February 27, 1819; that, by that treaty, 640 acres of land, being part of said 1,000, was reserved in fee simple to a certain William Brown, of the Cherokee nation; that Brown leased part of the land aforesaid to one Cornet, against whom, after said Cornet had taken possession of it, the said Winton instituted an action of ejectment in a court of the State of Tennessee which had jurisdiction of the matter; but that he finally failed in said suit, it being decided by the court that the title secured under said reservation was superior in law to that of Winton; and that he incurred an expense of \$69 39 in prosecuting said suit. He states that the 640 acres so secured to said reserve is about the centre of the said 1,000 acre tract. These statements are substantially proven, partly by the exhibits filed with the petition, and in part by other proof. Among the exhibits filed are the entry patent from North Carolina, deed of conveyance from Stewart to Winton, and that part of the record of the suit, referred to in the petition, which shows the failure of the petitioner in said suit. The bill of costs is also filed. By the treaty of February 27, 1819, it appears that a reservation was made to William Brown.—(*See Laws of the United States*, vol. 6, p. 751.)

Three witnesses, whose respectability of character is well attested, swear that they carefully examined said 640 acres of land, and that they estimated it as worth \$5,000. The committee are of opinion that the petitioner ought to be paid the value of said 640 acres, and have reported a bill for that purpose.

19TH CONGRESS.]

No. 536.

[2D SESSION.]

## SURVEYS IN MISSISSIPPI AND LOUISIANA, SOUTH OF THE THIRTY-FIRST DEGREE OF NORTH LATITUDE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 26, 1826.

TREASURY DEPARTMENT, December 22, 1826.

SIR: In obedience to a resolution of the House of Representatives of the 19th instant, "directing the Secretary of the Treasury to state to the House the causes that have prevented the surveys of the public lands south of the 31st degree of latitude, in the States of Mississippi and Louisiana, and at what period it is expected the surveys will be completed, and the lands brought into market," I have the honor to transmit a letter from the Commissioner of the General Land Office, dated December 20, 1826, and the documents to which it refers, which contain the information required by the resolution.

I have the honor to remain, with the highest respect, your most obedient servant,

RICHARD RUSH.

Hon. the SPEAKER of the House of Representatives.

GENERAL LAND OFFICE, December 20, 1826.

SIR: In compliance with a resolution of the House of Representatives, dated the 19th instant, in the following words: "*Resolved*, That the Secretary of the Treasury be directed to state to this House the causes that have prevented the surveys of the public lands south of the 31st degree of latitude, in the States of Mississippi and Louisiana, and at what period it is expected the surveys will be completed and the lands brought into market," and which has been referred to this office, I have the honor to state that the following causes have had a tendency to retard the completion of the surveys of the public lands and private land claims south of the 31st degree of north latitude, in the States of Louisiana, Mississippi, and Alabama.

1st. A defective organization of the surveying department as applicable to that section of the country.

2d. The renewal, from time to time, of the several acts relative to the adjustment of private land claims.

3d. The detention of the books, records, and papers, by the late principal deputy surveyor, Silas Dinsmoor, who was removed from office in October, 1824.

On these several points I beg leave to refer to the extracts from reports heretofore made by this office, marked Nos. 1, 2, and 3, and to the paper marked No. 4.

In that part of Louisiana east of the Mississippi river, and south of the 31st degree of north latitude, the commissioners have not yet made final reports in relation to private claims. It is believed that they are making due progress, and will close their reports within the period limited by law. The surveying of individual claims is progressing, but the returns of the township plats, which must be made previous to offering the lands at public sale, is delayed in consequence of the second and third causes stated in this report.

In that part of Mississippi south of the 31st degree of north latitude nearly all the public lands have been surveyed, but the private claims which have been confirmed cannot be laid down on the township plats, and those plats examined by the surveyor south of Tennessee, and returned to this office, so as to enable the President to proclaim the lands for sale, until the books, records, and papers shall have been delivered by the late principal deputy surveyor to the person appointed to fill that office.

In that part of Alabama south of the 31st degree of north latitude a large portion of the public lands have been surveyed, but the same causes which operated in Mississippi have had their effect in preventing these lands from being prepared for sale; and, in addition to these causes, it is desirable to place by law the surveying of the private claims in Alabama under the entire control of the surveyor for Alabama; the existing laws place the surveying of those claims south of the 31st degree of north latitude under the superintendence of one of the principal deputy surveyors for Louisiana.

The period when these surveys will be completed must, in a great measure, depend upon the recovery of the books and records. I should presume, however, that within twelve months after their recovery, a portion of the public lands south of the 31st degree of latitude, in each of the States of Louisiana, Mississippi, and Alabama, may be prepared for sale, provided there is a due and vigorous execution of the duties of the surveying department, and provided the acts relative to private claims be not revived or prolonged.

All of which is respectfully submitted.

GEO. GRAHAM.

HON. RICHARD RUSH, *Secretary of the Treasury.*

#### No. 1.

*Extract of a letter from the Commissioner of the General Land Office to the Secretary of the Treasury, dated December 17, 1824.*

"The act of April 21, 1806, provides for the appointment of two principal deputy surveyors, with a salary of \$500 each, and certain fees of office in the Territory of Orleans; and the act of March 3, 1819, provides for an additional principal deputy.

"This organization of the surveying department in Louisiana was suggested with a view of accommodating the private claimants, and facilitating the surveying and patenting of their lands. If, however, we are to judge from results, it seems not to have been a happy one. A similar organization of the surveying department exists now in no other State; and in every other State or Territory where there have been private claims, and they extend to all, there has been no such delay and difficulties incident to the surveying and patenting of the private claims as have occurred in Louisiana."

#### No. 2.

*Extract of a letter from the Commissioner of the General Land Office to the Hon. John Scott, dated December 19, 1825.*

"SIR: In reply to your letter of the 16th instant, enclosing two resolutions of the House of Representatives, the one relating to the expediency of erecting the State of Louisiana into a separate surveying district, and the other allowing compensation to the land officers for extra services performed under the act passed March 2, 1821, I have the honor, in reference to the first resolution, to enclose you an extract from a report made to the Secretary of the Treasury relative to the surveying district to which Louisiana is attached at present.

"The surveying of the lands in Alabama south of the 31st degree of north latitude by a late act was placed under the superintendence of the surveyor for Alabama, but that act did not repeal the previous law which had placed the surveying of the private claims under the immediate superintendence



of the principal deputy surveyor appointed under the provisions of the 11th section of the act of March 3, 1819, vol. 6, page 434, whose powers extended to that district of country south of the 31st degree of latitude, and east of the Mississippi river, in the States of Louisiana, Mississippi, and Alabama.

"Should it be deemed expedient to abolish the office of principal deputy surveyor, it will be necessary to make provision for placing the surveying of the private claims under the superintendence of the surveyors of the respective States, and for the arranging and transporting the papers and records. The records in relation to the private claims in Alabama, south of the 31st degree of latitude, are deposited with the register and receiver of the Jackson Court-house district, in Mississippi, and with the principal deputy surveyor. Special provision will be required to be made in relation to them.

"I have, in my report to the Secretary, suggested the propriety of making provision by law for compelling the officers to surrender up the public papers. It was made in consequence of the refusal of two of the principal deputies, who had been superseded by the surveyor south of Tennessee, to surrender the papers belonging to their office. In one case the papers have been obtained, but in the other they are yet withheld on the plea that they form part of the vouchers of the account of the principal deputy, which has not been settled."

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### No. 3.

*Extract of a letter from the Commissioner of the General Land Office to the Secretary of the Treasury, dated December 15, 1825.*

"The surveying of the public lands has progressed regularly and satisfactorily, with the exception of the public lands and private claims in the State of Louisiana, and that part of Alabama south of the 31st degree of latitude. In this section of the country but little progress has been made in surveying the private claims and such parts of the public lands as it is desirable to bring into market. A variety of causes has occasioned, and will continue to occasion, much embarrassment and difficulty in completing the surveying of this section of the country. Much of this embarrassment is attributable, however, to the extension of the laws for the adjustment of private claims in Louisiana, to the organization of the surveying department, and to the difficulty of procuring surveyors to survey the public and private lands, and to connect the private surveys which have been made with the township lines in certain portions of this section of the country for the compensation allowed by law.

"The surveying of the lands in Louisiana is by the law placed under the superintendence of the surveyor south of the State of Tennessee, who resides at Washington, Mississippi, and the surveying of those in Alabama, south of the 31st degree of latitude, by a late act of Congress was placed under the superintendence of the surveyor for that State; but within this district of country there are three principal deputy surveyors, who are appointed by the surveyor of the lands south of Tennessee, the duties and powers of one of which officers extends to the surveying of the private claims in that part of Alabama lying south of the 31st degree of latitude.

"In a report made formerly from this office, and submitted to Congress, it was stated that this organization was defective, and further experience has confirmed that impression. It is, therefore, respectfully recommended that the offices of surveyor of the lands south of Tennessee, and those of the principal deputy surveyors of Louisiana, be abolished; that a surveyor be appointed for the State of Louisiana, whose duties and powers shall be limited to the surveying of the lands within that State; that a principal deputy surveyor be appointed for the State of Mississippi, invested with the powers, and who shall perform the duties required of the surveyor south of Tennessee, in relation to the surveying of the lands within the limits of the State of Mississippi; that the surveying of all the lands south of the 31st degree of latitude in Alabama be placed under the direction of the surveyor for that State."

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### No. 4.

*Extract of a letter from George Davis, surveyor of the lands south of the State of Tennessee, to the Commissioner of the General Land Office, dated November 24, 1826.*

"I have just heard that the principal deputy surveyor east of the island of New Orleans has at last obtained possession of the documents of that office, so long withheld by Colonel Dinsmoor."

19TH CONGRESS.]

No. 537.

[2D SESSION.]

## LEAD MINES AND SALT SPRINGS IN MISSOURI.

COMMUNICATED TO THE SENATE, BY THE CHAIRMAN OF THE COMMITTEE ON PUBLIC LANDS, DECEMBER 27, 1826.

TREASURY DEPARTMENT, December 23, 1826.

Sir: I had the honor to receive your letter of the 20th instant, enclosing a bill which had been introduced into the Senate, and asking, in behalf of the Committee on Public Lands, certain information in regard to the lead mines and salt springs in Missouri; and having referred the same to the Commissioner of the General Land Office, I beg leave now to enclose his report, which, with the several statements to which it refers, contains the information desired by the committee.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

HON. DAVID BARTON, *Chairman Committee on Public Lands, Senate.*

TREASURY DEPARTMENT,  
*General Land Office, December 22, 1826.*

Sir: In reply to the inquiry of the Hon. Mr. Barton, of the Senate, expressed in the enclosed letter addressed to the Secretary of the Treasury, which has been referred to this office, I have the honor to transmit herewith two statements, (marked A and B,) exhibiting the different tracts of land reserved from sale on account of salt springs, by the registers of the land offices at St. Louis and Franklin, in the State of Mississippi, which embrace all the lands reserved from sale on account of salt springs in that State, which have been officially reported to this office.

I would beg leave to remark that it is highly probable that salt springs may exist in that State, other than those designated in these lists, which are not yet known, or which, if discovered, have not yet been reported.

Agreeably to the provisions of the act of Congress passed March 6, 1820, entitled "An act to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," &c., &c., it is provided that all salt springs, not exceeding *twelve in number*, with six sections of land adjoining to each, shall be appropriated to the use of said State, on certain conditions prescribed by the act.

No official advice has yet been received from the executive of the State of Missouri of any selections which have yet been made under the act; but it will be perceived that all the salt springs in the St. Louis district, designated in the list marked A, (sent by the register of the land office at St. Louis,) have been reserved by the State of Missouri.

I remain, with great respect, sir, your most obedient servant,

GEORGE GRAHAM.

HON. RICHARD RUSH, *Secretary of the Treasury.*

## A.

*Statement of lands in the St. Louis district, reserved from sale on account of salt springs.*

Section or part.	Section.	Township.	Range.	Quantity.	Remarks.
				<i>Acres.</i>	
Section.....	25	56 N.....	6 W.....	640.00	Reserved by the State of Missouri. South half partly covered by an unconfirmed claim.
Do.....	26	56 N.....	6 W.....	640.00	Reserved by the State of Missouri.
Do.....	27	56 N.....	6 W.....	640.00	Do. do.
Do.....	34	56 N.....	6 W.....	594.93	Do. do.
Do.....	35	56 N.....	6 W.....	603.99	Do. do.
Do.....	36	56 N.....	6 W.....	640.00	Do. do. North half partly covered by an unconfirmed claim.
Southeast fractional quarter.....	2	43 N.....	5 E.....	133.54	Reserved by the State of Missouri.
Northeast fractional quarter.....	9	43 N.....	5 E.....	117.64	Do. do. North half partly covered by an unconfirmed claim.
				4,010.10	

## B.

*List of lands reserved for the future disposal of Congress in the district of lands offered for sale at Franklin, Missouri, being those tracts including and adjoining salt springs.*

Description of tract.	Number of section.	Number of township.	Number of range.	Quantity.	Description of tract.	Number of section.	Number of township.	Number of range.	Quantity.
				<i>Acres.</i>					<i>Acres.</i>
Southeast quarter.....	13	49	14	160.00	Section.....	33	50	20	640.00
Section.....	2	49	15	650.04	do.....	17	48	23	640.00
Do.....	11	49	15	640.00	do.....	1	50	22	639.34
Do.....	12	50	16	640.00	do.....	4	50	23	664.00
Do.....	13	50	16	640.00	do.....	9	50	22	640.00
North half of section.....	14	50	16	320.00	do.....	17	50	22	640.00
Southwest quarter section.....	12	49	17	160.00	do.....	30	50	22	640.00
North part of southeast quarter.....	25	49	17	3.60	do.....	21	50	22	640.00
Southeast fractional quarter.....	8	51	17	146.57	do.....	24	51	22	640.00
West part of southwest quarter.....	9	51	17	52.40	Southwest quarter.....	27	51	22	160.00
Northeast quarter.....	2	49	18	160.00	Southeast quarter.....	28	51	22	160.00
Section.....	27	50	20	640.00	East half section.....	33	51	22	330.00
Do.....	28	50	20	640.00	West half section.....	34	51	22	330.00
									11,595.35

19TH CONGRESS.]

No. 538.

[2D SESSION.]

### APPLICATION TO MAKE A NEW SELECTION FOR PRE-EMPTION RIGHT, COVERED BY A SOLDIER'S BOUNTY RIGHT.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 28, 1826.

Mr. VINTON, from the Committee on Public Lands, to whom was referred the petition of Morgan Magness, reported :

That it appears from the petition and accompanying evidence that in the year A. D. 1821 the petitioner purchased the pre-emption right of one Nicholas Trammell to a quarter section of land in the Territory of Arkansas, for which Trammell held the register's certificate, and which, at the time of sale, was transferred to petitioner. He states that since the purchase he has ascertained that the tract of land which he supposed the certificate called for is covered by a soldier's bounty right; and exhibits the affidavit of one Charles Kelly, who swears that he is well convinced that Trammell intended to obtain a certificate for this quarter section of bounty land, from the circumstance of Trammell's being settled upon it. Petitioner, upon this evidence, asks of Congress to pass a law authorizing him to surrender his right to the quarter section called for by the certificate, and select another quarter in lieu of it.

The committee are not aware of any case where the assignee of a certificate of a pre-emption right or purchase has been permitted, under circumstances similar to the present case, to change his entry. The distinction which it is believed has been uniformly observed is this: that where an erroneous entry has been made in consequence of some mistake of the surveyor, or other agent of the government, by which the purchaser has been misled, he has been permitted to correct the mistake; but where the mistake is the fault of the purchaser, there is no instance of relief in a case like the present. The objections against granting this indulgence are too obvious to require enumeration. The committee therefore recommend the adoption of the following resolution :

*Resolved*, That the prayer of the petitioner ought not to be granted.

19TH CONGRESS.]

No. 539.

[2D SESSION.]

### APPLICATION OF SUNDRY HALF-BREEDS OF THE CREEK NATION TO SELL THEIR RESERVATIONS OF LAND IN ALABAMA, AND LIST OF CLAIMS FOR SUCH RESERVATIONS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1826.

*To the Senate and House of Representatives of the United States in Congress assembled :*

The petition of David and Samuel Hale represents : That they are half-breeds of the Creek nation, and were entitled to have a reservation of land under the treaty of Fort Jackson; that they are still in



possession of the lands reserved for them. They are competent to the management of their own concerns, and are anxious to dispose of part of their lands to procure other property. This cannot be done without great loss, unless they could convey in fee simple their title. They therefore pray that the title may be vested in them, and that they may have authority to sell and make fee simple title. They refer to the act for the relief of Tate and others, and pray for a similar provision in their behalf. And, as in duty bound, will ever pray.

SAMUEL HALE.  
DAVID HALE.

We, the undersigned, citizens of Monroe county, in the State of Alabama, do hereby certify that we have for several years last past been personally acquainted with Samuel Hale and David Hale, of said county, half-breed Creeks, to whom a patent has been granted from the General Land Office for fractional section twenty-one, of township six, in range five, on the west side of the Alabama river; that the said Samuel and David have been instructed to read and write; have some knowledge of common arithmetic; that their intellectual and moral faculties render them as competent to transact the common business of life as the ordinary class of mankind.

- |                      |                     |                     |
|----------------------|---------------------|---------------------|
| 1. Wm. C. Vaughn.    | 6. Alex. McRae.     | 11. John Moore.     |
| 2. Martin Marshall.  | 7. Jno. G. Abrams.  | 12. Isaac Thompson. |
| 3. John I. Bradford. | 8. Isaac Lambert.   | 13. James Daniel.   |
| 4. Martin Fries.     | 9. Daniel McDaniel. | 14. Geo. Tunstall.  |
| 5. John Davis.       | 10. Andrew Ormand.  | 15. Adam Carson.    |

Those numbered 1, 2, 3, 4, 6, 9, 10, 14, and 15, I know personally; they are respectable, and men of integrity. The others I know from character, and should place full confidence in their statements.

G. W. OWEN, of *Alabama*.

DECEMBER 14, 1826.

CONGRESS HALL, *December 18, 1826.*

DEAR SIR: Samuel and David Hale, who state themselves to be of the friendly Creek Indians who were provided for in the treaty of Fort Jackson of August 9, 1814, have petitioned Congress to have the land set apart to them under the act of March 3, 1817, confirmed to or vested in them in fee simple. The Committee on Public Lands, to whom the subject was referred, are at a loss on some points, and have directed me to ask information of you:

1. Were Samuel and David Hale chiefs, headmen, or warriors, in their *proper persons*, or are they the representatives of any chief, headman, or warrior, &c.? And if so, of whom?
2. If they are the original claimants, to what quantity is each entitled, by the report of the agent, under the act of March 3, 1817?
3. Why was but 638 acres set apart for the two, when the treaty secures to each a section?
4. If they are the representatives of a chief, headman, or warrior, &c., are they the *only* representatives, or was there a widow or other heirs? And if other heirs, how many?
5. If they are representatives, has the department decided that the fee simple does not vest in them absolutely, under the act of 3d March, without the aid of Congress?
6. Has the land they claim been patented to them; and when?

An early reply will oblige the committee.

Your obedient servant,

JOHN SCOTT.

GEORGE GRAHAM, Esq.

GENERAL LAND OFFICE, *December 21, 1826.*

SIR: In answer to your letter of the 18th instant, I have to state that Samuel and David Hale, who are the descendants of a Creek woman, entered their claim under the third section of the act of March 3, 1817, which grants to such descendants two quarter sections; and that, by the law, they have but a life estate in the same.

The certificate in their favor for the land claimed was issued April 12, 1820.

I am, very respectfully, sir, your obedient servant,

GEO. GRAHAM.

HON. JOHN SCOTT,

*Chairman of the Committee on Public Lands, House of Representatives.*

*List of claims entered in pursuance of an act of Congress passed March 3, 1817, entitled "An act making provision for the location of the lands reserved by the first article of the treaty of August 9, 1814, between the United States and the Creek nation, to certain chiefs and warriors of that nation, and for other purposes."*

No. of claim.	Name of claimant.	Tract.			Quantity.	Remarks.	Date of certificate.
		Section.	Township.	Range.			
					<i>Acres.</i>		
1	David Tate .....	Three fractions in sections 17, 18, 19, and 20, and one fraction in section 29, on east side of Alabama river.	4	3 E.	.....	No township plat in.....	April 13, 1820.
2	Samuel Brashier .....	Fractional 2, on west side of Alabama river.	5	4	488.00	.....do.....	.....do.....
3	George Stiggins .....	Southeast quarter, 29.....	5	4	158.70	.....do.....	.....do.....
		Northeast quarter, 32.....	5	4	157.00	.....do.....	.....do.....
		Fr. No. 1, in section 1, on west side of Alabama river.	4	3	.....	No township plat in.....	.....do.....
4	James Earles .....	Fr. 39, on east side of Alabama river ..	4	3	.....	.....do.....do.....	.....do.....
5	The heirs of Josiah Fisher.....	Fr. 8, in section 8, on west side Alabama river, except one-third.	5	4	405.33	.....do.....	.....do.....
6	The widow of Josiah Fisher..	Fr. section 8, on west side Alabama river, except two-thirds.	5	4	202.66½	.....do.....	.....do.....
7	Margaret Rushen.....	Fr. section 18, on west side of Alabama river.	5	4	369.00	.....do.....	.....do.....
8	Arthur Sizemore .....	Fr. 17, on Alabama river .....	5	4	550.00	.....do.....	.....do.....
9	Josiah Fletcher .....	Two fractions of 22, one on each side of river.	4	3	.....	No township plat in.....	.....do.....
10	Heirs of James Bailey .....	Fraction 33 .....	4	3	.....	No township plat in .....	.....do.....
11	Heirs of Jn. Hinson .....	Two fractions in 18, on each side of Alabama river.	5	4	480.00	.....do.....	.....do.....
12	Laughlin Durant .....	Fr. 11, on east side of Alabama river ..	4	3	.....	Suspended. (No plat in).....	.....do.....
13	Samuel Smith.....	Part of section 16, on west side of Alabama river, and northeast quarter and southeast quarter, 20.	6	5	330.20	Rejected. (The part of sec. 16 not stated in the claim.)	.....do.....
14	Zach. McGirt.....	Northwest quarter, 12 .....	6	5	159.00	.....do.....	.....do.....
		Southwest quarter, 12 .....	6	5	159.00	.....do.....	.....do.....
		Southeast quarter, 11.....	6	5	159.30	.....do.....	.....do.....
		Northeast quarter, 14.....	6	5	159.70	.....do.....	.....do.....
15	Heirs of Wm. Jones, deceased.	Fr. 16, on east side of Alabama river ..	6	5	280.00	.....do.....	.....do.....
		Southeast quarter and southwest qr. 9.	6	5	319.40	.....do.....	.....do.....
16	John Weatherford.....	Fr. 26, on southeast side of Alabama river, and so much of fr. 25 on the same side of the river, and part of sections 36 and 35.	7	5	.....	No quantity stated in plat.....	.....do.....
17	Michael Ehlert.....	Southwest quarter, 20.....	6	6	160.00	.....do.....	.....do.....
		Northeast quarter, 30.....	6	6	160.00	.....do.....	.....do.....
		Northwest quarter, 29.....	6	6	159.45	.....do.....	.....do.....
		Southeast quarter, 19.....	6	6	160.00	.....do.....	.....do.....
18	John E. Myles.....	East fraction 22.....	6	5	534.00	.....do.....	.....do.....
		Southwest quarter, 23.....	6	5	158.80	.....do.....	.....do.....
19	Charles Ehlert .....	Section 5 .....	5	4	686.00	.....do.....	.....do.....
20	William Tuley .....	Northeast and southwest quarter, 12 ..	6	6	318.00	Rejected.....	.....do.....
		Northwest and southwest quarter, 7...	6	6	319.75	.....do.....	.....do.....
21	Samuel and David Hale .....	Fr. 21, on west side of Alabama river.	6	5	638.00	.....do.....	.....do.....
22	Peter Randon.....	Two fr. 33, on each side of Alabama river.	6	5	532.00	.....do.....	.....do.....
23	Heirs of John Randon, deceased	Section 34 .....	6	5	642.60	.....do.....	.....do.....
24	John O'Riley .....	Southeast quarter, 1.....	6	8	135.00	.....do.....	.....do.....
		Southwest quarter, 1.....	6	8	135.00	.....do.....	.....do.....
		Northwest quarter, 1.....	6	8	135.00	.....do.....	.....do.....
		Northeast quarter, 12.....	6	8	135.10	.....do.....	.....do.....
25	James Cornells.....	Northwest quarter, 4.....	6	9	150.00	.....do.....	.....do.....
		Northeast quarter, 5.....	6	9	150.90	.....do.....	.....do.....
		Northwest quarter, 5.....	6	9	150.90	.....do.....	.....do.....
		Southeast quarter, 5.....	6	9	150.90	.....do.....	.....do.....
26	Josiah Brinton .....	No tract stated in the claim .....	.....	.....	.....	Rejected.....	.....do.....
27	John Carr.....	Two fractions 35, on each side of Tallapoosa river.	18	18	622.00	.....do.....	.....do.....
		Fr. 34, east of Tallapoosa river.....	18	18	296.00	.....do.....	.....do.....
28	Tallassee Fixico .....	Fr. 24, east of river Coosa .....	18	18	344.00	.....do.....	.....do.....
		Northwest quarter, 30 .....	18	19	158.27	.....do.....	.....do.....
29	Widow and heirs of Jack Ward	No tract stated in the claim .....	.....	.....	.....	Suspended.....	.....do.....
30	Heirs of Stimauligee <i>alias</i> Talssee Haugo .....	.....do.....do.....	.....	.....	.....	.....do.....	.....do.....

19TH CONGRESS.]

No. 540.

[2D SESSION.]

## REVOLUTIONARY BOUNTY LAND CLAIMS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1826.

Mr. BRICKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of James Raven, of Massachusetts, reported:

The petitioner states that he is a revolutionary soldier and pensioner; that by a law of the continental Congress, for services rendered to his country, he is entitled to one hundred acres of land; that he has applied for a grant for said land to the proper officer of the government, when his claim was rejected, because it appeared that he had assigned his right to said land to one John May. He denies that he ever made such an assignment, and that it is forged if there is any such; that he is unable to read or write, and that he never knew such a man as John May. Upon this statement, to which he has made oath before a justice of the peace, he prays that he may be allowed to locate one hundred acres of land in Michigan Territory. It appears from information received from the Department of War, bounty land office, that warrant No. 4917 was issued in the name of John May, assignee of James Raven, of the 3d regiment of the Massachusetts line, for one hundred acres of land, January 26, 1790. From the same it also appears that the war office, with all its records, was consumed by fire in 1801, and, consequently, that the assignment cannot now be seen. The warrant issued in 1790; the assignment may have been made many years previous to that time, and may, and most probably has, escaped the recollection of the petitioner—charity at least dictates such a supposition; but it is not to be presumed that the warrant would have issued to said May as assignee unless there was such testimony as was deemed satisfactory. The assignment was then exhibited; it was the duty of the officer of the department whence the warrant issued to be satisfied of its being genuine; and it appears to the committee that it would be indulging in presumption, very far indeed, to support this claim by declaring that to be forgery which, upwards of thirty years since, passed the scrutiny of the officer of the government whose duty it was to pass judgment upon it, and which we have not an opportunity of even inspecting; and the more so, as, if done, it must be upon the unsupported declaration of the only person interested. The committee therefore advise the rejection of the claim.

19TH CONGRESS.]

No. 541.

[2D SESSION.]

## ON CLAIM OF A DEPUTY SURVEYOR FOR SPECIAL COMPENSATION UNDER INSTRUCTIONS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES DECEMBER 29, 1826.

Mr. GURLEY, from the Committee on Public Lands, who were instructed by a resolution of this House of the 19th instant to inquire into the expediency of allowing to William Brown the sum of one hundred and sixty-six dollars and seventy-five cents, for surveying done by him for the United States, by order of the principal deputy surveyor, and approved by the surveyor general of the district south of Tennessee, reported:

That, by a letter from Silas Dinsmore, principal deputy surveyor in the district south of Tennessee, exhibited to your committee in support of this claim, under date of October 13, 1821, addressed to the claimant in the present case, he is directed to make an examination of certain surveys by order of the surveyor general of that district.

In this letter of instructions Mr. Dinsmore urges the necessity of employing two chain-carriers of good reputation, sound judgment, and of experience in that business; also a flagman; and, after speaking of the confidence reposed in him, states that the services required to be performed are of a delicate and important character, and concludes his letter in the following words: "You will keep a regular account of your expenditures; for which, and your own services, you will be entitled to receive from the surveyor of the lands south of Tennessee reimbursement for the former and recompense for the latter. The report must be made without delay to this office."

In a letter from the surveyor general to Brown, under date of May 13, 1822, and in reference to this account, he says: "At present I am not authorized to pay this account, but hope I shall be, as I think it just and reasonable you should be paid."

It further appears in evidence that this account has not been paid, and, as your committee believe, for the following reason: that, by the existing laws in relation to the public lands, no daily compensation is allowed. The surveys are made at a fixed price per mile, and no provision appears to have been made for cases like the present, when it may become necessary to examine surveys of lines already made.

But whatever causes may have prevented the payment of this account, as your committee are satisfied that the services have been performed and not paid for, they report a bill for his relief.



19TH CONGRESS.]

No. 542.

[2D SESSION.]

## LAND CLAIMS IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 2, 1827.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of Elijah L. Clarke, Gibson L. E. Clarke, John E. C. Brinton, and James A. Hutchinson, reported:

The petitioners state that, by a report made by Daniel J. Sitten, as register of the land office at Ouachita, in the State of Louisiana, to the Commissioner of the General Land Office at the city of Washington, about January 1, 1821, the claim of Elijah L. Clarke, No. 68, and that of Lewis Clarke, No. 69, were placed, in the fourth class of claims, and consequently rejected. They also state that upon a re-examination of said report by order of the Secretary of the Treasury, additional testimony having been furnished to the said register in support of said claims, he made a subsequent report to Mr. Crawford, then Secretary of the Treasury of the United States, (to whom the examination of the prior report is believed to have been submitted,) favorable to both those claims, and requested that they might each be ranked in the third class of claims reported to Congress; all of which were confirmed. They allege that, owing to the omission of the Secretary, arising out of indisposition or a pressure of business, or because said second report was not received by him in time to be presented to Congress, the said claims were not placed in the third class, and that the second report was not submitted to the consideration of Congress. They therefore pray that an act may be passed confirming the claims aforesaid.

The petitioners claim as actual settlers on and before December 20, 1803, with the permission of the proper Spanish officer.—(See 2d section of act of 1805, Land Laws, page 280.)

By an extract from the letter of the register of the land office at Ouachita, dated January 1, 1821, transmitting his report under the act of May 11, 1820, it appears that the fourth class of claims consists of Spanish claims, in which the testimony offered in support of them was not considered as worthy of belief. The register, in that letter, says that the claims in that class "evidently call for land in the State of Mississippi, and are believed to have been already entered in the district west of Pearl river. In fact, the whole of the claims in this last class of cases are considered as a base attempt to defraud the government." Each of those claims was placed by the register in said fourth class. The testimony adduced in the first instance, and upon which the first report was founded, was the affidavit of one Elijah Clarke, who swore that said Elijah L. Clarke and Lewis Clarke each settled on the tracts of land which they respectively claimed in the month of November, 1803; that each of those persons cleared several acres of land, built cabins thereon, and continued to occupy and cultivate his said tract generally ever since. Samuel Durosset, by his affidavit, supported the statement made by said Elijah Clarke, and swears also that the said Elijah L. Clarke and Lewis Clarke actually inhabited and cultivated their said tracts of land, respectively, on December 20, 1803, and since that period either by themselves or by others for their use. He also swore that the said claimants, together with himself and others in the neighborhood, had permission to settle from the Spanish commandant.

The committee were furnished with testimony to show that Mr. Crawford, then Secretary of the Treasury, on April 30, 1821, directed the register at Ouachita to re-examine all the cases upon which he had reported about which any suspicion might arise, and to receive any evidence which he could obtain concerning them.

The register, in a letter addressed to Mr. Crawford as Secretary of the Treasury, dated "Land Office, Ouachita, December 1, 1821," acknowledges the reception of his letter of the 30th of April, and says, "since which time I have nothing further to add, except that recently I have received some additional testimony and information from two respectable persons that induces me to believe the testimony formerly given on the claims of Elijah L. Clarke, No. 68, and Lewis Clarke, No. 69. I consider it my duty to communicate this to you, and request, if not too late, that they may be put in the third class of claims."

The claim of Elijah L. Clarke was for seven hundred and thirty-three acres of land, situated on the Lake St. Joseph, in the county of Concordia, adjoining the claim of Durosset on the south. That of Lewis Clarke was for six hundred and forty acres in same county, and on said lake.

On July 25, 1821, an additional affidavit was filed in the office of the register at Ouachita, as appears from the certificate of John Hughes, register of the land office north of Red river, State of Louisiana, sworn to by David Davenport and seventeen other persons, who state themselves to be inhabitants of Claiborne county, State of Mississippi, opposite and near the Lake of St. Joseph, in which they swear that they are well acquainted with Elijah Clarke and Elijah L. Clarke, and that they believe the said Elijah L. Clarke to be justly entitled to a confirmation of his claim to a tract of land on the Lake St. Joseph, as entered at the office of the register of the land office north of Red river, in the month of December, 1820, from actual settlement prior to December 20, 1803, as well as from its occupancy since by different persons for him up to 1820, with the exception of high waters. And they also swear that they had always understood, and did believe, that the said Elijah L. Clarke, with several other persons, settled and improved lands on Lake St. Joseph in the fall of 1803, by permission received from the Spanish government; and that both he and Elijah Clarke are good farmers, honest men, and that their testimony is entitled to full credit. The affidavit of Gibson Clarke was also filed in said office, dated August 19, 1821, in which he supports the statement made by Elijah Clarke and Durosset. He says that the land so improved lies adjoining a tract in his (Gibson Clarke's) possession at the time said Elijah L. Clarke made said settlement, and that it cornered at the mouth of what was commonly called Clarke's bayou, where it leaves Lake St. Joseph, and which bayou empties itself into the Tensas, and was in the parish of Concordia and State of Louisiana; that said land has ever since been in said E. L. Clarke's possession, over which he has ever since exercised exclusive ownership, and paid taxes therefor. He states that no one else has ever, that he knows of, made any improvement on said land, nor does he know of any other claim attempted to be set up to said land, and that he has resided almost ever since said E. L. Clarke made said improvement on an adjoining tract.

Whatever doubts might properly have been entertained as to the justice of the claim of Elijah L.

Clarke upon the testimony upon which the register founded his first report, the committee are of opinion that the testimony subsequently furnished renders it very clear. As the claim of Lewis Clarke, who is now dead, was as fully supported as that of Elijah L. Clarke was by the testimony of Durosset, and by that of Elijah Clarke, (whose respectability of character is fully proven,) the committee recommend the confirmation of that also; and have accordingly reported bills confirming each of those claims.

19TH CONGRESS.]

No. 543.

[2D SESSION.]

## LAND CLAIM IN MICHIGAN.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 2, 1827.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of Agnes Slacke, of the city of London, reported :

The petitioner states that by the will of John Slacke, her deceased husband, she has been invested with certain titles to the undivided half of a tract of land called the Seigniority of St. Mary, or Sault St. Mary, in Michigan Territory, which was devised to her late husband by his uncle, Arthur Noble, formerly of Nobleborough, in the State of New York, late of the city of Westminster, in Great Britain, now deceased. She alleges that the land referred to was held by and occupied under the original grantees, and secured to them by the treaties between France and Great Britain by which Canada was ceded to the latter power.

She prays that an act may be passed confirming her title and the titles of the other persons interested, who claim under the original grantees. She also prays that Congress would not authorize the emanation of patents for said land, or any part of it, to any of the occupants of it, unless they hold under the original grantees, according to the usages and laws of Canada in similar cases. In support of the claim she files the following papers:

1st. A paper purporting to be an original grant by the Marquis de la Jonquierre, governor and Lieutenant general in what was then called New France, now Canada, and Francis Bigot, intendant of the same, to Sieurs De Bonne, captain of the regiment of Conde, and to Chevalier De Repentigny, ensign of the troops of Canada, registered at Quebec, with the ratification thereof by Louis XV, King of France, at Versailles, which appears to have been also recorded at Quebec June 24, 1751. The grant aforesaid bears date October 18, 1750, and is for said seigniority called St. Mary, or Sault St. Mary, containing six French leagues in front, by six leagues, like measure, in depth, adjoining the river which separates the two lakes.

2d. An authenticated copy of a deed of conveyance, dated July 12, 1796, from one Pierre Amable de Bonne, at that time one of the judges of his Majesty's court of king's bench for the district of Quebec, in Lower Canada, to James Caldwell, for the undivided half of said seigniority. Said P. A. De Bonne, the grantor in said last-mentioned deed, is stated therein to be the son of De Bonne, one of the original grantees, but of this no proof whatever is exhibited.

3d. A copy of a deed, dated July 18, 1798, from said Caldwell to one Arthur Noble, for an undivided half of said seigniority or tract of land.

4th. A copy of the will of Arthur Noble, by which he devised the whole of his lands in the United States to John Slacke, which appears to have been duly recorded July 22, 1814.

5th. Authenticated copies of the will and codicil to said will of John Slacke, devising all his lands in the United States to Agnes, his wife, in trust, &c.

There was no proof before the committee to show that the original grantees, or any claiming under them, have ever had actual possession of said land or any part of it. The petition is presented by Agnes Slacke only. The committee are of opinion, from the great lapse of time since the emanation of the original grant, that the probability of the death of the Chevalier De Repentigny amounts to almost certainty. Whether he left any heir capable of inheriting his claim to said land is altogether uncertain. Without, however, intending to give any opinion upon the merit of the claim attempted to be set up, it is clear that, in the deduction of title, there is an omission of important proof as to the heirship of P. A. De Bonne.

The mere declaration in the deed, that he claimed the half of said seigniority by succession, upon the death of his father, furnishes no testimony whatever of that fact, if even true.

The committee advise, at least upon the proof exhibited, the rejection of the claim.

19TH CONGRESS.]

No. 544

[2D SESSION.]

## APPLICATION TO COMMUTE MILITARY BOUNTY LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 2, 1827.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of Margaret Daniels, late Margaret Repshire, widow of Leonard Repshire, reported:

She states that the said Leonard, who was her former husband, was a soldier in Captain Pentland's company, in the 22d regiment of the United States infantry, and that he died in the United States army during the late war with Great Britain. She alleges that she presented her claim for arrears and bounty, soon after the close of the war, for settlement at the office of the Secretary of War. That it was not allowed because the death of said Leonard had not been reported to the War Department, and which was not proven until after the acts allowing a commutation of the military bounty land for five years' half-pay had expired. That, after waiting about seven years, she had to prove the fact of his death by soldiers who were present when it occurred, and then received said arrears of wages. She alleges that she was regularly appointed as guardian of said Leonard's children August 16, 1822, and then made a regular assignment, in due form of law, of the military bounty land for said children, who are yet under sixteen years of age; which relinquishment she says is on file in the Department of War, as are also the testimonials of her appointment as guardian, and proof of the ages of the children. She prays that, not being prevented by her own negligence, but by that of the officer whose duty it was to make a report of his death to the Secretary of War, she may be restored to her right of claiming, as guardian, a commutation in money in lieu of said bounty land. It is proved that the petitioner married one Stewart after Repshire's death, who died, and that she then married Daniels, who is also dead. It appears from testimony laid before the committee that said Leonard enlisted as a soldier January 28, 1813, for five years, and that he served until he died at Plattsburg, in June, 1814, leaving said Margaret his widow, and five children, who reside in Philadelphia; that he belonged to said Captain Pentland's company of the 22d regiment; and that the War Office contains no record or testimony of his death, except an affidavit of one Joseph Repshire, dated June 5, 1821, filed for the purpose of obtaining the arrears of wages due for the services of said soldier.

Had the petitioner been appointed as guardian of said children before the time limited in the acts for commutation, as they are usually called, had expired, and had desired to obtain the benefit of those acts, it is clear that she would have been prevented from doing so unless she had furnished the proof which she did furnish in 1821. But there is no proof that she made such an application until after the expiration of the time allowed by these acts, nor is there any proof of her appointment as guardian, or that she ever executed, as such, any relinquishment. So far from it, it appears, from information received from the War Department, that on May 22, 1822, which was after the expiration of those acts, she acknowledged that she had neglected to make the relinquishment, and no such relinquishment has been filed. The committee, therefore, are of opinion that the prayer of her petition ought not to be granted.

19TH CONGRESS.]

No. 545.

[2D SESSION.]

## LEAD MINES IN MISSOURI.

COMMUNICATED TO THE SENATE JANUARY 2, 1827.

Mr. BARTON, from the Committee on Public Lands, to whom was referred the bill "to authorize the President of the United States to cause the reserved lead mines in Missouri to be exposed to public sale," reported:

That, from the best information they have been enabled to obtain upon the subject, there is in Missouri a tract of country of an hundred miles square, extending from the river Missouri southward, and from the river Mississippi westwardly, abounding in lead and iron ore, that may be denominated mineral lands.

For the United States to reserve and lease all the mineral lands in Missouri would be to hold one-fourth of her area in a state of tenantry. It would require the creation of a new corps of federal officers or agents to superintend the mining, and ultimately be of less advantage to the Union than if the mines were committed to the care and ardor of individual enterprise.

Such a measure is believed by the committee to be neither the policy nor the intention of the government of the United States.

The committee believe, however, that it is not expedient to authorize the sale of the lead mines of the United States that have been discovered at the present time.

The United States are progressing with the measure of exploring and ascertaining the value of the public mines. Information upon those subjects is believed to be desired by, and due to, all the common owners of that public property before the adoption of the measure proposed in the bill; and, in the present circumstances of the people of that country with respect to their general means of purchasing, it is believed that the proposed sales are not called for by their interests.

The committee, therefore, recommend that the further consideration of the bill under consideration be indefinitely postponed.



19TH CONGRESS.]

No. 546.

[2D SESSION.]

## CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 5, 1827.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of Elizabeth Cox, former wife of Thomas Bills, and of the children of said Thomas Bills, reported:

The petitioners state that in the year 1804 Christopher Miller, of Mississippi Territory, obtained from the Spanish government an order of survey for six hundred arpents of land lying in what is now the parish of Feliciana, and State of Louisiana; that in said year he caused the land to be regularly surveyed by a duly authorized surveyor; that, before he could get a patent for it, the person in whom authority was vested to issue the grant had removed to Pensacola, by which he was prevented from obtaining it, although all the requisitions preparatory thereto, according to the regulations of the Spanish government, had been complied with. They allege that said Thomas Bills, in the year 1805, purchased said land from Miller at the price of one thousand dollars upon a belief that the title was valid, being so advised by the Spanish officers of the country. They state that when said Bills purchased the land aforesaid he resided in what is now called East Baton Rouge, and that he did not know that his inhabiting said land would be important to the validity of his title. They also state that in 1815 Thomas Bills entered the claim for confirmation with the commissioner of the proper land office, but that they have not learned what report in relation to it was made. They further allege that in the year 1816 Thomas Bills inhabited said land, having moved to it to render more secure his title thereto; that he died upon it; and that the petitioners have ever since resided upon it. That in the year 1820 they again entered said claim for confirmation at the office of the register of St. Helena, but that it was rejected on account of the late date of the settlement. They state that they are poor; that, unless a law be passed confirming their claim, which they request, they will lose the thousand dollars paid by said Bills, and be reduced to a state of wretchedness and distress, &c.

They produce no evidence in support of their claim, except the deed from Miller to said Bills, which is offered as testimony of the purchase, and the requête, the order of survey, and plat of survey made in pursuance thereof.

The register of the land office at St. Helena certifies that the papers filed in his office in support of the claim consist of a request for the grant of the land, (requête), an order of survey, and plat of certificate of the Spanish surveyor, such as grants from the Spanish governments are usually made upon; that the respective dates of these papers are such as are stated in the foregoing statements of the petitioners; but that he refused to grant a certificate preparatory to a confirmation of said claim, because the settlement did not begin earlier than the end of the year 1815.

The facts stated present a case of considerable hardship to the petitioners, but the committee do not consider it as one which will justify the relief prayed for; were it granted, it would be extending an indulgence and favor to them which has been denied to others whose claims were not less meritorious.

19TH CONGRESS.]

No. 547.

[2D SESSION.]

## CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 6, 1827.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of Bartholomew Martin, reported:

The petitioner states that he is the proprietor of a tract of land situated in the State of Louisiana, on the Bayou Benfonca, in the parish of St. Tammany; that he filed his claim with the commissioners of the land office at St. Helena Court-house, but that, owing to some accident or cause unknown, the commissioners failed to make a report on said claim to Congress, and that it has therefore not been confirmed. He prays for the passage of an act by which the title aforesaid may be confirmed to him. The certificate of David Bradford, clerk of the land office at St. Helena, is filed, by which it appears that notice of the claim of the widow Rillieux to a tract of land in the parish of St. Tammany, of two leagues in front on the Bayou Benfonca, and with a depth extending in the prairies from Blantes to the settlements of Pearl river, was filed in his office prior to June 1, 1820, and recorded, and that the titles in support of said claim were also recorded, but that there does not appear to have been any report made on said claim to Congress by the commissioners.

There is also a receipt filed, of the clerk of said office, for certain papers deposited in his office for record in support of said claim.

The petitioner also exhibits a certified copy of a paper signed by the widow Rillieux, dated September 20, 1769, by which she acknowledges to have sold to her son, Vincent Rillieux, the land granted to her late husband by the Spanish government, on Bayou Benfonca and Pearl river; but there is no testimony of title in the petitioner, nor is there a grant exhibited, or other satisfactory testimony of said claim.

The committee therefore recommend the rejection of the petition.

19TH CONGRESS.]

No. 548.

[2D SESSION.]

## CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 9, 1827.

Mr. GARRISON, from the Committee on Private Land Claims, to whom has been referred the petition of Simon and Leondre Ducré, reported :

That the petitioners state that they, in copartnership with Hilliare Ducré, now deceased, became the proprietors of a tract of land on Bayou La Cohibe, in the parish of Tammany, in the State of Louisiana, by a conveyance from Louis Reggio; and, by reason of the decease of their brother, Hilliare Ducré, they are legally entitled to the whole of said tract of land as his heirs-at-law. That they duly filed their claims with the commissioners of the land office at St. Helena Court-house; but that, owing to some reason unknown to the petitioners, the commissioners have not reported their claim to Congress for confirmation.

The affidavit of one Stephen Reine, taken before a justice of the peace in the State of Louisiana, January 13, 1820, is filed, who swears that he knows that Louis Reggio had made an establishment on a concession on the Bayou Cohibe, which he, Reggio, obtained from Don — Miro, governor of Louisiana, made furnaces thereon for making tar, and remained on the land several years. A conveyance from the said Louis Reggio to the petitioners is exhibited, taken before a judge of the parish of St. Barnard, in said State; also a certificate from David Bradford, a clerk in the land office at St. Helena, stating that the notice of claim, and proofs in support of the same, was recorded in the office prior to June 1, 1820.

The committee conceive that the proof in support of the original grant by the Spanish government, resting as it does on the deposition of a single individual, is too vague and uncertain; that the title papers produced in the land office does not prove any title in the grantor to the petitioners.

The committee therefore pray to be discharged from the further consideration of the petition, &c.

19TH CONGRESS.]

No. 549.

[2D SESSION.]

## APPLICATION FOR COMPENSATION ON ACCOUNT OF LAND WARRANTS ISSUED BY THE STATE OF GEORGIA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 10, 1827.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petitions and documents of John Overall, reported:

The petitioner states that in the month of February, 1784, the legislature of the State of Georgia passed a resolution upon the subject of extending her settlements to the bend of Tennessee river. That certain commissioners were appointed to carry the same into effect; and also other officers for the regulation of the intended settlement. That, by said resolution, one thousand acres of land were to be allowed to each emigrant to that section of country, at the price of one-eighth part of a dollar per acre, to be paid on the emanation of the grant. He states that in the fall and winter of 1785 the commissioners proceeded to said point on the Tennessee river; and that they employed as guards a number of men, under a promise that each should be entitled to receive one thousand acres of land in said bend of the river, or Tennessee district; that under that agreement they were accompanied, among others, by George Dardin, jr., George Dardin, sen., George Gallohan, Thomas Gallohan, James Gallohan, James Scott, William Nelson, Joseph McConnell, Charles Roberson, Alexander Kelly, John Woods, Alexander Cunningham, William Fisher, Abraham Utter, John Cowin, and David Mitchell; and that warrants issued to each of those men, of which the petitioner now has possession, signed by said commissioners, who were acting, in issuing said warrants, under the authority of said State. The petitioner exhibits one of the warrants as a specimen, and states his willingness to produce the others, if required; and prays that an act be passed allowing a proper compensation, as they never obtained the land promised, and for which said warrants issued. The following is a copy of the warrant exhibited:

"GEORGIA:

"To John Donelson, esq., county surveyor of the county of Houston, in the district of Tennessee:

"You are hereby authorized and required to admeasure and lay out unto George Dardin, sen., a tract of land which shall contain one thousand acres, in the said county of Houston and district aforesaid, taking especial care that the same has not been heretofore laid out to any person or persons. And you are hereby also directed and required to record the plat of the same in your office, and transmit a copy thereof, together with this warrant, to the surveyor general within thirteen months from this date. Given under our hand, December 21, 1785.

"JOHN DONELSON.

"JOHN SEVIER."

The warrant is printed, except as to the name of Dardin, that of the county, and the number of acres. The legislature of Georgia, February 20, 1784, adopted a report of a committee to appoint commis-

sioners vested with powers necessary to ascertain the quantity, quality, and circumstances of the lands lying in what was called the Big Bend of Tennessee. In pursuance of that report, on the next day they did appoint seven commissioners for the object contemplated, who were directed to make a report of their proceedings to the legislature for their consideration, and who, by said report so adopted, were to receive such compensation for their services as might be deemed adequate and satisfactory. In the report is this provision: "*Provided, notwithstanding*, That the said board shall have power, and they are hereby authorized, if they, or a majority of them, may think it necessary, in such manner as to them may seem most expedient, to proceed to grant warrants of surveys, which shall, when executed, be transmitted, with the plats, to the surveyor general's office, in order that the same may pass to a grant, as the law directs: *Provided*, That no one person shall be eligible to hold or obtain a grant of more than one thousand acres of land, and that he or they so obtaining a warrant shall, at the same time, give bond and security to pay into the treasury of the State at and after the rate of one-eighth of a dollar per acre; which sum shall be paid before he, she, or they shall obtain a grant."

On December 22, 1785, a majority of the commissioners reported their proceedings to the House, by which, among other things, it appears that they had made divers appointments, and had granted an indulgence of three years to the purchasers, and had taken bonds to a large amount, &c.; which report cannot now be obtained, having been, as it is supposed, lost or destroyed. In the fall or winter of 1785, John Donelson, John Sevier, William Downs, and Stephen Heard, four of the commissioners appointed, attended west of the Appalachian mountains, in company with a considerable number of men whom they had employed to guard them down the river, and to assist them in making the proposed settlement, (great danger being apprehended from the Indians,) and proceeded down the Holston and Tennessee rivers to what was called the Big Bend of Tennessee river, to which region of country they gave the name of Houston county, lying within what was the chartered limits of Georgia, where they proceeded to issue land warrants to be located within the said bend of Tennessee and the county of Houston, taking from the purchasers bonds, with security, for the payment of one-eighth of a dollar per acre for the land sold. The legislature of Georgia understanding that the commissioners, in the performance of said duty, had expended considerable sums of money in quieting the Indians resident in that part of the country, and in bearing their own expenses, &c., by a resolution dated August 14, 1786, declared that each of the commissioners appointed on the Tennessee business who had actually attended their duty should be entitled to 5,000 acres of land in said district as a gratuity and full compensation for their services, but do not mention or allude to the men who had attended them as guards.

There is no proof before the committee which will authorize them to say that the men named by the petitioner as the persons to whom the warrants issued were employed by the commissioners to accompany them, although it is very probable that such was the fact, as it is proven that they were attended by a company employed for the purpose. In determining on this case, among other matters, it is important to inquire into the true nature and extent of the power with which the commissioners were vested, and see if they acted within the pale of that authority. The authority granted was, that the board, consisting of seven commissioners, should have the power, if they or a majority should think it necessary, in such manner as to them should seem most expedient, to proceed to grant warrants of survey, &c. The concurrence of at least a majority was required to issue a warrant. Besides, the persons obtaining warrants were to give bond, with security, to pay into the treasury of the State one-eighth part of a dollar per acre, to be paid previous to the emanation of a grant. The commissioners acted as the agents or officers of the State, under a public resolution of that State, of which those to whom warrants issued are not to be presumed to be ignorant. It is evident, therefore, that no contract which they made with a company of men to guard them was obligatory on the State, and, of course, no warrant issued in virtue of such contract. If warrants were obtained by them, they were bound to procure them, not for labor performed or danger incurred, but at the price of one-eighth of a dollar per acre, secured by bond, &c. Unless they issued in that way, or were afterwards recognized as valid by the legislative power of the State, the surveys made thereon did not entitle the holders of them to grants. This view of the case is taken on the supposition that the warrants named were issued as a compensation for services rendered, and not at the price named in the report or resolution of the legislature, which the petitioner himself declares to be the fact. If, however, he had made no such declaration, it should be remarked that there is no proof showing that bonds were executed or the price paid. Whether any surveys were ever made on these warrants, or attempts to procure patents, we are altogether uninformed, except so far as the declaration of the petitioner is to be regarded. Others, who had most probably secured by bond the stipulated price, applied for grants, which the governor of Georgia refused; for what reasons we are left to conjecture. It was probably, among other reasons, because the warrants had been signed by two commissioners only, as that, from the warrants exhibited, appears to have been their practice, and because the claims depended upon a mere resolution of the House; for it appears by a report of a committee appointed by the legislature of that State, made August 1, 1786, that, at the time the first resolution on the subject passed, in 1784, a committee was directed to bring in a bill for enacting the same into a law, but that no such bill had ever been reported.

On August 7, 1786, a committee appointed for that purpose reported a bill, to be entitled "An act for laying out a district in the bend of Tennessee," which, having been read the first time, was finally rejected. They, however, passed a resolution declaring that the title of any person or persons whatever to any land in the district of Tennessee, so far as the same is sanctioned or authorized by former resolutions of assembly, should not, in any respect, be weakened or injured by the rejection of the bill aforesaid. This resolution does not alter in any manner the condition of those claims. Its object appears to have been to exclude the idea of any intention to interfere with them, and to show that they were to be considered *in statu quo*.

On October 31, 1787, an act was passed in said legislature "to suppress the violence of Indians." The eleventh section of that act, the act having declared in a previous clause that certain portions of land in said district of Tennessee should be given as compensation for services to be rendered to those who should serve as officers and soldiers to suppress the Indians, contains the following proviso: "*Provided*, That the right of pre-emption on all surveys heretofore made by the authority of this State shall be first set apart."

It has already been observed that the warrants in question appeared to have been issued irregularly and illegally; and, in allusion to this last-mentioned act, it may be remarked that the petitioner says that no surveys were ever executed in pursuance of those warrants. Independent of the foregoing objections, the committee do not conceive that the petitioner has shown the slightest ground for the passage of an



act on his petition and for his benefit. None of the warrants are in his name, nor are they assigned to him. Whether they came into his possession by contract, or were placed there for the benefit of others; whether the men to whom they issued are living, or, if dead, have left heirs; and, indeed, whether they pretend to set up a claim against the government, we know not. Forty odd years have elapsed since the warrants were issued; and had they been in every respect regular, they would form at this time the foundation of very *stale demands*, to say the least of them. The committee are of opinion that the claims ought not to be supported.

*To the honorable the members of the Senate and House of Representatives of the United States of America in Congress assembled :*

The remonstrance and memorial of John Overall for a compensation for certain old claims, land warrants, now in his possession, formerly issued to the following persons, viz: George Dardin, jr., George Dardin, sr., George Gallohan, Thomas Gallohan, James Gallohan, James Scott, William Nelson, Joseph McConnell, Charles Roberson, Alexander Kelly, John Woods, Alexander Cunningham, William Fisher, Abraham Utter, John Cowin, and David Mitchell, respectfully sheweth: That, consistent with a law or resolution passed by the honorable legislature of the State of Georgia, in the month of February, A. D. 1784, for extending the settlements of that State to the bend of Tennessee river, it appears by said laws that certain commissioners were appointed to carry the same into effect, as well as civil officers for regulating the intended settlement, allowing, at the same time, one thousand acres of land to each citizen or emigrant, under stipulations of one-eighth of a dollar per acre to be paid when such citizen or emigrant should be entitled to receive a grant for said land, agreeably to warrant and survey, under authority of said commissioners.

It appears from undoubted proof, herewith exhibited, that the said commissioners did, in the fall and winter of the year A. D. 1785, proceed to the district of Tennessee aforesaid, and that the said commissioners did employ in their service, and for their guard and safety, a number of men, under a promise that each of those men should be entitled to receive one thousand acres of land in the bend of Tennessee, or Tennessee district aforesaid. It also appears that, guided by the most implicit confidence in the faith of the honorable legislature of the State of Georgia, and in the commissioners acting under the laws, amongst others, the said George Dardin, jr., George Dardin, sr., George Gallohan, Thomas Gallohan, James Gallohan, James Scott, William Nelson, Joseph McConnell, Charles Roberson, Alexander Kelly, John Woods, Alexander Cunningham, William Fisher, Abraham Utter, John Cowin, and David Mitchell, did engage with said commissioners, and, at their own expense and risk, attend them on their expedition to the bend of Tennessee, the premises aforesaid, and did there and then reserve from the said commissioners land warrants for one thousand acres of land each, on the credit and faith of the State, signed by said commissioners, acting under her laws, which will more plainly and fully appear by the said original warrants now in possession of your memorialist, John Overall, in the respective names of the aforesaid persons, to whom the said land warrants were issued; one of which warrants, as a specimen, is hereto annexed, and others of the same tenor and date at the call of your honorable body.

But it appears that the aforesaid commissioners, for judicious reasons, deemed it not proper to continue a settlement of the premises aforesaid at that period. They accordingly, with the men accompanying them, returned to their respective homes, under promise to the emigrants, at a future day, they would proceed to effect a settlement, and lay out and grant to the men whom they employed aforesaid the lands promised and called for in their respective land warrants then issued. It also appears from the journals of the State of Georgia of 1786 that the said commissioners reported their proceedings to the honorable legislature of the State of Georgia, who therefore made compensation of five thousand acres of land to each of the commissioners, to be granted them in the said district of Tennessee, thereby ratifying their proceedings, and binding themselves in the faithful performances of their compact and promises to the emigrants and citizens who had obtained warrants aforesaid. It appears, after this period, that the said commissioners did not attempt the settlement of said county in consequence of the hostility of the Indians and for other judicious causes; therefore the emigrants to whom the promises were made, and the land warrants issued upon the faith and credit of the State of Georgia, in virtue of officers acting under the laws, were never located nor surveyed, but have been ever held and considered as just claims, agreeable to their contract with said State of Georgia, and agreeable to the cession of that territory by the said State of Georgia to the United States, of the — day of —, whenever a provision is made for legal land claims, of which your memorialist begs leave, with submission to the superior judgment of your honorable body, to remark that, in equity, he conceives his claims rank amongst the most deserving. Relying on the wisdom, magnanimity, and justice of your honorable body, your memorialist therefore prays that the legality and equity of the aforesaid land warrants and claims may be taken under consideration, and such compensation allowed him as your honorable body may, in your superior judgment, conceive to be just and equitable and right. And your memorialist will be ever in duty bound to pray.

JOHN OVERALL.

FEBRUARY 1, 1826.

GEORGIA, January 20, 1826.

It appears from the journals of the honorable legislature of the State of Georgia that in February, A. D. 1784, a resolution or law was passed for disposing of certain lands in the bend of Tennessee river; commissioners were appointed for carrying the same into effect, as well as civil officers for regulating the intended settlement.

In the fall or winter of 1785 the said commissioners met on the Holston, now State of Tennessee, and did there raise a number of emigrants, by offering to each able-bodied man one thousand acres of land in the aforesaid bend of Tennessee, agreeably to the aforesaid law; provided the said men should equip themselves with arms for defence, and, at their own expense, provide themselves with provisions, and attend the said commissioners, as a guard for their security and defence, to the bend of Tennessee, the premises aforesaid. On the above conditions a number of men were raised and joined at the mouth of a

French Broad river; from thence the said men did, on terms aforesaid, attend the said commissioners to the premises aforesaid, and upon the conditions aforesaid. After the said commissioners had ascertained the situation and latitude of the country, in the month of December, A. D. 1785, they held a board upon the premises aforesaid, and, agreeably to the contract and agreement with the said men who accompanied them as their guard and security, they did then and there issue to the men land warrants of survey for one thousand acres of land to each man, to be located or surveyed upon lands in the said bend of Tennessee, or Tennessee district, which they named and called Houston county. I was personally acquainted with said commissioners; often aided them in business, and, to the best of my recollection, the above-mentioned land warrants were the first land warrants issued by said commissioners under the aforesaid law, and for lands in the bend of Tennessee.

It may also be necessary to remark that the said land warrants were printed and carried to the District of Tennessee for the aforesaid purpose; and, to the best of my present recollection, all the said warrants there issued were printed by the same type, upon the same kind of paper, and signed by the commissioners. Some of which warrants, with others, were shortly after lodged in the land office of the surveyor general of the State of Georgia, as will more plainly appear by reference thereto.

I was personally acquainted with George Dardin, sen., who did attend the commissioners in person, and I do believe the annexed land warrant, in the name of said Dardin, to be one of the original land warrants issued by the said commissioners at the time and place aforesaid, as will more plainly appear by reference to such land warrants as were returned to the surveyor general's office aforesaid, of the same tenor and date. After issuing the said land warrants the said commissioners returned, with the men accompanying them, to the then inhabited country, under promise, at some future day, to attend upon the premises aforesaid, where the said emigrants, as they thought proper, should locate their land warrants to such lands as they might choose. From certain intervening causes it appears that the said commissioners did not, after that date, meet again upon the premises aforesaid; but did arrange and settle their future business, agreeably to said law, at sundry meetings held by them in the settled boundaries of the State of Georgia.

ZACHARIAH COX.

DISTRICT OF COLUMBIA, *Washington County*, ss:

On the 31st day of January, 1826, personally appeared before the subscriber, one of the justices of the peace for the District of Columbia aforesaid, Zachariah Cox, who made oath, in due form of law, that the facts set forth in the foregoing statement subscribed by him are true to the best of his knowledge and belief.

R. C. WEIGHTMAN, J. P.

"GEORGIA:

"*To John Donelson, esq., county surveyor for the county of Houston, and district of Tennessee:*

"You are hereby authorized and required to admeasure and lay out, or cause to be admeasured and laid out, unto George Dardin, sen., a tract of land, which shall contain one thousand acres, in the said county of Houston and district aforesaid, taking especial care that the same has not heretofore been laid out to any person or persons; and you are hereby also directed and required to record the plat of the same in your office, and transmit a copy thereof, together with this warrant, to the surveyor general, within thirteen months from this date.

"Given under my hand this 21st day of December, 1785.

"JOHN DONELSON.

"JOHN SEVIER."

DISTRICT OF COLUMBIA, *County of Washington:*

Personally appeared John Cocke, of the State of Tennessee, before the subscriber, a justice of the peace for said District, and being duly sworn, depose and saith that he has been shown fifteen land warrants for one thousand acres each, directed to John Donelson, esq., county surveyor for the county of Houston and district of Tennessee, one in the name of John Cowin, one in the name of William Nelson, one in the name of David Mitchell, one in the name of Abraham Utter, one in the name of William Fisher, one in the name of George Dardin, one in the name of George Gallohan, one in the name of Thomas Gallohan, one in the name of James Scott, one in the name of James Gallohan, one in the name of John Woods, one in the name of Charles Roberson, one in the name of Alexander Kelly, one in the name of Joseph McConnell, and one, I think, in the name of Alexander Cunningham. The above-mentioned and described warrants of survey are signed by John Sevier and John Donelson. This deponent states that he was well and intimately acquainted with John Sevier, formerly governor of the State of Tennessee, and with the handwriting of Governor Sevier, and has no hesitation in saying he is satisfied the signature is in the proper handwriting of John Sevier, former governor of Tennessee; he had no acquaintance with Colonel John Donelson; he has, however, in the course of business, frequently seen writing admitted by all to be Colonel Donelson's, and, from his recollection of its appearance, he thinks said land warrants were signed by him.

JOHN COCKE.

Sworn to and subscribed before me, the subscriber, a justice of the peace for the county and District aforesaid, on this 6th day of January, 1827.

JAMES YOUNG

DECEMBER, 1826.

SIR: The honorable House of Representatives of the United States of America in Congress assembled have ordered, last session, my petition for a remuneration for old land warrants issued by

authority of the legislature of Georgia to be laid before your honorable committee for their consideration to report on. You will please give the case such support as it merits. I beg leave to refer you to the information I laid before the honorable committee at the last session for the proofs required of me in support of my claim, which you have before you. There is one warrant annexed to my petition; the other fifteen warrants in my possession are ready at the call of your honorable committee.

I beg leave to inform you that I reside in Virginia, about six miles from Georgetown; that any further information required of me respecting the business, you will please favor and drop me a line, directed to me at Georgetown, and it will be punctually attended to.

I am, respectfully, yours,

JOHN OVERALL.

HON. RICHARD A. BUCKNER, *Chairman of Committee on Private Land Claims.*

P. S.—The Hon. John Cocke, of the House of Representatives, last session, waited on your honorable committee, I believe, and satisfied them as to the necessary proof of the signature of John Donelson, one of the commissioners who signed the land warrant annexed to my petition, and others in my possession. The Hon. Hugh L. White, senator, will prove the signature of John Sevier, the other commissioner who signed the aforesaid land warrants, if required.

Yours, respectfully,

J. OVERALL.

GEORGETOWN, February 22, 1826.

In this case there is supposed to exist little or no difficulty as to facts. Every allegation upon which the claimants rest their application for relief is susceptible of proof. It appears that, confiding in an express contract entered into with them by public agents of the State of Georgia employed under the authority of the legislature to accomplish public objects, they performed valuable and meritorious services, agreeably to the terms of the stipulations on their part. They executed the contract, and complied with all the terms which entitled them to the remuneration which was promised.

The value of these services is not now in controversy; if it be disputed, that also can be proved. The duty which they assumed, and the services they engaged to render, were, however, wholly contingent when the contract was made. They might be more or less laborious, and more or less perilous. They were, or they might be, exposed to Indian hostilities, and their lives might be lost in the conflicts which they had reason to apprehend. It was in consideration of these contingencies that the contract was framed; in full confidence that its terms would be complied with, the services were rendered. The commissioners did so far comply with the terms of their engagement as to grant the warrants of survey upon which the claim rests. From motives of public policy these public agents did not fully execute all the objects of their appointment as originally contemplated, and therefore did not perfect either the titles of these memorialists or their own. The views and policy of the State were changed, and, in consequence of this alteration, these titles were necessarily and inevitably left imperfect and incomplete. The defects, however, originated neither with the commissioners nor the memorialists, but with the State itself. All that was to be done by the former—all that could be done—was done; what remained to be executed was to be performed by the State. The State, however, for its own purposes, stopped short; left these titles in their imperfect state; took away from these parties the means of completing and perfecting them; and the single question which remains is, whether this omission is to operate injuriously to the interests of those who are wholly innocent. It is presumed this will not be pretended by a government whose foundations are justice—the end and design of whose institutions are to protect and vindicate the rights of the citizen.

If these commissioners were public agents, acting on behalf of and for the benefit of the State; if their acts were within the scope of the authority delegated to them, such acts are the acts of the State of Georgia. If this be conceded, that State was under a legal and equitable obligation to comply fully, on its part, with the terms of the contract, that is to say, to give perfection and validity to the inchoate and imperfect titles of the claimants. Having omitted or neglected to discharge this obligation, this neglect and omission cannot impair or annul the rights of these memorialists.

Having reached this point in the consideration of the case, the question which remains to be examined is, whether this claim, originally valid, both in law and equity, as against Georgia, is equally so against the United States. All the facts upon which the claimants rely are public and notorious; the proceedings of the legislature and the agents of the State, they were of a character to give notice to all the world; and the United States, accepting the cession from Georgia, took the property ceded, subject to all the equitable interests of other parties. If, then, the equitable rights of these claimants; if the State was under a moral or legal obligation to perfect their inchoate title, then it clearly and necessarily results that the United States are under an equally imperative obligation to do what Georgia was bound to do.

If, however, as is understood, the United States have admitted this obligation in its fullest extent in regard to the titles of the commissioners, they have themselves sanctioned every principle which has been contended for. The commissioners, by their agreement with the State, were to receive, as a compensation for their services, five thousand acres of the same lands; their titles rested on the same basis; they were equally imperfect, and from the same causes; but compensation has been awarded them, and the contract has been complied with by the United States. By this contract it is admitted that the commissioners were duly appointed as the public agents of the State of Georgia; that their acts created an imperfect and inchoate title, and that the equitable rights thus created were valid against the United States. This precedent, therefore, if it is correctly understood, seems to settle every question arising in this case, and to leave no one principle open to a contestation in controversy.

RICHARD S. COXE.



19TH CONGRESS.]

No. 550.

[2D SESSION.]

## APPLICATION OF ILLINOIS RESPECTING THE PUBLIC LANDS WITHIN HER LIMITS.

COMMUNICATED TO THE SENATE JANUARY 12, 1827.

*To the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the general assembly of the State of Illinois respectfully shows: That the peculiar relation of this State, in common with all the new States of the federal government, in respect to the public lands, imposes it upon this general assembly as an imperious duty to remonstrate against the present mode of selling those lands, and to urge upon your honorable body the justice and necessity of making some great and radical change therein.

The State of Illinois contains nearly forty millions of acres of land, of which only about one million and a half of acres have yet been sold; and it is a melancholy truth that, if the present minimum price be adhered to, it must be several hundred years before all the soil of the State can be passed out of the hands of the federal government, and be subjected to the laws and jurisdiction of the State.

Your memorialists respectfully represent that such delay will be injurious to the rights and interests of this State, by checking the growth of its population and preventing it from collecting taxes on much the largest proportion of its soil; and will be injurious to the federal government itself, by keeping much money out of the public treasury, and occasioning great waste and destruction of the timber on the public lands; and that it will be a virtual infraction of the compact between this State and the federal government, upon the point of not taxing those lands before they are sold, and for a certain term of years afterwards; which clearly implies, and was so understood by both parties, that the lands should be sold in a reasonable time.

To complete the sales within a reasonable time, or, indeed, within any time at all, it is certain that the lands must be offered for what they are worth; and as the quality varies through all the gradations, from first rate soil, well supplied with wood and water, to second and third rate, and refuse soil without either wood or water, it is clear that there ought to be a corresponding variation of price to induce the people to purchase the inferior tracts.

Such is the practice of private landholders, and such has been the practice of other States in selling their vacant territory.

Your memorialists respectfully represent that land, like every other commodity, ought to be sold for what it is worth, and not held up at one uniform price for all sorts, good, bad, and indifferent; and they believe it would comport with sound policy, and the true interest of a republican government, to make donations of small tracts to actual settlers.

Many half-quarter sections contain only a few acres of tillable land, not enough to make it an object to the purchaser who is able to buy a home, and yet which would be sufficient for a small and poor family, who by their industry and increase of population, and by adding something to the improvement and cultivation of the country, and, above all, by raising up a family of children, would amply indemnify the government for a gratuitous donation of such tracts.

Your memorialists will not inquire how far a compact may be valid which alienates the sovereign powers of the State, with respect to taxing and disposing of the lands within her limits; nor how far it is consistent with the sovereignty and jurisdiction of the State that the federal government should exercise jurisdiction over any part of the soil and timber of the State, and prescribe penalties for trespasses upon it.

They hope that all these questions may forever be avoided by a just and liberal disposition of the public lands, without further delay.

It is not for your memorialists to dictate the course of policy to be pursued by the federal government, as it relates to fiscal or other concerns; but they believe it will be found on examination that no accession has been gained to the public revenue from the sales of the public domain, after the losses and charges upon its survey and sales, and the collection thereof, shall have been deducted. On the score of economy alone, if this should be found to be true, it is an indisputable conclusion that it would be most advantageous to the interests of the nation to make a transfer of the soil to the several States within which it may be situated.

Other considerations of policy, founded on enlarged and enlightened views, public utility, and prosperity, might be urged with much force; and various instances might be cited as memorable examples by other governments of its justice and propriety; but it is believed to be unnecessary to refer to them for the purpose of contrasting the magnanimity or great usefulness of those of remote or recent origin with our own course of policy in respect thereto. The elucidation of the sagacity and discernment of those governments, with reference to an increase of their population, resources and power, by the gratuitous donations of land, might not afford an advantageous comparison with that which has hitherto been pursued among ourselves. As evidences of the propriety and policy of producing a change so desirable, they may, however, with decorum be referred to, and it would certainly prove consolatory to profit by their examples and experience.

Your memorialists therefore pray that your honorable body will take the subject-matter of their memorial into your serious consideration, and remedy the present evils, as well as to prevent all future ones, either by surrendering all the public lands in this State to the State upon equitable terms, or reducing the price and fixing a just graduation according to the different rates of the soil, and ceding all below a certain value to the State for the purpose of promoting education, constructing roads and canals, and making gratuitous donations to actual settlers. All of which is most respectfully submitted.

TH. REYNOLDS,

*Speaker of the House of Representatives pro tem.*

WILLIAM KENNEY,

*Speaker of the Senate.*

SECRETARY'S OFFICE, *Vandalia*.

STATE OF ILLINOIS, ss :

I, George Forquer, secretary of state of the State of Illinois, do hereby certify that the foregoing is a true copy of the original enrolled memorial on file in this office. In testimony whereof, I have hereunto subscribed my name and affixed the seal of State this twenty-fourth day of December, [L. s.] in the year of our Lord one thousand eight hundred and twenty-six, and of the independence of the United States the fifty-first.

GEORGE FORQUER.

19TH CONGRESS.]

No. 551.

[2D. SESSION.]

## NEW MADRID CLAIM.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 12, 1817.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom was referred the petition of Joseph Smith, reported:

The petitioner states that in the year 1818 he became the purchaser of a location made by John B. Dupuis, of a Madrid claim, which had been previously made on section 9, township 50 north, of range 17 west, in Howard county, and State of Missouri, which was subsequently claimed by a certain Boone Hayes as a pre-emption right; which last-mentioned claim was sustained. He says that, being informed of the fact previous to the expiration of the time limited by law for the location of the Madrid certificates, he made a location of said claim on relinquished land; but that on application for a patent, at the proper office, he was informed that it could not issue, as it was made necessary by law that the relinquished lands should first be offered for sale, or that two years must elapse before they were subjected to location; of all which he alleges that he was ignorant. He states that he settled upon the land, and made improvements thereon at considerable expense, &c., and requests that a law may be passed authorizing the emanation of a patent on said claim, in the name of said Dupuis. By information received from the General Land Office, it appears that section 9, in township 50 north, of range 17 west, had been located by a Madrid claim, in favor of John B. Dupuis, for six hundred and forty acres, but that the location aforesaid was afterwards withdrawn; the northwest quarter of section 9 having been entered January 20, 1820, as a pre-emption claim, and that the residue of said section had since been sold.

From the same source it is proved that the petitioner applied for a patent upon the certificate in favor of said Dupuis, accompanied by a certificate of the surveyor, that southwest quarter of section 22, the northwest quarter of section 28, and the northern half of section 27, in township 52 north, of range 17 west, had been located in virtue of the aforesaid Madrid certificate April 22, 1823; but as those tracts had been relinquished to the United States in the months of August and September, 1821, under the provisions of the act of March 2, 1821, for the relief of the purchasers of the public lands, the tenth section of which withdraws the lands surrendered under that act from sale for the period of two years after such surrender, that the patent was refused on the ground that relinquished lands were not subjected to location until the expiration of that period. The Commissioner of the General Land Office remarks that some patents were issued for locations covering relinquished lands before the office was apprised of the fact. The object of the law requiring that relinquished lands should first be offered for sale, or that two years should expire previous to their location, was evidently to obtain a fair price for them. The location in question would have been strictly in pursuance of the law if made in the month of September, 1823; and, as it was made only a few months earlier, and the petitioner would otherwise be without remedy, the committee recommend the passage of an act confirming the said location, and have accordingly reported a bill for that purpose.

ALEXANDRIA, *January 10, 1827.*

Sir: I have seen Mr. Thornton, who said you wanted evidence of my being the legal holder of Dupuis' claim. I do not hold the title from him. He sold to General Rector and Ninian Edwards, who sold to me. I have Rector's deed, but it is in Missouri. I only ask that the location made by Dupuis' claim may be sanctioned by Congress to Dupuis and his legal representatives. The objection to the issuing the patent by the land office was, that it had been re-located, as a part of the first location was held by a pre-emption, which made it necessary to raise the first location, and locate the claim elsewhere. It was re-located, as stated in my petition, upon lands relinquished; and, under the law, relinquished lands were not subject to location for two years, which neither I nor my agent were apprised of until I applied for the patent; and this is the only ground why the patent could not issue. Only twenty months had elapsed from the time of relinquishment when the last location was made; and though many patents had issued under similar circumstances, the law was not discovered at the land office until lately, as they told me, and that my remedy was to apply to Congress to do away that difficulty and sanction the location last made.

In haste, very respectfully, your obedient servant,

JOSEPH SMITH.

Hon. Mr. BUCKNER, *Chairman of the Committee on Private Land Claims.*

19TH CONGRESS.]

No. 55

[2D SESSION.]

## CORRECTION OF AN ERROR IN THE ENTRY OF A QUARTER SECTION OF LAND.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 15, 1827.

Mr. REED, from the Committee on Public Lands, to whom was referred the petition of Thomas Gulledge, of Pike county, in the State of Mississippi, reported:

That it appears to the committee, not only from the petition and affidavit of the said Thomas Gulledge, but likewise from the affidavits of Thomas Hamilton and James Ellis, that sometime in the month of March, in the year 1821, the said Thomas Gulledge made a written application to the register of the land office at Washington, State of Mississippi, to be permitted to enter the one-half of a quarter section of land, described in said written application as the *west half of the northeast quarter of section number 20, in township number 4, and range number 10 east.* And it likewise appears to the said committee that through the mistake of the said register a certificate issued to the said Thomas Gulledge, not for the half quarter section before described, and which he intended to enter, but for another and a different half quarter section, described in the patent which issued therefor, dated February 20, 1822, as the *west half of the northwest quarter section 20, in township 4, of range 10 east*, which it seems is poor land, unfit for cultivation or improvement. It appears, also, to the committee that the said Thomas Gulledge applied to the Register of the Land Office at Washington, and also the Commissioner of the General Land Office at Washington, to have this erroneous entry rectified, and restored to the land intended to be appropriated. But from each of those officers he received an answer that they had no power to rectify erroneous entries after a patent had issued, and was referred to Congress for relief. The committee is of opinion that, as the entry upon which the patent issued was made by *mistake* of the register, an officer of the government, the petitioner should not be bound thereby to retain lands which he never intended to appropriate, and that, therefore, he has an equitable claim upon Congress for relief. The committee accordingly report a bill for his relief, which is herewith presented.

19TH CONGRESS.]

No. 553.

[2D SESSION.]

## CLAIM TO LAND IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 16, 1827.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and document of Granmont Filhioe, reported:

The petitioner claims to be the owner of a tract of land in the State of Louisiana, of six acres front, and of ordinary depth, in virtue of an order of survey of the Spanish government, dated May 15, 1789; and that in consequence of said order of survey having been mislaid, he could not enter the same before the board of commissioners within the time limited by law, and urges that similar claims presented to the commissioners of the land office at Ouachita, where this tract lies, were confirmed. He prays that a law may be passed confirming to him said claim.

In support of it he presents a petition for settlement, dated April 20, 1789, and the permission granted in pursuance thereof, purporting to have been signed by Estevan Miro, dated May 15, 1789, who was then the Spanish governor of that country. The signature is believed to be genuine. The whole instrument, except the aforesaid signature, is (as the certificate of the register of the said land office proves) in the handwriting of John Filhioe, who was then commandant at Ouachita. The permission to settle was upon the ordinary terms of clearing the road in front, settling thereon, &c., and to be void if not complied with in three years. As there is no proof offered, showing a compliance with the conditions, the claim ought, in the opinion of the committee, to be rejected.

19TH CONGRESS.]

No. 554.

[2D SESSION.]

## TO GIVE VALIDITY AND TIME FOR FURTHER EVIDENCE TO LAND CLAIMS IN THE DISTRICT OF OPELOUSAS, IN LOUISIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 17, 1827.

Mr. SCOTT, from the Committee on Public Lands, to whom was referred the report of the register of the land office at Opelousas, in the State of Louisiana, of October 1, 1825, (see No. 490,) reported:

That at the last session of Congress a law was passed confirming fifty-nine of the claims contained in the report of the register, and recommended for confirmation; that thirty-seven claims contained in the



report of the register were not confirmed by the law of the last session, a part of which, in the opinion of the committee, ought to have been acknowledged as valid as some of those confirmed. It is due to your committee to say, in justification of the course which they now recommend, and as a reason why those claims were not embraced in the law of the last session, that the bill confirming those claims originated in the Senate, and when referred to the Committee on Public Lands was reported with amendments embracing some of the claims now again referred. But the Senate disagreeing to the amendments, the committee consented, and so the House agreed to pass the law without embracing the claims now referred, rather than lose the bill entirely and leave the claims now under consideration for future legislation. Of the thirty-seven claims not embraced in the law of the last session, but contained in the report of the register, the committee think that fifteen, to wit, Nos. 5, 6, 7, 16, 24, 84, 85, 86, 88, 89, 92, 93, 94, 95, 96, which are rejected by the report of the register, ought to stand rejected. The committee think that fifteen other claims contained in the report of the register, viz: Nos. 28, 35, 36, 37, 41, 49, 50, 51, 57, 58, 67, 71, 72, 73, 91, and which are neither confirmed nor rejected by the report of the register, but stated to be of doubtful character, are entitled, as is recommended in the report, to a more full examination before a final decision, satisfactory both to the government and the claimants, can be had. The committee are of opinion that seven claims contained in the report of the register, to wit, Nos. 27, 29, 30, 64, 68, 74, 81, and which were not decided on at the last session of Congress, ought to be confirmed. These seven claims are reported for confirmation by the register, and do not vary, either in principle or quantity, from the other claims contained in the register's report, and which have received the sanction of Congress.

The committee therefore report a bill to give validity to the seven claims above stated and referred to, and also to give time to the parties, whose claims are reported by the register as doubtful, to furnish evidence in support of the suspended claims.

19TH CONGRESS.]

No. 555.

[2D SESSION.]

## COMPENSATION OF THE SURVEYORS GENERAL AND THEIR CLERKS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 17, 1827.

TREASURY DEPARTMENT, *January 16, 1827.*

SIR: In obedience to a resolution of the House of Representatives of the 6th instant, "directing the Secretary of the Treasury to communicate to the House a statement showing the compensation allowed to the surveyor general, and other surveyors of the United States, for salary and other expenses, specifying the sum allowed to each officer, the number of clerks in each office, and the pay and emoluments allowed to each, the allowance for office rent, stationery, and all other contingent expenses in each office, for the years 1824 and 1825, and so much of the year 1826 as can be ascertained," I have the honor herewith to transmit a statement prepared by the Register of the Treasury which contains the information required by the resolution.

I have the honor to remain, with the highest respect, your most obedient servant,

RICHARD RUSSELL.

HON. the SPEAKER of the House of Representatives.

*Statement showing the compensation allowed to the surveyor general, and the other surveyors of the United States, for salary and other expenses, specifying the sum allowed to each officer, the number of clerks in each office, with the pay and emoluments allowed to each, the allowance for office rent, stationery, and all other contingent expenses in each office, for the years 1824, 1825, and so much of the year 1826 as can be ascertained, agreeably to the resolution of the House of Representatives of January 6, 1827.*

*Surveyor general in Ohio, Indiana, and Michigan.*

1824. His salary .....		\$2,000 00
One clerk .....	\$800 00	
One clerk .....	700 00	
One clerk .....	600 00	
		2,100 00
Stationery .....	25 43½	
Postage .....	117 90	
		143 33½
		<u>4,243 33½</u>
1825. His salary .....		\$2,000 00
One clerk .....	\$800 00	
One clerk .....	700 00	
One clerk .....	600 00	
		2,100 00
Stationery .....	250 09	
Postage .....	147 04	
Office furniture .....	83 75	
		480 88
		<u>4,580 88</u>

1826.	His salary.....		\$2,000 00
	One clerk.....	\$800 00	
	One clerk.....	700 00	
	One clerk.....	600 00	
	Stationery to October 2.....	36 87½	2,100 00
	Postage.....	63 68½	
			100 56
			4,200 56
	<i>Surveyor south of Tennessee.</i>		
1824.	His salary.....		\$2,000 00
	One clerk.....	\$948 26	
	One clerk.....	736 68	
			1,684 94
	Stationery.....	93 55	
	Printing.....	199 50	
	Postage.....	14 30	
	Office furniture.....	68 25	
			375 60
			4,060 54
1825.	His salary.....		\$2,000 00
	One clerk.....	\$619 49	
	One clerk.....	532 01	
	One clerk.....	362 49	
	One clerk, (temporary).....	163 32	
			1,677 31
	Stationery.....	454 00	
	Printing.....	286 00	
	Postage.....	94 20	
			834 20
			4,511 51
1826.	His salary from January 1 to June 30.....		\$1,000 00
	One clerk.....	\$450 00	
	One clerk.....	425 00	
	One clerk.....	380 00	
	One clerk.....	312 91	
			1,567 91
	Stationery.....	8 62	
	Postage.....	24 52	
	Office furniture.....	25 00	
			58 14
			\$2,626 05
	<i>Surveyor in Illinois, Missouri, and Arkansas.</i>		
1824.	His salary, (W. Rector).....	\$972 52	
	His salary, (W. Clark).....	396 86	
			\$1,369 38
	One clerk.....	666 67	
	One clerk.....	666 67	
	One clerk.....	666 66	
			2,000 00
	Stationery.....	27 37	
	Postage.....	7 85	
	Advertising.....	2 00	
	Transporting specie.....	153 42	
			190 64
			3,560 02
1825.	His salary.....		\$2,000 00
	One clerk.....	\$666 67	
	One clerk.....	666 67	
	One clerk.....	666 66	
			2,000 00
	Stationery from January 1 to September 30.....	127 24½	
	Postage.....	97 09	
	Transporting specie.....	189 75	
	Collecting drafts.....	36 00	
	Printing.....	24 00	
	Office furniture.....	49 56½	
			523 65
			4,523 65

1826. His salary from January 1 to March 31.....		\$500 00
One clerk.....do.....	\$178 23	
One clerk.....do.....	178 23	
One clerk.....do.....	74 07	
	<hr/>	430 53
		<hr/>
		930 53
		<hr/>

*Surveyor in Alabama.*

1824. His salary.....		\$2,000 00
One clerk.....	\$750 00	
One clerk.....	750 00	
	<hr/>	1,500 00
Stationery.....	127 50	
Transportation.....	94 50	
	<hr/>	222 00
		<hr/>
		3,722 00
		<hr/>

1825. His salary.....		\$2,000 00
One clerk.....	\$750 00	
One clerk.....	750 00	
	<hr/>	1,500 00
Stationery.....	65 25	
	<hr/>	3,565 25
		<hr/>

1826. His salary.....		\$2,000 00
One clerk.....	\$750 00	
One clerk.....	750 00	
	<hr/>	1,500 00
Stationery.....	48 63	
	<hr/>	3,548 63
		<hr/>

*Surveyor in Florida.*

1824. His salary from 1st October.....		\$500 00
One clerk from 19th October.....	\$151 71	
One clerk.....do.....	151 71	
	<hr/>	303 42
Stationery.....	150 99	
Printing.....	8 00	
	<hr/>	158 99
		<hr/>
		962 41
		<hr/>

1825. His salary.....		\$2,000 00
One clerk.....	\$1,000 00	
One clerk.....	1,000 00	
	<hr/>	2,000 00
Stationery.....	44 80	
Printing.....	317 00	
	<hr/>	361 80
		<hr/>
		4,361 80
		<hr/>

1826. His salary from January 1 to September 30.....		\$1,500 00
One clerk.....	\$750 00	
One clerk.....do.....	750 00	
	<hr/>	1,500 00
		<hr/>
		3,000 00
		<hr/>

JOSEPH NOURSE, *Register.*



19TH CONGRESS.]

No. 556.

[2D SESSION.]

## LAND CLAIM IN MISSISSIPPI.

COMMUNICATED TO THE SENATE JANUARY 25, 1827.

Mr. SMITH, from the Committee on Private Land Claims, to whom was referred "A bill for the relief of Elihu Hall Bay, and others, confirming grants of lands in the district west of Pearl river derived from the British government of West Florida, and not subsequently granted by Spain or the United States," reported:

That the committee have attentively examined the subject, and find that the petitioners claim their lands under grants from the British government of West Florida, prior to the cession of that country, by Great Britain to Spain, in 1783, and that those grants are as full and ample as any grants formerly made by the British government to their former colonies, now the United States of America, and, like them, contain subsequent conditions, such as that the grants should be recorded in a certain office, which appears to your committee to have been duly executed; to pay a mere nominal quit rent, and to make some small improvement; which latter appear to have been more a matter of form than of substance, and to have become obsolete. Nor could the omission to perform them have divested the claimants of their fee simple estate therein, unless a proceeding for that purpose had been instituted in a regular form by the British government itself, in a court of competent jurisdiction for that purpose; which your committee have no ground to believe had, or could have been done; therefore the grants must remain unimpaired by those subsequent conditions.

By a law providing therefor, passed April 25, 1812, that portion of country which lies south of the then Mississippi Territory, and east of the Mississippi river and island of New Orleans, and west of the Perdido river, was divided into two districts, between which Pearl river was the boundary, and authorizing a commissioner to be appointed for each of these districts, with powers, respectively, to inquire into the validity and justice of all such titles and claims to lands as should be filed in their respective divisions, and to report thereon to the Secretary of the Treasury, whose duty it was to lay the same before Congress at its next session.

In pursuance of the provisions of the aforesaid law, James O. Cosby was duly appointed commissioner of the district west of Pearl river, and in pursuance of his duties did register and examine the grants and title deeds of the petitioners and report their respective claims to the Secretary of the Treasury as claims founded on complete grants derived from the British government, and ranged them in class No. 1 for confirmation.

Your committee further report that on a former occasion, under precisely the same circumstances, of grants derived from the British government in the then Territory of Mississippi, in 1807, a board of three commissioners, of the first respectability, did report in favor of the claims under British grants, with similar subsequent conditions, without any evidence of their performance, that they were "more a matter of form than substance, and obsolete;" and that the same were laid before Congress by the Secretary of the Treasury, and Congress did, by a law of July 5, 1812, ratify and confirm the claims so reported to the respective claimants thereof. Your committee therefore respectfully suggest that they can see no reason why the government should offer any discrimination in the rights of citizens claiming precisely under the same circumstances, and therefore report the bill without amendment.

19TH CONGRESS.]

No. 557.

[2D SESSION.]

RESERVATIONS OF LAND IN ARKANSAS UNDER THE TREATY OF NOVEMBER 15, 1824,  
WITH THE QUAPAW INDIANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 27, 1827.

Mr. STRONG, from the Committee on Public Lands, to whom was referred the petition of James Scull and others, of Arkansas Territory, reported:

That on November 15, 1824, a treaty was concluded between the United States and the Quapaw nation of Indians, in the Territory of Arkansas, by which the United States acquired a large and valuable tract of country. That when this treaty was made the Indians acknowledged to owe James Scull, one of the petitioners, seven thousand five hundred dollars; and by the 6th article of the treaty with the Indians it is provided that said Scull should be paid that amount by the United States, either in money or by giving to said Scull two entire sections of land designated in the article. The United States had the privilege, by the treaty, to give to Scull the land or the money, and it appears from the documents herewith that the government has decided to give Scull the land. By the 7th article of the treaty provision is made that certain lands shall be granted to eleven of the tribe by name, amounting in all to the quantity of one thousand and forty acres. The question presented to the committee is what description of title was given, or intended to be given, by the treaty? whether a life estate only, or an estate in fee simple? It appears from the letter of the Commissioner of the General Land Office that, although no absolute decision has been made in relation to the title intended to be granted by the treaty, yet the department inclines to the opinion that a life estate only was intended. The committee think differently. It is true there are no words of perpetuity used in the treaty, but the committee think the

words used in the treaty, "*there shall be granted*," sufficiently clear of the intention of the parties to authorize the conclusion that a permanent interest in the soil was intended to be secured to the grantees. But if the intention of the parties is not sufficiently clear on the face of the treaty itself, the committee think it is rendered entirely so by the statement of Robert Crittenden, appended to the petition. Mr. Crittenden was the commissioner on the part of the United States who concluded the treaty, and his evidence goes the full length to show that the intention of the parties was to give to the grantees a fee simple interest and estate in the reservations. This intention of the parties, the committee are of opinion, ought, in this, as in all other cases, to be the rule of decision as regards the petitioners. The committee believe that although the treaty provides that "*there shall be granted*" to the petitioners certain tracts of land, yet that some legislative provision is necessary to enable the grantees to obtain from the government the proper evidences of their title. To settle the question of construction, and obviate all difficulties in behalf of those indigent and unfortunate people, the committee report a bill.

DEPARTMENT OF WAR, *January 26, 1827.*

SIR: On application to the Hon. H. W. Conway, I have the honor to state that by the 6th article of the Quapaw treaty of November 15, 1824, a reservation of land is secured to James Scull, in consideration of a debt of \$7,500 due to him by the Quapaws, which reservation the department declined to purchase on an offer made of it by the reservee, preferring to avail itself of the option given in the treaty to do so.

I have the honor to be, very respectfully, your obedient servant,

JAMES BARBOUR.

Hon. the CHAIRMAN of the Com. Public Lands, House of Reps. United States.

GENERAL LAND OFFICE, *January 20, 1827.*

SIR: In reply to your letter of the 19th instant, relative to the reservations to the several persons in the Quapaw treaty, I have to state that the question as to the nature of the title which these persons take under the treaty has not been submitted heretofore to the consideration of this office; the opinion of the Attorney General thus far has not been required.

No words of perpetuity being used in the treaty, I presume nothing more than a life estate was granted, and the more particularly so as it has been the usual practice of the United States, in all their Indian treaties, to grant only a life estate in lands to Indians, except unless under particular restrictions and limitations.

Mr. Scull has not applied for a patent. It is understood he has had a survey made.

With great respect, your obedient,

GEO. GRAHAM.

Hon. JOHN SCOTT, *Chairman Com. Pub. Lands, House of Representatives.*

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The petition of the subscribers respectfully sheweth: That whereas a treaty between the said United States and the Quapaw nation of Indians was made and entered into, and concluded, on the 15th day of November, in the year of our Lord 1824, at Harrington's, in the Territory of Arkansas, by the Hon. Robert Crittenden, commissioner on the part of the United States, and certain chiefs and warriors of said nation of Quapaw Indians, the seventh article of which treaty provides for certain small grants of land to your humble petitioners therein named—

Now, therefore, we beg leave to represent to your honorable body that at the time of entering into said treaty, and for a long time thereafter, we did not entertain the shadow of a doubt that the small spot of the land of our nativity, granted to us by the provisions of said treaty for our future and permanent residence, was secured to us in fee simple, and to our heirs and successors forever.

Under that impression, and under the most thorough conviction of the justice and mildness of the administration of your free and salutary form of government, we voluntarily surrendered all claims to a large and valuable tract of country, and were at once willing to exchange the wild pursuits of the hunter's life for the more rational and natural employment of agriculture and husbandry. Some of us are already far advanced in years, and, agreeably to the course of nature, cannot promise ourselves many more days in the land of the living. That the small portion of land allotted to us in the treaty should descend to our heirs and assigns forever is the earnest prayer of your humble petitioners.

We have preferred our cause to the honorable Mr. Secretary Crittenden, with whom we entered into the treaty; and from the unhesitating candor and sincerity with which he assures us of the justice of our claim, we are confidently inspired with the hope of final success before your honorable body.

Cheered with the hopes of brighter prospects in future, we voluntarily placed our all in your hands, and have taken protection under and claim the guardianship of that government which we have always looked up to as an emblem of justice, and as the asylum of the afflicted of all nations.

That your honorable body will pass such a law explaining the provisions of said treaty, and securing our several grants of land to us respectively, is the prayer of your most obedient humble servants,

Joseph Duchasin.  
Saracen Boi François Vangine.  
Jo. Burn.  
Baptiste Imbeau.  
Baptiste Boon.  
Lewis Bartelme.

A. H. Sevier, (*agent for François Imbeau.*)  
Antoine Duchasin.  
Baptiste Josia.  
François Cousot.  
Joseph Dalien.  
James Scull.

Having been requested by the grantees to the lands conceded by the Quapaws to them by a treaty held at Harrington's in November, 1824, to certify to the United States government the views under which the contracting parties executed that treaty, I state that, from the "talks" held with the Indians pending the treaty, their wish evidently was to concede an estate of inheritance, and not a life estate, in the lands granted by them, and that so understanding them I had designed the treaty so as to meet their wishes, and supposed, for months afterwards, that the phraseology of the treaty conveyed the highest title known to the laws. On reference, however, to precedents settled upon the subject, I am now convinced that the words of the treaty do not fulfil the intentions of the contracting parties.

Given under my hand May 4, 1826.

ROBERT CRITTENDEN.

19TH CONGRESS.]

No. 558.

[2D SESSION.]

# GRANT OF LAND IN LIEU OF A FORFEITURE IN THE PURCHASE OF LAND IN OHIO.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 27, 1827.

Mr. BUCKNER, from the Committee on Private Land Claims, to whom were referred the petition and documents of Samuel Sprigg, of the State of Ohio, reported:

On March 3, 1805, an act of Congress was passed authorizing the sale of all the sections of land theretofore reserved for the future disposition of Congress at not less than eight dollars per acre.—(See Land Laws, page 124.) Under that act Thomas Orr, Joseph Anderson, James Crawford, and Bezaleel Wells purchased fractions near Steubenville, in Ohio. Each paid the first instalment. Wells made his entry in November, 1805, for fractional section twenty-six, in township two, range two, in the Steubenville district, containing 189.56 acres, at eight dollars per acre, and paid, according to law, the first instalment, amounting to three hundred and seventy-nine dollars and a few cents. He made no other payment for it, and, April 4, 1811, the land reverted to the United States. A letter addressed by Wells to the petitioner states that early in April he entered into a contract with him for the sale of said fraction. Wells says he had entered the land for a friend of his who died; that he did not wish to pay for it himself and retain it; that he tried for sometime to sell it at the price he had agreed to give, but failed until he made the contract above alluded to with Sprigg, by which Sprigg agreed to pay to him, Wells, the amount of the first instalment. Each of them was of opinion that if the land reverted to the United States, under the act of February 29, 1808, it might be entered at four dollars per acre.—(See same laws, page 125.) Of that opinion was also the register of the land office in said district. The contract was closed; Sprigg paid Wells the amount of said first instalment, and then entered said fraction, under the last-recited act, at four dollars per acre, in the name of John Thompson, which was paid. Mr. Gallatin, then Secretary of the Treasury, gave a different construction to that act, and directed the register to permit the land to be entered at eight dollars per acre, or that the purchaser should have the four dollars per acre which he had paid refunded to him. Sprigg had in the meantime purchased other land adjoining the said fraction, above and below it, and had executed leases of it to two men for seven years. The fraction aforesaid formed nearly the centre of the land, and it is proven that he would have sustained considerable loss had he yielded it to the United States. Under these circumstances he withdrew the entry in the name of Thompson, which had been made for his benefit, and re-entered it in his own name, at eight dollars per acre, which he paid, and received a patent for it. The committee are of opinion, although it is a question of some difficulty, that Mr. Gallatin's construction of the act of 1808 was correct. The petitioner had been, no doubt, misled by the erroneous construction of the register; and although the government cannot be considered as bound by the erroneous construction of the laws of our public officers, yet the committee conceive that it would be neither magnanimous nor just that we should make a profit by such error in taking money from the pockets of those who were deceived by it.

Such appears to have been the opinion of Congress; for although the other persons who made entries of land at the same time Wells did permitted their lands to revert, and, of course, the first instalment to be forfeited, Congress passed acts for their benefit, and directed the same to be deducted out of the price when they re-entered the same at eight dollars per acre.—(See Land Laws, pages 135, 133 and 134, and 134 and 135.) It is not satisfactorily shown that Wells and Sprigg made the contract alluded to before the land reverted; it is, however, most probable that such was the fact, as it is very certain that the forfeiture of the first instalment was suffered with the intention of locating it at four dollars per acre. Wells acknowledges to have received from Sprigg the amount which he had paid. Sprigg, then, has actually paid, and the government has received, ten dollars per acre instead of eight dollars. The same measure of justice which was extended to the other purchasers alluded to should be observed toward the petitioner. The committee therefore recommend that he be allowed to locate one half section of any land belonging to the United States which has hitherto been offered for sale, and which is now subjected by law to location, as a compensation for said first instalment paid by Wells; and that upon the return of a plat and certificate of survey by the proper surveyor to the General Land Office a patent issue therefor to said Samuel Sprigg. For this purpose the committee present herewith a bill.



19TH CONGRESS.]

No. 559.

[2D SESSION.]

## APPLICATION OF MISSOURI FOR FURTHER PROVISION FOR SETTLING LAND TITLES IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 29, 1827.

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :*

The subject of titles to land in this country, derived from the French and Spanish governments, is one which has for a long time engaged the attention of your body; and which, notwithstanding the many laws enacted by you, providing for their adjustment and determination, yet requires the further interposition of Congress. While in the State of Louisiana all these claims have, with few or no exceptions, been confirmed to the claimants, a large portion of those situated in the State of Missouri remain unsettled. The knowledge possessed by this general assembly in relation to the land titles in the late provinces of Upper and Lower Louisiana induces them to believe that no efficient cause can operate against the former which did not operate against the latter. Reposing in the justice and equity of the cause, our citizens confidently expect from the general government an adherence to the precedents established in the adjustment of the land titles in the State of Louisiana, and respectfully invite the attention of Congress to this subject, expecting from the general government that the same justice and liberality will be extended to all her citizens similarly situated. This general assembly would represent that, under an act of Congress entitled "An act enabling claimants to land within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," approved May 26, 1824, a great number of petitions praying a decision on the validity of the claims embraced by said act have been filed; that, of the claims presented for the adjudication of the court, only one has been decided. From the decision of the court in that case an appeal has been taken to the Supreme Court of the United States. The situation in which the claimants are placed by the operation of this act, the expenses to be incurred by them in the prosecution of their claims, and the uncertainty attending the decision thereon, as appears by that already made, have induced those who have filed petitions to delay a decision, and will eventually compel them to withdraw; and those who have not filed petitions to decline the presentation of them under this act; thus leaving our citizens dissatisfied with the government, and constraining that portion who were citizens under the former government and dependent upon those claims as the support of their old age and the resources of their children, to abandon our country, and placing in an uncertain state the land titles in this country; thereby retarding improvements, paralyzing industry, and jeopardizing the fortunes of many who have, in good faith, and at an early period, purchased such claims. From this view of the case, the general assembly urge the propriety of an amendment of the law above referred to, which, in its provisions, will dispense justice; will relieve claimants from the burden of costs that attend the present law; and will bring the claims to a speedy and final determination. They would suggest to the general government the equity, and, indeed, the policy of such amendments as may secure to the inhabitants of the late Territory of Missouri the quiet and peaceable possession of such lands as have been confirmed by the respective boards of commissioners and recorder of land titles who have heretofore adjudicated on their claims, and establish a new board of commissioners to investigate and adjudicate on those claims which have heretofore been deferred by the former boards, and those which have not been presented to them, with powers to decide in all cases, according to equity, and in pursuance of the treaty of cession, the ordinances of the governments under which the claims respectively originated, and the practices of the public authorities of the former governments thereon; or such other tribunal, and with such powers, as to you in your wisdom may seem proper.

Prompted by a feeling of justice to a large and respectable portion of our fellow-citizens who, themselves or their ancestors, were citizens under the Spanish government, and have come under this without consultation or consent, this general assembly presents their claims. Prompted by a feeling of justice to the residue of our citizens, which requires a certainty and security in the land titles of this country, this general assembly asks a speedy and final determination thereof.

In urging this memorial to the consideration of your body, they would refer you to the letter from the King of France to M. D'Abbadie, the director general and commandant of Louisiana, informing the Louisianians of the treaty of cession of this country to Spain, and declaring the expectation of the French King that the inhabitants would be preserved and maintained in their estates, which had been granted to them by the governor and director of the colony; and that, finally, all the grants, though not confirmed by the French authorities, would be confirmed by his Catholic Majesty; the sentiments of which letter, it is believed, correspond with the stipulations of the treaty. They would refer you to the proclamation of Don Manuel de Salcedo and the Marquis of Casa Calvo, commissioners on the part of the government of Spain for the delivery of the province of Louisiana to the French republic, dated at New Orleans, May 18, 1803; whereby the inhabitants of the province are assured that they will be maintained and preserved in the peaceable possession of their estates, and confirmed in all the grants or properties, of whatsoever species, to them made by the governor of these provinces, although the same should not have been confirmed by his Majesty.—(See the proclamation, a governmental paper.) They refer you to the treaty of cession between the United States and the French republic, wherein it is stipulated that the inhabitants of the ceded territory shall be maintained and protected in the free enjoyment of their property. They would recall to your recollection the declaration of Major Amos Stoddard, the first civil commandant of Upper Louisiana, under the government of the United States, wherein the claimants to land in Upper Louisiana are assured that the United States feel all the ardor for their interests which a warm attachment can inspire; that it will be among some of their first objects to ascertain and confirm their land titles; that they are cognizant of the deranged state of these titles; that ultimately the most ample justice will be done; and, in the final adjustment, no settler or landholder will have any just cause to complain. But what is the fact? Twenty-two years have passed away and no final adjustment has been made. Is there no cause of complaint? Let this memorial answer the question. Look at the act of Congress and say, is it not a cause of complaint when a citizen of Missouri is compelled to seek at Washington those rights which, under the former government, were not disputed, and must pay the immense costs of a federal land suit, even when he succeeds?

Whatever may be the decision of Congress on the foregoing part of this memorial, whether a more

liberal law be passed in favor of the claimants, or they be constrained to appear at the seat of government, contending with these United States before its supreme judiciary, this general assembly most earnestly asks that wherever the decision of the court, under the existing act of Congress, or of any tribunal hereafter established, shall be against the validity of any claim presented to the said court or tribunal, then, and in every such case, that the claimant, or his legal representatives, who have improved any part of the tract claimed, shall be entitled to the preference of becoming the purchaser or purchasers of one or more quarter sections of land embraced in such claim, so as to include his or their improvements, at the minimum government price; and that, where the public lands adjoining have been exposed to sale, the quarter sections to which the right of pre-emption may be given shall be liable to entry by the claimant, or his legal representatives, and not deferred till the same is advertised for sale.

It is believed that such a privilege would not be injurious to the government, and would be of great benefit to the citizens who settled with a confidence in their rights on such claims.

In urging this latter part of the memorial to your consideration, they would suggest that these improvements were made by the claimants, or their legal representatives, under a conviction of the validity of their claims. With this conviction they preferred improving lands esteemed their own, and which, in their opinion, could not be taken from them, rather than improve lands owned by the United States, and which could be wrested from them. If this request be denied, many of the oldest and most respectable citizens of this country, who have improved the lands and have thereby increased their value, will, from inability to pay for the land and the improvements thereon when brought into the public market, be driven from their homes and their all. From this representation it must be obvious to the justice and liberality of your body that this class of citizens should have a preference of becoming the purchasers of the improvements made by them. It is necessary that the grant of this privilege be immediately made, and to take effect so soon as decisions are made on the claims; because, if their claim is lost, and they have no preference in becoming the purchaser, the mind of the farmer will be corroded with care and anxiety, industry will be suspended, improvements will cease, and that uncertainty in their possessions exist which destroys all equanimity and energy of soul, embitters every day of the poor man's life, and brings many to worthlessness and ruin: Wherefore, the general assembly of the State of Missouri asks the Congress of the United States to pass a law which will dispense that liberality which is due to the claimants to land derived from the French and Spanish governments, and give that despatch in the final determination of the claims which is indispensable to the industry, improvement, and quietude of this country; also a law extending the right of pre-emption to all those claimants, or their legal representatives, who have improved the lands claimed by them, so as to include their improvements, in each and every case where the decision on the claim shall be against its validity.

*Resolved, unanimously,* That a copy of this memorial be immediately forwarded to our representative and each of our senators in Congress.

ALEXANDER STEWART,  
*Speaker of the House of Representatives.*  
FELIX SCOTT,  
*President pro tem. of the Senate.*

Approved December 30, 1826.

JOHN MILLER.

OFFICE OF SECRETARY OF STATE OF THE STATE OF MISSOURI,  
*City of Jefferson, January 11, 1827.*

I, Spencer Pettis, secretary of state, do hereby certify that the foregoing memorial is a correct transcript from the original roll in my office.

SPENCER PETTIS.

19TH CONGRESS.]

No 560.

[2d SESSION.]

# APPLICATION OF MISSOURI FOR FURTHER RELIEF TO THE SUFFERERS BY EARTHQUAKES IN NEW MADRID COUNTY, IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 29, 1827.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the general assembly of the State of Missouri respectfully sheweth: That by an act of Congress for the relief of the inhabitants of the late county of New Madrid, in the Missouri Territory, who suffered by earthquakes, approved February 17, 1815, it is, among other things, provided that any person who owned land in that county, and which had been materially injured by earthquakes, was authorized to locate the like quantity on any of the public land of that Territory, the sale of which was authorized by law, with certain exceptions provided in that act, provided that no person should be permitted, under said act, to locate a greater quantity than that confirmed to him, except the owners of lots of ground and tracts of land of less quantity than one hundred and sixty acres, who were authorized to obtain a quantity not exceeding one hundred and sixty acres; nor should any person be entitled to locate more than six hundred and forty acres.

Your memorialists respectfully represent that the recorder of land titles of said Territory had certain powers granted to him by said act of Congress, the exercise of which was enjoined upon him as a duty; that, in pursuance of said powers, he did issue certificates, as provided for by said act, upon evidence existing in his office, and that which was adduced before him, for various tracts of land of six hundred and forty acres and under, and town lots, or lots of ground and tracts of land of less quantity than one hundred and sixty acres, upon which latter class he granted certificates for the quantity of one hundred



and sixty acres each, but in no case, it is believed, did he grant certificates to any one person for a greater quantity than six hundred and forty acres, being, in his opinion, the maximum quantity any one person was entitled to receive under the law.

Whether the construction of the act of Congress, as given and acted upon by the recorder of land titles, was correct or not, your memorialists forbear to give an opinion; but so it is, that, by means of the confidence placed in his opinion, both as a man and an officer of the United States government, by the people of this State, those certificates have been sold and transferred for a valuable consideration, from one person to another, until they have passed through the hands of many individuals of the most worthy and respectable class of our citizens from the time of their first being issued until they were all located; and since that period the lands located in virtue of said certificates have been in like manner transferred, even up to the present time, in the full expectation and confidence that, after the certificates were located and the land surveyed, patents would be issued therefor, as a matter of right, according to the provisions of the third section of said act of Congress.

Your memorialists further beg leave to represent that most of these certificates were granted prior to the sale of public lands within this State; that they were purchased with great eagerness (and when lands were high) by the new settlers coming to this State at a great price, who have located them on lands which they have chosen for permanent places of residence; that they have built houses, made large improvements, and opened extensive plantations upon the tracts thus located; and should the patents for the land be withheld, and they deprived of their titles, it will be the means of breaking up many families, and cause the ruin of many of our most worthy and respectable citizens.

It is with regret and surprise that your memorialists are informed that the Commissioner of the General Land Office, under an opinion of the Attorney General of the United States, refuses to issue patents upon many of these land claims, as is required of him to do by the third section of the above-recited act.

Your memorialists therefore pray that your honorable body will be pleased to take the case of the claimants under consideration, and grant unto them such relief as justice, expediency, and good policy may dictate; and, as in duty bound, your memorialists cannot cease to pray, &c.

*Resolved*, That the executive of this State be required to forward one copy of the foregoing memorial to the Speaker of the House of Representatives of the United States, with a request that he lay the same before Congress, and one to each of our senators and representatives in Congress.

H. S. GEYER,  
*Speaker of the House of Representatives.*  
B. H. REEVES,  
*President of the Senate.*

Approved December 22, 1824.

FREDERICK BATES.

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TREASURY DEPARTMENT, December 26, 1825.

SIR: I had the honor to receive your letter of the 16th instant, enclosing the memorial of the general assembly of Missouri relative to the relief, as provided by the act of Congress of February 19, 1815, of certain inhabitants of New Madrid county, in that State, who had suffered by earthquakes; and requesting my opinion on two points arising under the above act, as they are stated in your letter.

I lost no time in referring your letter to the Commissioner of the General Land Office, that I might have his report upon the subject-matter of it. I have received it accordingly, and beg leave to enclose it herewith, together with the documents to which it refers. With these and other lights bearing upon the same subject, I have adopted the opinion heretofore acted upon at this department, and sanctioned by that of the Attorney General of the United States, on the points mentioned in your letter, viz: first, that the construction given to the first section of the act by the recorder of land titles at St. Louis, in allowing a quarter section for each town lot, &c., not exceeding four quarters, to any one person, is not the true construction; and, secondly, that a discretionary power is reserved under the last section of the act, by which patents may be withheld by the proper officer of the executive government after the recorder has given the final patent certificates.

I have the honor to remain, with great respect, your obedient servant,

RICHARD RUSH.

HON. DAVID BARTON, *Chairman of the Committee on the Public Lands, Senate of the United States.*

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GENERAL LAND OFFICE, December 22, 1825.

SIR: I return the letter from Mr. Barton, enclosing the memorial of the legislature of Missouri, which was referred by you to this office.

A letter was addressed by me, in January, 1824, to the chairman of the Committee on Public Lands, accompanied by the copies of a number of papers on file in this office, relating to the execution of the act of February 17, 1815. As these documents were voluminous, and as they are not all necessary to enable you to decide on the questions submitted by Mr. Barton, I shall submit to you only a small portion of them. You have enclosed the copy of a letter addressed by Mr. Meigs to the Secretary of the Treasury, and a copy of the opinion of the Attorney General, given in consequence of that letter. Believing that opinion to be correct, and in strict conformity to the law, it has been considered sufficient authority, under the sanction of the President, for withholding the patents in all those cases to which it was applicable. The reasons assigned in the memorial seem to be properly addressed to the legislature, who have the power to grant the relief required.

In respect to the second inquiry made by Mr. Barton, I can only say that it has been considered the constitutional duty of the President to see that the laws be duly executed, and that, in all cases where the subordinate officers have given a construction to law incompatible with that given by the President, he has withheld his sanction, when that sanction was necessary to carry the law into effect, until legislative provision should be made, or a judicial decision had.



It may be proper to avail myself of this opportunity to state another cause for the suspension of patents or certificates given by the recorder of land titles under the act of February 17, 1815, and which has not hitherto been distinctly stated to the Committee on Land Claims in either House.

It is provided by the 1st section of the act referred to, "that in every case where such location shall be made according to the provisions of this act, the title of the person or persons to the land injured as aforesaid shall revert to and become absolutely vested in the United States." With a view to the execution of the law generally, the recorder of land titles required a relinquishment of title from the individual claiming the land injured by the earthquake, but, to guard against any defect in the title of the claimant, he issued his location certificate in the name of the original confinee and his *legal representatives*, and for the same reason the patents, since I came into office, have been issued, using the same terms. As evidence of the right of title in the claimant, and therefore the right to relinquish, the recorder relied principally upon the certificate of the clerk of the county of New Madrid, that the records of his office furnished evidence of title in the claimant.

The enclosed copy of a letter from the present clerk of the county of New Madrid shows that the certificates of his predecessors cannot be confided in. In consequence of this information, the patent in the particular case referred to in that letter has been withheld; and, in all cases where the relinquishment has been received, and the cases are very numerous, on the evidence only of the certificate of the clerk of the county of New Madrid, patents are suspended until it can be ascertained whether the certificates that have been given correspond with the records of the county of New Madrid, and, to ascertain this fact, measures have been taken. When this information is received, patents will be withheld in all cases where it shall appear that the party relinquishing had no title to the lands relinquished. In those cases where patents have already issued, if it shall appear that the original confinee, or his legal representatives, still own the land confirmed, and have not authorized the relinquishment on which the recorder of land titles granted his certificate of new location, such patents will be considered as null and void.

Should it ultimately appear that the recorder of land titles has issued certificates in many cases where the parties relinquishing had no legal title to the land relinquished, the evil complained of by the general assembly of Missouri will be increased, and if it be deemed necessary to apply a remedy, that remedy should be coextensive with the evil. Perhaps the evils complained of might be remedied, and the interests of the United States sufficiently protected, by a provision granting a pre-emption right at the minimum price at which the public lands are sold to the *bona fide* purchasers of the lands actually surveyed, by virtue of a certificate issued by the recorder of land titles, agreeably to the provisions of the act of February 17, 1815, in all cases where such certificates had been issued for town lots, and in all cases where such certificates were founded on relinquishments of lands injured by the earthquake, by individuals who had no legal right to make such relinquishment.

There is, however, a marked distinction between the cases referred to in the memorial of the general assembly of Missouri and those mentioned in this letter. In reference to their claims for relief on the government, in the first description of cases, no precaution could guard the purchaser against an error of judgment of the United States officer; in the other, the purchasers were admonished by the terms of the certificate of the recorder and those used in the patent to take care that the claim of title was regularly derived from the original confinee.

With great respect, your obedient servant,

GEORGE GRAHAM.

Hon. R. RUSH, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *General Land Office, January, 17, 1822.*

SIR: The act of February 17, 1815, for the relief of the sufferers by the earthquake in the county of New Madrid, authorizes them to locate the like quantity of land on any of the public lands in the then Territory of Missouri the sale of which is authorized by law: "Provided that no person shall be permitted to locate a greater quantity of land under this act than the quantity confirmed to him, except the owners of lots of ground, or tracts of land, of less quantity than one hundred and sixty acres, who are hereby authorized to locate and obtain any quantity of land not exceeding one hundred and sixty acres; nor shall any person be entitled to locate more than six hundred and forty acres."

The point to which I beg leave to call your attention is this: On the list of certificates of the right of new locations under that act, I find that the same individual has been permitted, in numerous instances, to locate to the amount of one hundred and sixty acres for each lot of one *arpent*; and certificates of location in such cases have been granted by the recorder of land titles. To exemplify my meaning, I would merely mention two instances: Francis Leseur has received four certificates of one hundred and sixty acres each, for four lots of one *arpent* each. Joseph Genereux has received four certificates of the same kind, and for the same number of lots of one *arpent*.

Conceiving that the law never intended to grant to any one owner of town lots the privilege of locating more than one hundred and sixty acres, except, indeed, in cases where the quantity of the lots owned by them, exceeding the quantity of one hundred and sixty acres, would thereby entitle them to the privilege of locating the like greater quantity, whatever such might be, I beg leave to ask advice whether patents can legally be demanded. And am, with great respect, your most obedient servant,

JOSIAH MEIGS.

Hon. SECRETARY OF THE TREASURY.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES, *January 22, 1822.*

SIR: I entirely concur in the opinion expressed by the Commissioner of the Land Office, that it is not the intention of the act of Congress of February 17, 1815, to permit the owners of town lots in the county of New Madrid to locate a tract of one hundred and sixty acres for each town lot they may own, but one tract for the whole of their town lots, however many, unless the aggregate should exceed the

quantity of one hundred and sixty acres, when they will fall within the general enactment of being authorized to locate the quantity they have lost.

I have, &c.,

WM. WIRT.

HON. W. H. CRAWFORD, *Treasury Department.*

*Copy of endorsement on the back of the letter.*

"Referred to the Commissioner of the General Land Office; will instruct the recorder of land titles accordingly, and be governed by it himself.

"W. H. C."

ST. LOUIS, August 16, 1825.

DEAR SIR: In reply to your request made of me, as clerk of the circuit court and recorder of the county of New Madrid, for information as to the regularity of the certificates given by the late clerks of the said county, of the claims of titles to lands which have been removed under the act of Congress of February 17, 1815, "for the relief of the inhabitants of the late county of New Madrid who suffered by earthquakes," I take pleasure in stating to you the fact that I do conceive that the late clerks have been extremely careless and remiss in that business; and, as proof of the fact, I lay before you the original certified conveyances of the claim of Elisha Jackson, or his legal representatives, to 240 arpents of land on Bayou St. John and St. Thomas; from which original papers you will see that on November 29, 1796, Jackson sold the same to Jacob Bogard; January, 1799, Jacob Bogard sold to Peter A. Laforge and John Lavallu; and, in February, 1804, Laforge conveyed his half to Lavallu. Now, sir, with what propriety the clerk (with those papers before his eyes) could certify a title to George Tennille, I am at a loss to know.

And mark the great evil that results from this irregularity; Lavallu has a fine farm on this tract of land, which he has cultivated for upwards of twenty years; in 1819 he died, and one of his heirs now lives on the land. Ten days ago (the land having been surveyed as public lands) it was entered at the land office. What is to be done in this matter? Must the heirs tamely submit, and give up their lands? Or must they go to law, and spend the value of the land to clear the title?

You will, sir, confer a favor on a helpless orphan by communicating this case (and I fear it is not a solitary one) to the General Land Office, to prevent the issuing of a patent for the southeast fractional quarter section 34, range 14 east, township 23 north.

In whose name it was entered, I am not sure—either in the name of Evans or Ogden. Any further information which my office affords will be given, with pleasure, at your request.

I have the honor to be, sir, your obedient and humble servant,

E. G. HOUTS.

THEODORE HUNT, Esq.

GENERAL LAND OFFICE, January 24, 1826.

SIR: In answer to the inquiries contained in your letter of the 21st instant, in relation to the operations under the act of February 17, 1815, for the relief of the inhabitants of the late county of New Madrid, I have to state—

- 1st. That 515 location certificates have been issued by the recorder of land titles.
- 2d. That 148 of the certificates issued by the recorder are founded on the relinquishments of town lots and other tracts containing less than 160 acres.
- 3d. The greatest number of certificates issued in the name of any one person is *four*, and the quantity called for does not, in any case, exceed 640 acres for one individual.
- 4th. That 230 patents have been issued, of which number forty have been issued on certificates founded on the relinquishment of town lots or other tracts containing less than 160 acres.
- 5th. That twenty-two certificates are suspended in this office under the opinion of the Attorney General.
- 6th. That the whole quantity called for by the location certificates of the recorder is 180,423.56 acres, of which quantity 88,785.22 acres have been patented.

With great respect, your most obedient servant,

GEO. GRAHAM.

HON. JOHN SCOTT, *Committee on Public Lands, House of Representatives.*

GENERAL LAND OFFICE, January 26, 1826.

In reply to your letter of the 25th instant, I furnish you with the enclosed statement, showing the cases in which, under the act of February 17, 1815, the recorder has issued more than one certificate of location to persons holding town lots or other tracts containing less than 160 acres.

It may be proper to state that, in issuing certificates under the provisions of the act of February 17, 1815, the recorder issued them in the name of the original confinee, or his legal representatives. Where the original claim, therefore, was for more than 840 acres, only one certificate issued; where the original claim was for more than 160 acres, and less than 640, a certificate issued for the quantity contained in the tract; and if one confinee had more than one tract of this description, he received more than one certificate, provided the whole quantity did not exceed six hundred and forty acres. Where the original confirmation was for town lots, or tracts less than 160 acres, the recorder issued as many certificates for 160 acres each, in the name of the confinee; as he had lots or tracts, not exceeding four certificates. The statement enclosed embraces these last cases, and it is to them only that the opinion of the Attorney General refers.

Although the recorder issued the certificate in the name of the original confinee, or his legal representatives, he received the relinquishment of the land injured from the persons claiming the same. Many of these relinquishments were made by the same person as the legal representative of their confinee.

With great respect, your most obedient servant,

GEO. GRAHAM.

HON. JOHN SCOTT, *Committee on Public Lands, House of Representatives.*

*Statement of the cases in which, under the act of February 17, 1815, the recorder has issued more than one certificate of location to persons holding town lots, or other tracts containing less than 160 acres, viz:*

To 11 persons, 4 certificates each .....	44 certificates.
To 15 persons, 3 certificates each .....	45 certificates.
To 18 persons, 2 certificates each .....	36 certificates.
	<hr/> 125 certificates.

The opinion of the Attorney General will prevent the patents being issued on 85 of the above cases.

19TH CONGRESS.]

No. 561.

[2D SESSION.]

## PUBLIC LANDS IN MISSOURI AND ILLINOIS UNFIT FOR CULTIVATION.

COMMUNICATED TO THE SENATE JANUARY 29, 1827.

*To the Senate of the United States:*

The report from the Commissioner of the General Land Office and accompanying documents, herewith transmitted, are laid before the Senate in compliance with their resolution of the 4th of April last, relating to the public lands of the United States, in the States of Missouri and Illinois, which are unfit for cultivation

JOHN QUINCY ADAMS.

WASHINGTON, January 29, 1827.

GENERAL LAND OFFICE, January 29, 1827.

SIR: In compliance with a resolution of the Senate, bearing date April 4, 1826, in the following words: "Resolved, That the President be requested to cause a report from the General Land Office to be laid before the Senate at the commencement of the next stated session of Congress, showing, as nearly as can be ascertained from surveys heretofore made, and from other information, the quantities and localities of so much of the public lands of the United States, in the States of Missouri and Illinois, as may be unfit for cultivation on account of being wet and marshy, or subject to inundation from the overflowing of the river, or covered with standing water in ponds or lakes," the Commissioner has the honor to submit to the President a letter from Colonel McRee, the surveyor of the public lands in Missouri and Illinois, marked A, with a copy of a statement accompanying the same, marked B, which contain the information called for, so far as it can be furnished from the surveys.

With great respect, sir, I have the honor to be your obedient servant,

GEO. GRAHAM.

The President of the United States.

A.

SURVEYOR'S OFFICE, St. Louis, December 31, 1826.

SIR: In compliance with your letter of the 6th of last April, which refers to this office the resolution of the Senate of the United States, requesting the President to cause a report to be laid before it at the commencement of the present session, showing, as nearly as can be ascertained from surveys heretofore made and from other information, "the quantities and localities of so much of the public lands of the United States, in the States of Missouri and Illinois, as may be unfit for cultivation on account of being wet and marshy, or subject to inundation from the overflowing of the rivers, or covered with standing water in ponds or lakes," I have the honor to report:

That the surveys on file in this office do not, except in very few instances, furnish sufficient data to calculate the areas of those portions of the public lands which are unfit for cultivation.

The law prescribing the mode in which the public lands shall be surveyed directs the surveyor to "note, in his field book the true situation of all mines, salt licks, salt springs, and mill seats, which shall come within his knowledge; all water-courses over which the lines he runs shall pass; and also the quality of the lands." But it does not require any lines to be run, except such as are boundaries to sections, or fractional sections, or necessary to connect the lines of a private survey with those of the public lands. The practice, under this office, has been regulated accordingly. It is only in a few instances that the meanders of lakes have been taken; the boundaries of swamps, marshes, or inundation tracts, it is believed, have never been surveyed; and their true areas, therefore, cannot be ascertained.

The general instructions issued to the deputy surveyors only require of them to note the distance across any pond, swamp, marsh, or other obstacle, (except a navigable river,) *on the line*, which may intersect with it, and to state the point of intersection. Ponds, swamps, &c., that are not crossed by any section line are, therefore, not even mentioned in the field notes, or but rarely; and those which are crossed by only one section line can have but one known dimension, and even its position in relation to any other line or side of the tract remains undetermined. The instructions, however, are not always strictly followed, and the intersections with and distances across obstacles are not uniformly given. Lines have, no doubt, been extended, during winter, over surfaces of swamps, marshes, &c., that are unfit for cultivation, and, perhaps, impassable at any other season of the year, but which, in their frozen state, may have escaped the particular observation of the surveyor. A general remark is sometimes made at the end of a line, stating, in substance, that there is a good deal of swampy land upon it, or several ponds, &c.; and it frequently occurs that the field notes of a line give its intersection with an impassable obstacle, or mention when it enters a swamp, marsh, &c., but omit to state at which point the line is regained on the opposite side, in the first instance, or where it leaves the swamp or marsh in the second,



and so conversely. These omissions also occur where the swamp, &c., is sufficiently extensive to be traversed by two or more section lines, leaving it without any known dimension, or with only one, from which, evidently, no estimate of the area can be made that would merit confidence.

Only a partial statement could be furnished, therefore, even of the number of tracts, or portions of the public lands heretofore surveyed, as are considered unfit for cultivation; and only a loose estimate of the areas of those portions which have two or more known dimensions. Such information, however, as the public surveys afford is scattered through more than two thousand books of field notes; and the examination of those books, making the necessary extracts from them, and the subsequent calculations, would have occupied nearly the whole force of the office during the past season, to the exclusion of its other duties, and without any certainty, after all, of accomplishing the undertaking. It was therefore conceived most advisable to confine the estimate to such districts of country as might be supposed to have a more immediate relation to the objects contemplated by the Senate.

The "bottom lands," particularly those which border on the principal rivers, naturally drew most attention, as containing, in proportion to their extent of surface, the greatest quantity of wet and inundated lands capable of being reclaimed by drainage or other means, and of being made, at a moderate expense, to unite the advantages of uncommon fertility to those already secured by their position of safe and regular water communication with a market. The examinations were accordingly confined to the surveys of townships and fractional townships binding on the Great Wabash, the Ohio, Mississippi, Illinois, and Missouri rivers, or which embrace any bottom lands lying on either of those streams, (exclusive of the islands,) within the States of Missouri and Illinois.

The abstract enclosed herewith exhibits, in part, the result of these examinations together with estimates founded on the data which they furnish.

Lakes and ponds, swamps, marshes, and wet or inundated tracts, which have *no dimensions* reported in the field notes, are not included in the abstract; those having *one or more known* dimension, exceeding *three chains* each, are enumerated, and the township specified in which they are respectively situated, accompanied with a statement of the estimated areas of those which have *two* or more known dimensions.

The whole number of townships amounts to 250, and their aggregate area (roughly estimated from the plats) to 3,913,800 acres; the number of townships which contain ponds, swamps, &c., having *two* or more dimensions, amount to 181, and contain an estimated aggregated area of 2,971,000 acres, nearly.

In the above-mentioned 250 townships there are 1,096 lakes and ponds, or separate tracts of swamps, marshes, &c., which have *one or more known* dimensions; and of these there are 332 which have two or more dimensions given, containing an aggregate area of 330,414 acres, nearly, which, compared with the aggregate area of the whole number of townships embraced in the abstract, is in the proportion of one to eleven thirty-five-hundredths, nearly, but compared with the aggregate area of the townships in which they are situated, is in the proportion of one to nine, nearly.

If no probable estimate could be made of the areas of those tracts which have only one known dimension by assuming its position and the figure of each tract, it is also clear that any attempt to infer their areas from the estimated areas of those having two or more dimensions, by assuming the figures of the whole to be similar, would be equally wide of the truth. I have preferred leaving the statement as it stands, which shows that, in addition to the estimated number of acres unfit for cultivation, there are in the 250 townships specified in the abstract 764 lakes and ponds, and separate tracts of wet and inundated land, each less than one mile wide, on the section line by which it is traversed, and probably less than two miles across, in a direction at right angles with the section line.

It is proper to remark that the several tracts of land included in the abstract are not always *expressly* stated in the field notes to be "unfit for cultivation," but that fact has been taken for granted whenever the description given in other respects made the presumption of it probable, unless the contrary was stated.

The greater part of the bottom lands within this surveying district are more or less liable to inundation from the overflowing of the rivers. What are called "second bottoms" (so frequent on the Ohio, and which are there entirely exempt from inundation) are seldom met with on the Mississippi or its tributaries from the west, or on the streams within the State of Illinois; the third, benches or bottoms, found on the upper Ohio, are, it is believed, peculiar to that river. But the inundation of these river lands, considered as an obstacle to their cultivation, depends on its frequency, the season of the year at which it happens, its depth, and on the exposure of the surface of the ground to the injurious effects of strong currents, which again depends as much on the situation of the tract as on the depth of water which covers it. The casual observations, however, which a surveyor may be enabled to make during a particular season of the year are frequently calculated rather to mislead than to aid his judgment in determining the true character of those lands. Hence the contradictory statements that are sometimes made to this office concerning them; an original survey describing land to be "not fit for cultivation" which is reported to be "first rate" in the resurvey of the tract by a different individual; and hence, also, surveyors have been rendered less careful of noting the circumstance of inundation in ordinary cases, or of expressing an opinion of the fitness or unfitness of such lands for the purpose of cultivation, except where they exhibit striking and unequivocal proofs of extreme inundation, or of almost total exemption from it. It results, therefore, that much of the public lands which are actually unfit for cultivation, in consequence of the overflowing of rivers, are not reported as such to this office, while, no doubt, a good deal has been so described erroneously.

There are two districts of country the surveys of which have not been particularly examined, although both of them contain extensive tracts of swamps and wet or inundated lands. One of these districts is in the northern part of the State of Illinois; the other is near the south boundary of this State. The general surface of the country in both is low and level, and would oppose an insuperable obstacle to the success of partial attempts to reclaim the soil, at the same time that their geographical position is such as cannot, for a long space of time to come, hold out sufficient inducement to more extensive undertakings. The district alluded to in Missouri prevails with little interruption from White river to the Mississippi, extending south to the junction of the two rivers in the Territory of Arkansas. It embraces, notwithstanding its general character, much fine land, and high broken ridges occasionally occur between some of the water-courses which intersect it higher up; but the Castor and St. Francis, Black and White rivers, overflow a great deal of the intermediate country. The surveys in that quarter, however, including several hundred miles of township exteriors, are not yet completed.

I have the honor to be, very respectfully, your obedient servant,

W. McREE.

GEORGE GRAHAM, Esq., Commissioner of the General Land Office, Washington City.

B.  
RECAPITULATION.

State and district.	Number of township in which the ponds, swamps, &c., specified in the abstract, are situate.	Number of ponds and lakes having only one dimension, areas of which are not estimated.	Number of lakes or ponds.	Lakes or ponds having two or more dimensions, areas of which are estimated.	Swamps, marshes and overflowed land, not fit for cultivation.			Aggregate area.
					Estimate in acres of lakes and ponds in each district.	No. of tracts in each dist. having only one dimension, areas of which are not estimated.	Tracts having two or more dimensions, areas of which are estimated.	
STATE OF ILLINOIS.								
In Kaskaskia district, on Mississippi river.....	25	81	13	10,986.45	1	.....	.....	10,986.45
In Edwardsville district, on the Mississippi and Illinois rivers .....	42	85	19	16,750.17	44	28	41,497.69	58,247.86
In Sangamon district, on Mississippi and Illinois rivers .....	55	107	44	31,651.63	27	26	32,868.35	64,519.97
In Shawneetown district, on Ohio and Great Wabash rivers .....	34	194	26	15,043.97	63	17	38,528.77	53,572.74
In Palestine district, on Great Wabash .....	15	34	9	1,277.62	22	7	16,288.33	17,565.95
	171	431	111	75,709.83	157	78	129,183.14	204,892.97
STATE OF MISSOURI.								
In Salt River district, on Mississippi river .....	13	10	10	550.65	15	21	9,099.98	9,650.63
In St. Louis district, on Mississippi and Missouri rivers .....	10	17	6	1,104.97	12	19	9,117.94	10,222.91
In Howard district, north and south of Missouri .....	16	30	8	1,007.62	18	23	7,302.38	8,209.90
In Western district, north and south of Missouri .....	10	8	7	1,077.03	2	1	15.97	1,092.99
In Cape Girardeau district, on Mississippi river.	30	28	21	7,979.97	26	27	88,365.62	96,345.95
	79	93	52	11,730.23	83	91	113,801.79	125,522.02
State of Illinois.....					204,892.97 acres.			
State of Missouri .....					125,522.02 "			
					330,414.99 "			

19TH CONGRESS.]

No. 562.

[2D SESSION.

APPLICATION OF INDIANA FOR CHANGE IN THE SYSTEM FOR THE SALE OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE JANUARY 29, 1827.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the legislature of the State of Indiana respectfully represents; That the system adopted by the Congress of the United States for the sale of the public lands is viewed by the legislature, and by their constituents, with the solicitude which its immediate connexion with the prosperity of our State is so highly calculated to inspire.

One great improvement in that system has been effected within a few years by the prohibition of sales upon credit. Another, equally important, in the opinion of the memorialists, to the State and to the nation, yet remains to be accomplished. That is, a judicious graduation of the prices of the public lands with reference to their value. Where many years have elapsed since a public sale, the first choice of the lands in that district are presumed to be purchased; and, as the *minimum* price under the present system is the same everywhere, without regard to quality, the persons wishing to purchase will, of course, turn their attention almost entirely to the public lands last offered for sale. The consequence is, the population becomes scattered over a wide extent, and many parts of the State where the public lands have been long in market receive, comparatively, no increase of inhabitants from the tide of emigration.

This effect of the present system for the sale of the United States land is extremely injurious to our State. The progress of its population and improvement is impeded, and the only source of its revenue is

not permitted to increase as it otherwise would. It is also injurious to the nation. Large districts of the public lands have long remained unsold and exposed to the destruction of timber, and must long continue to remain so, if the *minimum* price of every description of these lands, from the best to the worst, continues to be the same.

Whilst the memorialists are confident that a very considerable reduction of the *minimum* price of the public lands which, for many years, have remained unsold, will greatly tend to the promotion of the general welfare, they are aware of the importance of not reducing it so low as to give rise to extensive individual monopolies. A safe and reasonable reduction of the *minimum* price, to be graduated by the time the lands have remained in the market unsold, is, in the opinion of the memorialists, called for by the particular situation of the country, and by the general policy of an enlightened and liberal government. Such a reduction of price would immediately direct the attention of purchasers to extensive tracts of public lands long since offered for sale, which are now unnoticed and unknown, and would enable many a poor but honest and industrious man to obtain a comfortable home.

The memorialists, confidently believing that this change in the system for the sale of the United States land would be productive of much benefit to the State and to the nation, respectfully submit the subject to the consideration of Congress.

H. H. MOORE, *Speaker of the House of Representatives.*  
JOHN H. THOMPSON, *President of the Senate.*

Approved December 30, 1826.

J. BROWN RAY.

A true copy of the original.

W. W. WICK, *Secretary of State.*

19TH CONGRESS.]

No. 563.

[2D SESSION.]

# APPLICATION OF ILLINOIS TO BE ALLOWED TO SELL THE LANDS RESERVED FOR SALINES IN THAT STATE.

COMMUNICATED TO THE SENATE JANUARY 30, 1827.

*To the honorable Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the general assembly of the State of Illinois respectfully represents: That there is imposed by the United States a restriction on this State that prevents the State from selling any part of the lands reserved for the use of salines in this State, although some of those reserved lands are entirely useless for the purpose of manufacturing salt. It is found, by experience, that much of said land is not, nor will it be hereafter, used for the original object of the donation. There is discovered in the neighborhood of the Ohio saline inexhaustible quantities of stonecoal, which will serve in place of wood in the making of salt; and, likewise, there has recently been discovered at the Vermilion saline stonecoal in great quantities, so that the woodland reserved for the use of the saline will likewise become useless in the manufactory of salt. Some part of the land reserved for the use of the Ohio saline is at so remote a distance from said saline that it is useless for the purpose of the original donation; and, as this reserved land cannot be improved nor cultivated, the farmers are prevented from settling thereon, so that the necessary provisions for said works are thereby more difficult to be procured; therefore, as some part of the lands reserved for the use of those salines has become useless for the benevolent object of the original donation, your memorialists respectfully request that the consent of the United States may be given this State to enable her to sell some part of said reserved lands which may be at the greatest distance from said salines, and such other portions of the land lying on the Saline creek for the erection of water-works as will not interfere with the manufacture of salt, and as may be necessary to improve the navigation of said creek for the purpose of internal improvements of the country, and for the erection of a penitentiary. The improvement of the navigation of the Saline creek is necessary to advance the real interest of the people in relation to the Ohio saline. Salt, by some improvement on said creek, may be the easier conveyed away from said works to the Ohio river. Some part of the proceeds of the sale of said lands ought, in justice to that part of the country, be applied to improve the navigation of the Great and Little Wabash rivers; and, likewise, some of the money raised from the sale of said lands ought to be applied to the humane and benevolent purpose of erecting a penitentiary.

Therefore your memorialists pray your honorable body to pass a law enabling this State to sell thirty thousand acres of the land reserved for the Ohio saline, and ten thousand acres of the Vermilion saline, reserved for the purpose of improving the navigation of the Saline creek and Great and Little Wabash rivers, and for a penitentiary, and for other internal improvements, the people of the State of Illinois, by their representatives in general assembly convened, hereby giving their full and free assent thereto.

J. McLEAN, *Speaker of the House of Representatives.*  
WILLIAM KINNEY, *Speaker of the Senate.*

VANDALIA, *Illinois:*

I, George Forquer, secretary of state of Illinois, do hereby certify that the foregoing is a true copy of the original memorial enrolled in my office.

[In test.] In testimony whereof, I have hereunto set my hand and affixed the seal of said State, at Vandalia, this 6th day of January, 1827.

GEORGE FORQUER.



19TH CONGRESS.]

No. 564.

[2D SESSION.]

## LAND CLAIM IN LOUISIANA. .

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES JANUARY 30, 1827.

Mr. BECKNER, from the Committee on Private Land Claims, to whom was referred the memorial of J. H. Thomas, of St. Martin, in the State of Louisiana, reported:

The memorialist states that he is the owner of twelve hundred arpents of land, which is described in the report of the United States commissioners No. 1,114, a copy of which he refers to; which report was unfavorable to his claim. Considering that injustice had been done to him, he prays that the claim may be confirmed by Congress. He attempts to derive his claim from Antoine Patin, in whose name it was entered with the commissioner for confirmation, at Opelousas, in said State. Pierre Moreau swears that, from the year 1789 to 1803 or 1804, the land was occupied as a *vachere* by the said Patin, and superintended by deponent, who united his stock with Patin's; that several of Patin's slaves were inhabiting and cultivating it until 1803 or 1804. He says that he recollects to have seen an order of survey for the land signed by Miro, in favor of said Patin, but which he has reason to believe was lost. Another witness also swore that he resided on the land for seven or eight years preceding April, 1813, by Patin's permission; and that about seventeen or eighteen years previous to his occupancy thereof the negroes of the claimant, Patin, occupied it as a *vachere*; and that from the marks of culture when he took possession of it, it must have been previously cultivated. The same facts are proven by other witnesses. Patin, who is proven to be a man of great respectability, swears that about fifty years since the deponent applied to the Spanish government, through the then commandant, for a tract of land at Attakapas, which is described in No. 1,114 of the claims; upon which reports were made to Congress by the commissioners of the land office at Opelousas, which tract is therein designated as entry No. 78, class No. 9. He states that the said commandant drew the petition for him, and recommended it to his government in his capacity of commandant. He says that he obtained an order of survey upon it signed by Miro, then governor of Louisiana, directing a surveyor to put him in possession of it; that he then regularly took possession of the land so conceded to him, and that he used it as a *vachere* for many years previous to the change of government by which the country passed to the United States. He states that the said concession has been lost; that he has no interest whatever in or to said land, having long since sold it; and that the memorialist is now the true owner.

The committee, from the best information which they have been enabled to obtain concerning the usages of the Spanish government, are not of opinion that the occupancy of land as pasture ground, although a part of the tract may have been cultivated, formed the foundation of a valid title to the occupant. Such claims, under the act of Congress, ought not, they think, to be confirmed. Under the act alluded to the claimant should himself have been settled on the land and cultivating it. Were it otherwise, a man might, by settling his negroes and placing parts of his stock on different tracts, have confirmed to him as many different tracts as he had different slaves. If Patin had never obtained any other tract from the Spanish government it might present a different question; but he does not say that such was the fact. The committee are therefore of opinion that the claim ought not to be confirmed.

19TH CONGRESS.]

No. 565.

[2D SESSION.]

## APPLICATION OF OHIO FOR A GRANT OF LAND TO AID IN THE EDUCATION OF THE DEAF AND DUMB OF THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 1, 1827.

EXECUTIVE OFFICE, *Columbus, Ohio, January 20, 1827.*

SIR: In obedience to a resolution of the general assembly I herewith transmit to you the copy of a resolution adopted by the Ohio legislature at the present session.

I have the honor to be, with great respect, your most obedient,

ALLEN TRIMBLE.

*Resolved by the general assembly of the State of Ohio,* That our senators in Congress be instructed, and our representatives be requested, to use their exertions to obtain from Congress a grant of a tract or tracts of land in this State, equal in quantity to one original surveyed township, for the purpose of aiding in the education of the deaf and dumb persons in this State.

*Resolved,* That the governor be requested to transmit to each of our senators and representatives in Congress one copy of the foregoing resolution.

EDWARD KING, *Speaker of the House of Representatives.*  
A. SHEPHERD, *Speaker of the Senate.*

JANUARY 9, 1827.

SECRETARY OF STATE'S OFFICE, *Columbus, Ohio, January 18, 1827.*

I certify the foregoing to be a correct copy of the original roll remaining in this office.

JNO. McLENE, *Secretary of the State of Ohio*

19TH CONGRESS.]

No. 566.

[2D SESSION.]

APPLICATION OF INDIANA TO BE ALLOWED TO SELL THE LANDS RESERVED FOR  
SALINES IN THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 2, 1827.

A JOINT RESOLUTION relating to the lands appropriated for the use of salt springs.

*Resolved by the general assembly of the State of Indiana,* That our senators and representatives in Congress be requested, if possible, to procure the consent of the United States for the State of Indiana to sell and convey in fee simple (in such manner as the legislature may direct) all lands within said State reserved for the use of salt springs, the proceeds to be held as a stock for the encouragement of common school education.

H. H. MOORE, *Speaker of the House of Representatives.*  
JOHN H. THOMPSON, *President of the Senate.*

19TH CONGRESS.]

No. 567.

[2D SESSION.]

APPLICATION OF MISSOURI FOR AUTHORITY TO LOCATE CERTAIN SCHOOL LANDS IN  
SECTIONS OR PARTS OF SECTIONS.

COMMUNICATED TO THE SENATE FEBRUARY 5, 1827.

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

The general assembly of the State of Missouri respectfully represent: That the two townships of land granted to the Territory of Missouri by the act of Congress of February 17, 1818, for the endowment of a seminary of learning, and the township set apart for the same purpose by the act of Congress and the ordinance admitting the State of Missouri into the Union, have not yet been selected; and that this general assembly believes that entire townships of land cannot now be obtained without locating them in a remote part of the State. The general assembly therefore prays that an act may be passed authorizing the governor of this State to provide for the selection of all lands thus granted in sections or parts of sections, as may be deemed most advisable.

ALEX. STUART, *Speaker of the House of Representatives.*  
FELIX SCOTT, *President of the Senate pro tempore.*

Approved January 3, 1827.

JOHN MILLER.

OFFICE OF SECRETARY STATE, STATE OF MISSOURI, *City of Jefferson, January 10, 1827.*

I, Spencer Pettis, secretary of state of the State of Missouri, do hereby certify the foregoing memorial to be a true copy from the original roll in my office.

SPENCER PETTIS.

19TH CONGRESS.]

No. 568.

[2D SESSION.]

APPLICATION OF MISSOURI FOR THE RIGHT OF PRE-EMPTION TO THE LANDS ADJACENT  
TO CERTAIN IRON WORKS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 5, 1827.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

Your memorialists, the general assembly of the State of Missouri, would represent to your bodies: That a certain Samuel Massey and Thomas James have commenced an establishment for the manufacture of iron on the waters of the Merrimac, in section one, township thirty-seven north, in range six west of the fifth principal meridian, within this State; that, to the successful prosecution of this manufacture, an abundance of timber is indispensable, and to obtain the requisite quantity of timber necessary, to own an extensive tract of country adjacent to this section; that, in the vicinity thereof, the timber is confined to the water-courses, and hence arises the necessity of an increased extent of proprietorship over the land; that, under the proclamation of the President of the United States, reservations from sale in the vicinity of the purchase made by the said Samuel Massey and Thomas James were made, whereby they were

precluded from entering the necessary quantity of land; that the said Samuel Massey and Thomas James have begun to improve the tract of land purchased by them, and to erect their furnace and mills for the manufacture of iron; that if the land reserved, and what is adjacent, should now be brought into market, a competition the most unfavorable to the said Massey and James would issue. It would impose upon them the necessity of paying a most extravagant price therefor, or of making a sacrifice of what they have already expended, and thus be a serious disappointment and loss to the citizens of this State.

Wherefore, your memorialists would request that a law be passed giving to the said Samuel Massey and Thomas James the pre-emption right, at the present minimum price, in and to all the land included within the space of two miles on each and every side of the section one, in township thirty-seven north, in range six west of the fifth principal meridian, to be in force for and during the space of two years from its passage: *Provided always*, That no right of pre-emption created and secured by the act of Congress of April 12, 1814, shall be prejudiced thereby; and the privilege granted by the law shall not extend to any quarter sections whereon there shall be an improvement or settlement at the date of the entry heretofore made by the said Samuel Massey and Thomas James.

ALEX. STUART, *Speaker of the House of Representatives.*  
FELIX SCOTT, *President pro tempore of the Senate.*

Passed by a constitutional majority of the House of Representatives December 28, 1826, the governor's objections to the contrary notwithstanding.

ALEX. STUART, *Speaker of the House of Representatives.*

Passed by a constitutional majority of the Senate December 29, 1826, the governor's objections to the contrary notwithstanding.

FELIX SCOTT, *President pro tempore of the Senate.*

SECRETARY'S OFFICE, *City of Jefferson, January 5, 1826.*

I, Spencer Pettis, secretary of state of the State of Missouri, do hereby certify that the above is a correct transcript from the original roll in my office. Given under my hand and the seal of my office the day and year above written.

SPENCER PETTIS.

19TH CONGRESS.]

No. 569.

[2D SESSION.]

# APPLICATION OF ALABAMA TO BE ALLOWED TO SELL THE LANDS GRANTED TO THAT STATE FOR SCHOOLS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 8, 1827.

JOINT RESOLUTIONS instructing our senators and representatives in Congress on the subject of authorizing the sale of the section numbered sixteen, reserved for the use of schools in this State.

SECTION 1. *Resolved by the senate and house of representatives of the State of Alabama in general assembly convened*, That our senators in Congress be instructed, and our representatives requested, to use their endeavors to procure the passage of an act to authorize the legislature to sell and convey in fee simple the section numbered sixteen in each township in this State, granted by the United States to the inhabitants of said township for the use of schools, and to invest the money arising from the sale thereof in some productive fund, the proceeds of which shall be forever applied, under the direction of the general assembly, for the use and support of schools within the several townships for which they were originally reserved and set apart, and for no other use or purpose whatsoever: *Provided*, That, in the apportionment of the proceeds of said fund, each township aforesaid shall be entitled to such part thereof, and no more, as shall have accrued from the sale of the school land belonging to such township: *Provided, further*, The inhabitants of each township first give their consent to the sale of the same.

SEC. 2. *And be it further resolved*, That his excellency the governor be, and he is hereby, authorized and required to transmit copies of the foregoing resolution to our senators and representatives in Congress.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*  
NICH'S DAVIS, *President of the Senate.*

Approved January 13, 1827.

JOHN MURPHY.

SECRETARY OF STATE'S OFFICE, *Tuscaloosa, January 16, 1827.*

I do certify the foregoing resolution to be a correct copy of the original roll on file in this office.  
JAMES I. THORNTON.



19TH CONGRESS.]

No. 570.

[2D SESSION.]

APPLICATION OF ALABAMA FOR A CHANGE IN THE SYSTEM FOR THE SALE OF THE PUBLIC LANDS, AND TO PROVIDE FOR THE FINAL SETTLEMENT OF LAND CLAIMS IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 8, 1827.

REPORT and RESOLUTIONS in relation to the system for the disposal of the public lands, and to the unsettled land claims in this State.

The special committee to whom was referred so much of the governor's message as relates to the system for the disposal of the public lands have had that subject under their consideration, and have instructed me to report the following joint resolutions:

1. *Resolved*, That this general assembly do highly approve of the plan proposed by the Hon. Mr. Benton, of Missouri, for the future disposal of the public domain, as contained in a bill introduced and advocated by him in the Senate of the United States during the last session of Congress, providing for the future sale of the public lands *by entry*, at certain fixed and graduated prices, in exclusion of the present mode *by auction*, and for the ultimate disposal of such as may remain unsold for a certain period by donations to actual settlers, reserving to the actual settler or occupant, in all cases, the right of pre-emption, for a limited time, of a quantity not exceeding one entire section.

2. *Resolved*, That our senators in Congress be instructed, and our representatives requested, to use their utmost endeavors to procure the passage of a law containing the foregoing or similar provisions; and also of a law providing for the final adjustment, upon equitable principles, of the unsettled land claims in this State.

3. *Resolved*, That a copy of the foregoing resolutions be transmitted by the governor to each of our senators and representatives in Congress.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*

NICHOLAS DAVIS, *President of the Senate.*

Approved January 12, 1827.

JOHN MURPHY.

SECRETARY OF STATE'S OFFICE, Tuscaloosa, January 16, 1827.

I do certify the foregoing report and resolutions to be a correct copy of the original on file in this office.

JAMES I. THORNTON.

19TH CONGRESS.]

No. 571.

[2D SESSION.]

APPLICATION OF ALABAMA FOR A DONATION OF LAND TO THE LAFAYETTE ACADEMY IN THAT STATE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 8, 1827.

MEMORIAL to the Congress of the United States on the subject of a donation to the trustees of Lafayette Academy in the village of Lagrange.

The memorial of the legislature of the State of Alabama in general assembly convened respectfully represents: That at the last session of the legislature of this State a female academy was incorporated in the village of Lagrange, in the county of Franklin; that the citizens of said village, at their own expense, erected a handsome building, of small dimensions, for the reception of students of both sexes; that, although it has scarcely been in operation twelve months, it contains at present between eighty and ninety students, and, in a short time, there is not the least doubt, if suitable buildings were erected, the number would be increased to one hundred.

The expense of erecting suitable buildings and obtaining the necessary apparatus for the use of said school is greater than the citizens of said village can in justice to themselves incur. We would remark to your honorable body that the situation of that village is probably better calculated for at least a primary seminary of learning than any other point within the limits of our State, being situated on a beautiful and elevated point of the Cumberland mountain, extending itself into the valley of the Tennessee river, on which nature has exerted her skill to render as well one of the most delightful and romantic situations imaginable, as the seat of health. From the summit of the point, and some miles around, gush a variety of medical springs, possessing different medical qualities, as well as springs of the purest and sweetest water. It is adjoining the most beautiful part of the valley of the Tennessee river, and in the neighborhood of some of the most flourishing towns in said valley. Owing to its having been selected as a retreat from the diseases incident to our climate, the society is not surpassed by that of any community whatever. As education should be peculiarly cherished by governments like ours, and as our government has it fully in her power to endow an indefinite number of primary schools, without the least injury to said government, by making donations of land, or permitting the trustees of different institutions to enter a certain quantity of land at the minimum price, we would therefore respectfully submit to the consideration of your honorable body the propriety of making a donation to the trustees of the said institution of the

southeast quarter of section thirty-four, township four, range ten west, in the Huntsville land district, which lies adjoining said village, for the purpose of erecting thereon the necessary buildings for the use of said school; which quarter section is extremely sterile, and of no value except for the purpose aforesaid. We would also respectfully submit to your honorable body the propriety of making a further donation, or permitting the trustees of said institution to enter, at the minimum price, the following designated lands, which lie adjoining said village: The northeast quarter of the aforesaid section, mostly mountainous; also the east half of the southeast quarter of section twenty-seven, and the east half of the northeast quarter of said section twenty-seven, all lying in the aforesaid township and range. Also any other number of quarter sections of land lying in Franklin county, not exceeding fifteen, which has been sold and relinquished, on which there is no occupant.

*Resolved, therefore, by the senate and house of representatives of the State of Alabama in general assembly convened, That our senators be, and they are hereby, instructed, and our representatives requested, to use their best endeavors to procure the passage of a law embracing the object of the foregoing memorial.*

*And be it further resolved, That the governor be, and he is hereby, required to forward one copy of the foregoing memorial and resolution to each of our senators and representatives in Congress.*

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*

NICHOLAS DAVIS, *President of the Senate.*

Approved January 13, 1827.

JOHN MURPHY.

SECRETARY OF STATE'S OFFICE, Tuscaloosa, January 16, 1827.

I do certify the foregoing to be a correct copy of the original roll on file in this office.

JAMES I. THORNTON.

19TH CONGRESS.]

No. 572.

[2D SESSION.]

FROM THE SURVEYOR GENERAL SOUTH OF TENNESSEE, RELATIVE TO THE DUTIES OF THE PRINCIPAL DEPUTY SURVEYOR OF THE DISTRICT EAST OF THE ISLAND OF NEW ORLEANS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 8, 1827.

SURVEYOR'S OFFICE, Washington, Miss., January 12, 1827.

DEAR SIR: I have been so constantly pressed with the other indispensable duties of this office as not to have been able to reply in a suitable manner to your polite letter of the 12th of September last, as I have been constantly and anxiously desirous of doing. Having observed, however, in the National Intelligencer of the 19th ultimo, received this morning, the resolution submitted by you on the preceding day in the House of Representatives, I beg leave to answer, in part and in haste, the queries proposed in your letter referred to above.

In doing this I shall be under the necessity of referring you to the correspondence generally between this office and the General Land Office; from which it will appear that, in consequence of instructions from the General Land Office, I had been compelled, in the latter part of the year 1824, to remove from office the principal deputy surveyor of the land district east of the island of New Orleans, the part of the country to which your resolution is supposed to refer, and that, from that time up to within a couple of months past, everything appertaining to those districts, such as field notes, maps, records, &c., was withheld from the use of the government by Mr. Silas Dinsmore, the ex-principal deputy. This, of necessity, although it did not altogether stop, very much retarded the surveying business, and gave a perfect check to the preparation of township maps for the use of the government, and has, to my great regret and mortification, continued up to this moment to keep honest deputy surveyors out of their hard-earned compensations.—(See the Commissioner's instructions to this office of September 8, 1823, and of April 1, 1824.) I take leave to enclose to you a list, marked A, of the articles lately delivered to the present deputy surveyor of those districts by Mr. Dinsmore's agent. The very disordered state in which the documents were found may be inferred from the disordered manner of representing them on the list, where they appear to have been inserted just as they were found.

In illustration of the same subject, I enclose transcripts of several letters and extracts from letters which have recently passed between myself and Mr. James P. Turner, the present principal deputy surveyor of the districts east of the island of New Orleans, marked B; and, besides the general reference I have made to the correspondence between this and the General Land Office, I beg leave to refer particularly to the following letters, and to those to which they refer: 1824, October 25 and 27; November 8, 13, 14, and 15; December 1, 17, 24, and 31; 1825, January 5 and 21, and February 1; 1826, June 30.

As to the general difficulties of this office, they may be traced almost altogether to defects in the laws. In the first place, by the second section of the act of May 18, 1796, which applies to this office, the books of maps of the surveys of public lands are required to be kept in the surveyor's office for public inspection. This must be wrong. The surveyor's office should be considered as the workshop where the lands are to be prepared for sale, and where the work ought to be conducted with doors closed to all but the deputy surveyors and the land officers. Mathematical calculations actually require some thought, which, under the existing laws, is constantly interrupted by persons calling for information which ought to be obtained at the registers' offices only. In the surveyors' offices the maps, descriptions, and every other thing appertaining to the public lands, ought and are intended to be prepared in triplicates: one set for the register's office, one for the General Land Office, and the third to be retained on file; and whenever the maps and descriptions of a township have been thus prepared and distributed, the surveyors' offices

should have nothing more to do with them. The registers of land offices, who are the public brokers for the sale of lands, and who ought to be good surveyors, should be the proper persons to furnish plats to claimants, for which they should be allowed to charge fees.

This office is daily harassed for plats of lands which have been surveyed, and perhaps plats furnished twenty years ago; and if we were to complain, or refuse to stop other business, and promptly furnish them, a complaint would be immediately transmitted to the General Land Office, from which I should be gravely called upon to defend myself. Yet, after more than two years passed in this way, I remain uninformed of the views of the government upon the subject, although I have earnestly and repeatedly inquired whether or not every person who calls for a plat, either of his own or of his neighbor's land, is entitled to receive it. In the meanwhile, a large proportion of the time of the office is consumed in this way. On this subject permit me to refer you to my letters to the General Land Office of December 8, 16, and 29, 1824, and of January 5, 1825.

But this is not the worst aspect of which the subject is susceptible. Owing to the want of sufficient assistance in this office, the necessary plats of private claims in the old Natchez settlement, although pretended to be surveyed twenty years ago, never were furnished to the proper officers. Hence calls for plats, and for subdivisions of fractional sections for relinquishment, are incessantly made upon this office, while the register has scarcely any duties to perform.

But what is still worse, and which has been repeatedly demonstrated to the Commissioner—the want of proper assistance rendered it necessary originally to receive and pay for surveying, without examination, afterwards found either not to have been executed at all, or so incorrectly executed as to be of no kind of use to the office.—(See my letter to the Commissioner of June 30, 1826, and the accompanying papers; as, also, of October 29, November 24, and December 4 and 8, last past, and of the 3d and 5th instant.)

I have already shown, partly by references to my correspondence with the General Land Office, that the preparations of the township maps of the districts formerly under the superintendence of Mr. Silas Dinsmore had been entirely stopped by his detention for about two years of the field notes, maps, records, &c., of his late office. This was not, however, the whole difficulty. Lands cannot be prepared for sale until the surveys and the township maps of such lands are completed and returned to the General Land Office. Nor can this last be done until such reasonable time may have been had, after all the private claims shall have been ascertained, adjusted, and, together with all the public lands in the same townships, surveyed, as, with the assistance allowed in the principal deputy surveyor's office,\* may enable him to prepare and return those township maps.

Other difficulties in the way of surveying private claims in the district north of Red river, and which, of course, apply to most of Louisiana, were fully explained and exemplified in a letter from me to the Commissioner of the General Land Office of March 10, 1826, and some of them adverted to in one of May 5, 1825, and again, recently, in a letter from me to the Commissioner of the 3d and 5th instant. They relate to imperfect surveying of private claims, the expenses of which have long since been paid by the government, and to the difficulty of obtaining the copies of title papers to be put into the hands of deputies, to enable them to survey private claims. As respects the obtaining of these papers, I have heretofore represented to the government, as the letters referred to will show, that I have no means of obtaining them but by purchase at my own private expense. In this representation there is nothing fictitious. The obstruction to the surveying business from this cause is so great, and otherwise insurmountable, that nothing but an act of Congress is likely to effectually remove it. I scarcely need say more on this subject, in addition to the reference I have made to letters, than refer you to the acts of Congress of April 12 and 18, 1814, the reading of which always reminds one of the figure of rendering darkness visible.

I shall, in haste, conclude this letter by a kind of synopsis of what I have attempted to show:

1. The want of proper assistance in this office has always been such as, of necessity, to compel the omission of its most important duties. Until I came into it, plans were formed, and, as far as possible, reduced to practice, to compel the deputy surveyors to return their work in such a state as to relieve the clerks of most of the labor strictly belonging to the duties of the office; but which plans had then recently been decided by the Attorney General of the United States to be contrary to law.

2. That decision, together with the minute subdivisions of the public lands in preparing them for sale in conformity with the act of April 24, 1820, has increased the original duties of this office, which, as I have stated above, have been heretofore for the most part omitted, at least tenfold, and now, therefore, are such as to require one clerk for each deputy surveyor employed in *this State*, and in the district north of Red river in Louisiana. The same necessity for additional assistance exists in a considerable degree in the offices of the principal deputy surveyors.

3. When I took charge of this office, in the summer of 1824, the surveying business had been progressing in this State twenty-one years, and in Louisiana eighteen years; and yet there had not then been one single township map containing private confirmed claims in Louisiana returned to the General Land Office in a fit state for the issuing of patents, (see the Commissioner's letter of December 31, 1823, to my immediate predecessor, Mr. Wailies;) and all the township maps of a similar description, that is, containing private claims belonging to this State, had been returned, and were then here, for, I believe, a third time, for correction. And all this, permit me to repeat, had been chiefly owing to the defects in, and to the inapplicability of, the land laws to the purposes for which they purport to have been made; and which laws cannot now be read by any indifferent person acquainted with those facts with anything like a respectful gravity of muscle.

4. As most of the genuine private claims in Louisiana have been long since surveyed, the surveying expenses paid by the government, and the plats, many of them calculated geometrically and unapproved, lying in this office, (see my letter to the Commissioner of March 10, 1826,) without any reference to the townships in which they are situated, the labor remaining to be performed, with the exception of what relates to the few township maps returned by myself, will be, if not greater, at least equal to what it would be if the business were but now commencing in that State. This is also owing to defects in the laws to the original mal-organization of the surveying business, and to the injudicious execution of the instructions from the treasury in the first instance, occasioning the private claims, even, in some cases, previous to their being confirmed, to be surveyed promiscuously all over the State, before the country had been laid off into townships; and afterwards causing the townships to be laid off, and, in some instances,

\* See note at the end of this letter.



subdivided into regular square sections, without any regard to or notice being taken of their connexions with the claim lines.

5. The inutility of the offices of the principal deputy surveyors upon the existing plan is so glaringly palpable as scarcely to require any additional remark upon the subject. They are allowed salaries which are believed to be barely sufficient to pay board and office rent. It is true that they are allowed fees also for examining and recording; but, as these fees are not payable until after the recording is actually done, and as it would require the assistance of several clerks in each of the principal deputies' offices, as will be made apparent in the subjoined note, to perform the other duties of those offices exclusive of the recording, those fees are much worse than being merely nominal. They are calculated to operate with a force proportionable to their magnitude, as a constant temptation to a dereliction or violation of duty. Thus, if they examine an *incorrect* survey and reject it, they, of course, do not record it, and therefore can get no fees; while for examining, *passing*, and recording the *same incorrect* survey, they are entitled to fees. That this constant temptation offered to the principal deputy surveyors by the law itself should by degrees and almost insensibly impair their integrity, would be no more surprising than that the hardest marble will, as is well known, yield to the incessant attrition of mere drops of water. One of them has been known to neglect his other duties, and to employ himself agreeably to law, too, in locating and surveying in person, as has been verbally, though not officially, stated to me, and for high fees, late confirmed private claims; and another, in making plats for individuals while the preparation of the township maps of the same lands have been entirely neglected. Yet the defects in the laws place the government entirely at the mercy of this class of officers, as they can neither resign nor be removed, without giving great embarrassment to this office, and through it to the government; which, in addition to the causes I have mentioned, is greatly increased by the want of an allowance for office rent. A recent occurrence of this kind has given rise to the following question, which I proposed to the Commissioner of the General Land Office in a letter dated the 5th instant:

"If a principal deputy surveyor resign, and I should be unable to persuade any fit person to relieve him, what must be done with the public documents in his possession, and who pays the office rent during the vacancy?"

6. For another difficulty arising from the perfect worthlessness to the incumbent of the office of a principal deputy surveyor, I beg leave to refer you to the last extract in the enclosed paper, marked B, and to remark that, if my observations of nearly half a century upon persons in and out of office have not deceived me, the integrity of most men is the better of being propped; and the best prop for the integrity of an office, where a prop is at all wanted, is to make the office worth the holding; for should it fail to have the desired effect in this way, it will enable the government to fill vacancies with honest men. The situations both of principal and other deputy surveyors in the present stage of the surveying business under my superintendence and under the existing laws are altogether unworthy the acceptance of men properly qualified for them. Under those palpable circumstances, how can the head of this office get on with business.—(See my letter to the honorable Mr. Cook, and those to which it refers, a copy of which was enclosed to the Commissioner with my letter of June 30, 1826.)

7. For a considerable portion of the contracts lately taken for surveying, the contractors were induced to enter into them from the hope of an augmentation of the price of surveying, without which, if they do their duty faithfully, they will be utterly ruined.

I enclose you the copy of a letter dated October 11, 1826, to Gales & Seaton, the receipt of which has not yet been acknowledged. It presents, somewhat briefly, some of the difficulties of this office, which I was desirous of presenting to Congress through the medium of the National Intelligencer, in which, however, I have failed.

I am, very respectfully, your obedient servant,

G. DAVIS, *Surveyor, &c.*

HON. WILLIAM HAILE, *of the House of Representatives, Washington City.*

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*Note referred to.*

One man, the principal deputy himself, who is allowed no clerk, to about 300 townships, within the districts east of the island of New Orleans, including a part of Alabama. Those townships, or such of them as contain either private confirmed claims, or traverses of navigable streams or lakes, will require at least one month each in the preparation. Thus the surveys of the private claims have first to be examined as to their accuracy, and their areas calculated; the rough township map has then to be made, and the private claims carefully adjusted to the lines of the public surveys interspersed among them; the length of all the lines of the fractional sections, much of which to be obtained no doubt by calculation, to be marked on them, their areas calculated, and afterwards subdivided for sale, in conformity with the provisions of the act of April 24, 1820; three neat maps and descriptions are then to be made and sent off—one set to the register; another, I should suppose, to this office; and a third to the General Land Office; and lastly, the whole has to be recorded. For I hold it to be an unquestionable principle, that any recording which may have been done of a township survey, in anticipation of the confirmations, surveys, and returns of the private claims contained in it, has not only been a waste of time and of labor, but the money paid for such premature recording has been a fraud upon the government. On this subject I beg leave to refer you particularly to a letter from me to the Commissioner of the General Land Office, of May, 5, 1825, enclosing a copy of my instructions to Silas Dinsmore's successor in office.

I find I have not time to copy the papers referred to in this letter, marked A and B. They will be sent in a few days to the General Land Office, with a request that they shall, with other papers referred to, be submitted to the perusal of the honorable Mr. Haile.

G. DAVIS.

[19TH CONGRESS.]

No. 573.

[2d SESSION.]

## SALE OF SALINES IN ILLINOIS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 10, 1827.

Mr. Scott, from the Committee on Public Lands, to whom was referred the memorial (see No. 563) of the legislature of the State of Illinois, praying that the State may be allowed to sell and convey certain portions of the land reserved for the use of salt springs, and granted to that State, reported:

That as early as May 18, 1796, when Congress were legislating in reference to the sale of the public lands in the northwestern territory, provisions were made by law for the reservation from sale of all salt springs, together with the section of land on which such spring was situated, and to be retained for the future disposal of the United States. After the State of Ohio was taken from the Northwest Territory and admitted into the Union in 1802, Congress again legislated on the same subject. By the act of Congress of March 26, 1804, three land offices were established in what was then called the Indiana Territory—one at Detroit, one at Vincennes, and one at Kaskaskia. By the sixth section of this law all the salt springs within the Indiana Territory were reserved from sale, and the principle of reservation was extended to as many contiguous sections for the support of each salt spring as should be deemed necessary by the President of the United States, and to be retained for the future disposal of Congress. On February 21, 1812, a law was passed dividing the Kaskaskia land district, and creating out of the same the district of Shawneetown, within the limits of which last district is situated what is called the Wabash or Ohio saline. By this law of 1812 the President was authorized to reserve from sale, for the use and support of this saline, a tract of land of not less than six miles square. It appears to the satisfaction of the committee, by documents from the General Land Office, that, under the authority of the act of 1812, there was set apart and reserved from sale, in the year 1816, ninety-six thousand seven hundred and fifty-six acres and seventy-nine hundredths (96,756.79) of land for the use and support of this particular saline. In the act of Congress of April 18, 1818, by which the people of Illinois were authorized to form a constitution and State government, it is provided that "all salt springs within such State, and the lands reserved for the use of the same, shall be granted to the said State for the use of the said State, and the same to be used under such terms and conditions and regulations as the legislature of said State shall direct: *Provided*, That the legislature shall never sell nor lease the same for a longer period than ten years at any one time." Under this grant the State of Illinois claims all the salt springs in the State, together with all the lands which have been reserved for their use and support before her admission into the Union, and also all the lands which have been reserved for the use and support of salines within the State since her admission into the Union, or which may be hereafter reserved. The amount of land claimed by the State of Illinois at this time is two hundred and six thousand eight hundred and fifty-six acres and thirty-three hundredths, (206,856.33,) of which quantity it appears to the committee that only 181,256.33 acres were reserved and set apart for the use and support of salines before the passage of the act of April 18, 1818, on the admission of that State into the Union. The committee are not prepared to decide whether all the reservations made by the government in the State of Illinois for saline purposes since the admission of the State into the Union, or which shall be made from time to time as salines are discovered and reservations made, pass by the grant, or vest in the State of Illinois, by virtue of the provisions of the act of April 18, 1818. The construction of the act of 1818, and the extent of the grant made by it, whether prospective or not, may be a question for judicial investigation. The committee will only say, on this branch of the subject, that, if Congress intended to extend the provisions of the act of 1818, not only to the reservations then made, but prospectively to all reservations that should thereafter be made for the use and support of salines in Illinois, they have manifested a spirit of liberality in relation to Illinois not manifested in relation to any other State, and have vested in another branch of the government a discretionary power to give to the State of Illinois millions of acres of lands under the pretext that they are necessary for the use and support of salines within the State. The committee have looked for analogous cases in the acts of April 30, 1802, April 19, 1816, and the act of March 6, 1820, authorizing the people of Ohio, Indiana, and Missouri to form constitutions and State governments, and providing for their admission into the Union as States. In all those acts of Congress referred to, the committee find the grants made are specific, either as to the number of salines granted, and the land that shall be granted for the use and support of each, or by limiting the whole quantity of land that should, in any event, be given to the State. The case of Illinois is different from all others, being indefinite both in time and quantity. So far as regards the reservations of land for the use and support of salines in the district of Shawneetown, it appears to the committee they were made in 1816, before the admission of the State of Illinois into the Union, and the committee have no doubt vested in the State by the act of April 18, 1818. The State of Ohio was authorized by the act of Congress of December 28, 1824, to sell the whole of the salines and reserved lands granted to her by the act of April 30, 1802. The State of Illinois asks to be permitted to sell thirty thousand acres, (30,000,) being a part of the 96,756.99 of the lands reserved in 1816 for the use and support of what is called the Ohio or Wabash saline reservation, and to apply the proceeds to the erection of a penitentiary and objects of internal improvement. The committee see no reason why the same privilege which was granted to the State of Ohio should not be accorded to the State of Illinois, so far as the title to the lands prayed to be disposed of is clear of doubt, leaving the question in relation to the Vermilion saline, and lands reserved for the use of the same, for future investigation. The committee therefore report a bill.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the general assembly of the State of Illinois respectfully represents: That there is imposed by the United States a restriction on this State that prevents the State from selling any part of the land reserved for the use of salines in this State, although some of these reserved lands are entirely useless for the purpose of manufacturing salt. It is found by experience that much of said land is not,

nor will it be hereafter, used for the original object of the donation. There is discovered in the neighborhood of the Ohio saline inexhaustible quantities of stonecoal, which will serve in the place of wood in the making of salt; and, likewise, there has recently been discovered at the Vermilion saline stonecoal in great quantities, so that the woodland reserved for the use of that saline will likewise become useless in the manufacture of salt. Some part of the land reserved for the use of the Ohio saline is at so remote a distance from said saline that it is useless for the original donation. And, as the reserved land cannot be improved or cultivated, the farmers are prevented from settling thereon, so that the necessary provisions for said works are thereby more difficult to be procured. Therefore, as some part of the lands reserved for the use of those salines has become useless for the benevolent object of the original donation, your memorialists respectfully request that the consent of the United States may be given this State to enable her to sell some part of said reserved land which may be at the greatest distance from said salines, and such other portions of the lands lying on the Saline creek, for the erection of water-works, as will not interfere with the manufacture of salt, and as may be necessary to improve the navigation of said creek for the purpose of internal improvements of the country, and for the erection of a penitentiary.

The improvement of the navigation of the Saline creek is necessary to advance the real interests of the people in relation to the Ohio saline. Salt, by some improvement on said creek, may be the easier conveyed away from said works to the Ohio river. Some part of the proceeds of the sale of said lands ought, in justice to that part of the country, to be applied to improve the navigation of the Great and Little Wabash rivers; and, likewise, some of the money raised from the sale of the said lands ought to be applied to the humane and benevolent purpose of erecting a penitentiary.

Therefore your memorialists pray your honorable bodies to pass a law enabling this State to sell thirty thousand acres of land reserved for the Ohio saline, and ten thousand acres of the Vermilion saline reserve, for the purpose of improving the navigation of the Saline creek and the Great and Little Wabash rivers, and for a penitentiary, and for other internal improvements, the people of the State of Illinois, by their representatives in general assembly convened, hereby giving their full and free assent thereto.

J. McLEAN, *Speaker of the House of Representatives.*

WILLIAM KINNEY, *Speaker of the Senate.*

VANDALIA, Illinois, *Secretary's Office, January 6, 1827.*

I, George Forquer, secretary of state of the State of Illinois, do hereby certify that the foregoing is a true copy of the original memorial enrolled in my office.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said State of Illinois, at Vandalia, January 6, 1827.

GEORGE FORQUER.

TREASURY DEPARTMENT, *General Land Office, February 1, 1827.*

Sir: The accompanying statement will show, agreeably to the request of your letter of the 31st ultimo, the amount of reservations for salines in the Territory of Illinois to have been 177,224.45 acres in the district of Shawneetown, as reported by Thomas Sloo, esq., the register of the land office, November 1, 1816.

In relation to your inquiry as to the selections for salines on the Vermilion river, in the State of Illinois, I have to advise you that forty sections have been selected for that object.

Paper marked A is a letter from Josiah Meigs, esq., to the President of the United States, suggesting the reservation of certain lands, situate in the Palestine district, strongly indicative of saline properties. On this letter is endorsed the approval by Mr. Monroe of the proposed reservation.

Paper marked B is a copy of the letter from the register of the land office at Palestine, dated November 8, 1822, containing the designation of the selections alluded to in the foregoing, on which is written a copy of the approval by Mr. Adams.

Paper marked C is a copy of a letter to Mr. Coles, governor of Illinois, dated March 30, 1825, transmitting a certificate of the lands reserved for the salines on Vermilion river.

Paper marked D is a copy of the certificate of reservations alluded to in the foregoing.

Herewith are transmitted a general plat of the reservations for salt springs in the district of Shawneetown, and a particular plat of the reservations for the Wabash saline.

I have to observe that the register of the land office at Shawneetown has erroneously sold some of the tracts designated to be reserved in his report of November, 1816, before referred to; but, as it would occasion too much delay to suffer this answer to await the result of an investigation as to the particular sections and parts of sections so erroneously sold, the quantity is not now given.

I will thank you to have the goodness to return the two plats herewith transmitted when your purpose is answered.

I am, with great respect, sir, your obedient servant,

GEORGE GRAHAM.

Hon. DANIEL P. COOK, *House of Representatives.*

A.

TREASURY DEPARTMENT, *General Land Office, August 8, 1822.*

Sir: I have the honor to submit to your consideration the propriety of reserving from sale, for the use of the State of Illinois, certain lands, situate in the district of lands offered for sale at Palestine, in that State, which are strongly indicative of saline properties. At the suggestion of Governor Bond, the Secretary of the Treasury directed an examination to be made of the lands on Vermilion creek, in the district of Palestine, by Thomas Cox, register of the land office at Vandalia, for the purpose of ascertaining the quality and quantity of the salines stated to exist in that section of country. A copy of the instructions to Mr. Cox, and of his report, are herewith transmitted, together with a copy of a letter from



the register of the land office at Palestine, suggesting the propriety of making the reserves prior to the public sales in that section of the district, which will take place in November next. At the period when Mr. Cox made his report, the lands in that part of the district where the salt springs are situated were not surveyed, consequently they could not then be designated sectionally. Should you think proper to authorize a reservation to the extent suggested by Mr. Cox—*i. e.*, "for two miles on each side of Vermilion creek, about ten miles in length, and extending six miles below Blackman's wells"—the register will be instructed to designate the reservation by section, township, and range, as the lands have since been surveyed.

Accept the assurances of my greatest respect,

JOSIAH MEIGS.

The President of the United States.

The reservation proposed is approved.

JAMES MONROE.

## B.

REGISTER'S OFFICE, *Palestine, Illinois, November 8, 1822.*

SIR: Agreeable to instructions from the Commissioner of the General Land Office, bearing date August 12, 1822, by which I was ordered to reserve from sale forty sections of land lying on the Big Vermilion river, including the salines on said river, I was directed to make the reservation four miles in breadth and ten miles in length, making the river, as near as possible, the centre. I discovered that the saline was within a half a mile of the forks of the river. As my instructions did not direct on which branch of the river, to make the reserve, I thought it advisable to go to the salines and examine both branches of the river and ascertain on which of the two branches it would be the most advisable to make the reserve. My instructions were to run six miles below and four miles above Blackman's wells. No doubt that Mr. Cox (when he recommended the reserve to be made in the manner pointed out in his letter) believed, from the best information he could obtain at that time, that to run six miles below and four miles above Blackman's wells would be the most advantageous to the State. Had Mr. Cox have gone over the land, as I have done, I am confident he would have recommended the reserve to have been made six miles up the river and four miles below the wells. The land six miles up the river is heavy timbered generally, and the soil not good, which will prevent it from being sold by government for many years, yet it is more valuable for the use of the salines than the land below. The land below is much more prairie and better soil, and will undoubtedly sell as soon as a sale shall be made for that range of townships, (which is range 11.) I conclude, from a full examination of the land ordered to be reserved, and the lands two miles above the limits recommended by Mr. Cox, that it would be much more to the interest of the State to run but four miles down the river, below Blackman's wells, and six miles above. I consider that it would be a considerable advantage to both the United States and this State to make the reserve six miles above and four miles below the west side of section 16, on which the salines are situated. The lands up the river were offered for sale as directed, but did not any of it sell. As I am confident it will be more for the interest of both parties to make the reserve different from that laid down by Mr. Cox, I have taken the liberty to recommend the propriety of making the following reservation: In township No. 19 north, range No. 12 west, sections Nos. 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 29, 30, and 31; in township No. 19 north, range No. 13 west, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, and 36; section No. 28, in township No. 19 north, range No. 12 west, I have selected, by the request of Governor Bond, for the use of schools, in lieu of section 16, claimed by the State. The distance to the salines, as the road goes at this time, is upwards of one hundred miles. I was six days going and returning and eight days employed in examining the lands—in all fourteen days. Whatever compensation may be allowed me you will please to inform me through what channel I am to receive it. Should it belong to your department, you will please to take such measures as will procure me an order on the receiver at this place. I am confident that this State will be pleased with the change recommended; but should it be necessary to have the reserve made as laid down by Mr. Cox, you will please to direct accordingly. I have the land selected as I was directed.

I am, &c.,

JOSIAH MEIGS, *Commissioner of the General Land Office.*

JOSEPH KITCHELL, *Register.*

Approved March 20, 1825.

J. Q. ADAMS.

## C.

GENERAL LAND OFFICE, *March 30, 1825.*

SIR: Your letter of May 26, 1824, addressed to the Secretary of the Treasury, having been referred to this office, I now, in compliance with the request therein contained, forward you an official statement of the land selected and designated by the President for the use of the saline of the Vermilion river, and of the section substituted by the Secretary of the Treasury in lieu of section 28, 19 N. 12 W.

With great respect, &c.

GEORGE GRAHAM.

EDWARD COLES, Esq., *Governor of Illinois, Vandalia.*

D.

## ILLINOIS SALINES.

TREASURY DEPARTMENT, *General Land Office, March 26, 1825.*

It is hereby certified that, under the provisions of the second proposition of the sixth section of the act of the Congress of the United States approved on the 18th day of April, A. D. 1818, entitled "An act to enable the people of Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," whereby it is provided "that all salt springs within such State, and the lands reserved for the use of the same, shall be granted to the said State, and the same to be used, under such terms, conditions, and regulations as the legislature of the said State shall direct: *Provided*, The legislature shall never sell nor lease the same for a longer period than ten years at any one time," there have been selected the following described sections of land for the use of the saline of the Big Vermilion river, in the district of lands offered for sale at Palestine, viz: In township number nineteen north, of range number twelve west, sections numbered one, two, three, four, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven, twenty-nine, thirty, and thirty-one. In township number nineteen north, of range number thirteen west, the following sections have been selected, viz: sections numbered thirteen, fourteen, fifteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, thirty-four, thirty-five, and thirty-six; and it is hereby certified that the said sections of land are reserved for the purposes mentioned, by the authority of the President of the United States.

It is further certified that, in lieu of section number sixteen, in township number nineteen north, of range number twelve west, there has been selected and substituted section number twenty-eight, situate in the same township and range, to be appropriated to the use of schools, agreeably to the direction of the Secretary of the Treasury of the United States.

In witness whereof, I, George Graham, Commissioner of the General Land Office, have hereto subscribed my name, and caused to be affixed the seal of said office, at the city of Washington, the day and year above written.

GEORGE GRAHAM,  
*Commissioner of the General Land Office.*

TREASURY DEPARTMENT, *General Land Office, February 8, 1826.*

SIR: Your letter calling for information respecting the saline reservations in the State of Illinois, inquires:

1st. "When was the reservation made for the Ohio or Wabash salines?"

To which I answer that the report of the commissioners on file in this office is dated July 2, 1814, which was made agreeably to instructions from Edward Tiffin, esq., then Commissioner of the General Land Office, dated April 22, 1814, a copy of which is herewith transmitted. This report relates to what is styled the Great Ohio and Wabash reservation. The remainder of the selections were made by Thomas Sloo, esq., register of the land office of Shawneetown district, agreeably to instructions through the General Land Office, dated June 19, 1815, consisting of seven distinct tracts of salines, lying within said district, contiguous to the waters of the Ohio and Wabash rivers.

2d. "By whom was the selection of the lands made?"

By Leonard White, Willis Hargrove, and P. Trammell, commissioners, and by Thomas Sloo, register of the land office at Shawneetown.

3d. "By whom and in what manner was the reservation approved?"

There does not appear to be any record or evidence on file in this office of approval of the selections made in the district of Shawneetown, by the President of the United States, for saline purposes.

4th. "What is the precise quantity reserved for the Ohio and Wabash salines?"

The quantity of land reserved for what is styled the Great Ohio and Wabash reservation is 96,756.79 acres.

The seven other tracts or salines in Shawneetown district contain 84,499.54 acres.

I have the honor to be, respectfully, your obedient servant,

GEORGE GRAHAM.

HON. JOHN SCOTT, *House of Representatives.*

TREASURY DEPARTMENT, *General Land Office, April 22, 1814.*

GENTLEMEN: I am instructed to request you, or any two of you, to examine the lands on which, and about where, the United States saline is situated in the Illinois Territory, and make a report to this office, that the President of the United States may be properly informed of the quantity and situation of such lands as may be necessary to reserve from the unexpected sales, for the purpose of supporting the works forever. In making this examination and report, you will be pleased to be very particular; noting the timber on such section; the evenness or otherwise of the ground; the necessity or practicability of conveying the water on the grounds in pipes; to coal, and where situated, or wood; relative to the navigation down the saline creek, if practicable, and the depth of water; and, in short, everything calculated to give a comprehensive and particular view of the whole and every part of the premises.

It is desirable that this report should be received as soon as convenient, as the land office is about to be opened there.

With great respect, &c.,

EDWARD TIFFIN.

LEONARD WHITE, WYLLIS HARGROVE, and PHILIP TRAMMELL, Esqs.

19TH CONGRESS.]

No. 574.

[2D SESSION.]

## CONFLICTING CLAIMS BETWEEN ROBERTS' AND LUDLOW'S LINES IN OHIO.

COMMUNICATED TO THE SENATE FEBRUARY 12, 1827.

*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

The memorial of the undersigned respectfully represents: That they reside in the State of Ohio, in the counties of Champaign and Logan, between Ludlow's and Roberts' lines; that they claim title by purchase from the United States for the lands on which they reside; on them they have made lasting and valuable improvements; there they have formed their connexions and societies; there they have in peace worshipped their God; and beneath that sod rest the bones of their relatives. They confidently believed that the title of the government was a security to their possessions; but since the establishment of the sources of the Little Miami and Scioto rivers, in 1812, by the commissioners, as well on the part of the United States as of Virginia, and the running and marking Roberts' line, under the direction of the former commissioners, and from the best information they have been able to obtain, the most serious apprehensions are entertained that the lands they occupy will be found to lie within the Virginia military district, and subject to be holden by virtue of entries made in 1810 by owners of Virginia military land warrants, and that they will be deprived of their homes and possessions, their societies and relations will be broken up, and they must leave the bones of their families and relatives in the possession of strangers. Your memorialists are informed that the decision of the case of *Doddridge's Lessee vs. Thompson and Wright*, in the Supreme Court, settles all the principles which can or may arise (except, perhaps, the western boundary line of the Virginia military reservation) in the decision of these conflicting claims. And as the highest judicial tribunal of the country has passed on the question, it is supposed that the justice of the memorial will be duly appreciated by the Legislature of the Union, in whose power alone remains our relief from expensive and harassing litigation and final loss of our possessions. Your memorialists are aware that at two several periods measures were adopted by the House of Representatives, but not acted upon in the Senate for want of time, which would have quieted our apprehensions, and at the same time compensated those who claim title by military warrants; the prosecution of which claims has only been delayed by the interference and advice of the mutual friends of those claiming title under the United States and Virginia. How much longer your memorialists may be exempted from litigation and expense depends alone on the course adopted by your honorable bodies; for your memorialists are informed that those who hold claims for these lands, relying on the decision of the Supreme Court before referred to, will proceed to establish them by judicial proceedings; and those of your memorialists who hold small farms had better abandon them than incur such an expensive contest, which, as they believe, must eventuate in the loss of their lands and their homes.

With these views and under these feelings your memorialists humbly pray your honorable bodies, at your present session, to make such provision by law, as to you may seem meet and proper, for the speedy determination and settlement of these conflicting claims, both emanating from the general government; and that they may be protected and quieted in the possession of their lands, their altars, and firesides. And, as in duty bound, will ever pray, &c.

Samuel Newell.  
Jacob R. Hall.  
Robert Patterson.  
William Donnel.  
Jacob Staley.  
Benjamin McClure.  
Samuel Carter.  
Martin Shields.  
William McBeth.  
John Moore.  
H. M. White.  
William A. Davis.  
Thomas Haines.  
Abraham Bedillon.  
J. W. Fyffe.  
Moses McIlvain, sr.  
Isaac Fellsworth.  
James Kelly.  
Oren Hubbard.  
Samuel Black.  
Patrick Kallahan.  
Abner Snoddy.  
John S. McNeal.

George Newell.  
Abner Enoch.  
John McNary.  
James Steel.  
Robert Newell, sr.  
Robert Newell, jr.  
Robert Newell.  
Samuel Newell, jr.  
Henry Robertson.  
Alexander Burnside.  
Samuel Burnside.  
Thomas Hall.  
Benjamin Hall.  
John McShane.  
Henry Leevet.  
Samuel Covington.  
Rachel Blaylach.  
William Kenton.  
John Smith.  
George Lenbruier.  
David Shelby.  
Thomas Terry.

George Shellman.  
William Terry.  
Samuel Terry.  
Walter Clement.  
Robert Baird.  
Garland Crockett.  
John B. Robertson.  
Henry Robertson.  
Jonathan Williams.  
Samuel S. Newell.  
Joseph T. Kelly.  
Thomas Baird.  
Andrew Burnside.  
Abner H. Jarard.  
Robert Crockett.  
John Wall.  
Robert W. Newell.  
Robert Newell.  
Joseph Newell.  
Shellim Crockett.  
Stephen Newell.  
John Newell.



19TH CONGRESS.]

No. 575.

[2D SESSION.]

## LAND CLAIM IN WEST FLORIDA.

COMMUNICATED TO THE SENATE FEBRUARY 13, 1827.

Mr. REED, from the Committee on Public Lands, to whom was referred the petition of James Moore, of Mississippi, reported:

That it appears to the satisfaction of the committee, by the petition and affidavit of the said James Moore, and by the corroborating testimony of one of the committee, (who has some knowledge upon the subject,) that the petitioner and the other heirs of Alexander Moore, deceased, have claims to land in West Florida, by virtue of British grants issued from the government of West Florida while it was a British province; that the said Alexander Moore, in his lifetime, became a Spanish subject, after the conquest of Florida by the Spanish arms, and continued so until the time of his death; and that the said lands, or some of them so claimed, were settled and cultivated during the continuance of the British government in West Florida. It further appears that the original patents and other evidences of title to the lands so claimed came into the possession of the said James Moore after the death of his father, as one of his heirs-at-law; and that the said patents and other evidences of title were, in due time, transmitted by the said James Moore, to be laid before the board of commissioners for the adjustment of land titles in West Florida, but were lost at sea; which accident prevented their being presented to and acted upon by the said board in due season, during the existence of said commission. It further appears that the British and Spanish archives relating to lands in Florida have been transmitted to the commissions there, and are not now in any of the departments at the seat of government in this city. The committee are of opinion, under these circumstances, that the said petitioner, and the other heirs of Alexander Moore, deceased, have a well founded claim upon Congress to have their titles investigated and decided upon, and have, therefore, instructed me to report a bill accordingly, which is herewith presented

19TH CONGRESS.]

No. 576.

[2D SESSION.]

ON CLAIM OF A RECEIVER OF PUBLIC MONEYS FOR COMPENSATION FOR BRINGING UP  
ARREARS OF WORK.

COMMUNICATED TO THE SENATE FEBRUARY 13, 1827.

Mr. REED, from the Committee on Public Lands, to whom was referred the petition of Joseph Dunbar, receiver of public moneys in the district west of Pearl river, State of Mississippi, reported:

That it appears to the satisfaction of the committee that when the said Joseph Dunbar entered upon the duties of his office as such receiver of public moneys the books of his office were very much in arrear, and that he was instructed to cause them to be brought up with as little delay as possible, that he accordingly employed clerks to do a part of the work which was so in arrear, and the balance was done by himself and in his own handwriting. He has been allowed at the Treasury Department, in the settlement of his accounts, \$1,500 paid for clerk hire in bringing up the arrearages of business in his office, which sum was actually paid to clerks employed by him; but for his own clerical labors he has received nothing, and one of the objects of the petition is to obtain compensation for those services. The committee are of opinion that the justice of this claim is beyond doubt, and the only difficulty has been with the committee to ascertain what the amount of compensation should be. The chairman, therefore, addressed himself to the Commissioner of the General Land Office, who, in reply, communicated to the committee a report made to his predecessor by A. Anderson, who had been directed to examine and report on the condition of the said office. The following is an extract from Mr. Anderson's report: "The books are now complete, and the work has been neatly and correctly executed. The same work could not have been done, had clerks been employed to perform the whole of it, for a less sum than \$2,000. The receiver has been allowed a credit of \$1,500 paid to the clerks for the above labor; he also claims \$500, in addition to that sum, as a compensation for the work which he executed and the necessary and general superintendence of the whole business. I examined the books page by page, and found that a considerable portion of the work was in the handwriting of Mr. Dunbar. In answer, therefore, to that part of the communication in relation to clerk hire, I feel it my duty to say that the sum allowed appears to me, from my acquaintance with bookkeeping of that description, to be less than reasonable, and less than I have known the same extent and style of work executed for." The committee think, therefore, that \$500 is a fair and reasonable compensation for the extra services of the said receiver in bringing up the arrearages of business in his office, and have instructed me to report a bill accordingly.

19TH CONGRESS.]

No. 577.

[2D SESSION.]

## LAND CLAIM IN MISSISSIPPI.

COMMUNICATED TO THE SENATE FEBRUARY 15, 1827.

Mr. REED, from the Committee on Public Lands, to whom was referred the petition of the representatives of William Scott, deceased, with the accompanying documents, reported:

That, April 26, 1787, William Scott, the ancestor of the petitioners, preferred his petition to the governor of Louisiana for the grant of a tract of land on the river Homochitto, in the district of Natchez, and that on the 21st of May in the same year an order of survey was obtained from Don Estevan Miro, governor of the province of Louisiana, according to the prayer of the petitioner. It also appears by the certificate of William Voudan, a deputy surveyor under the Spanish government, dated November 23, 1787, that a survey was actually made in favor of the said William Scott for two hundred acres of land situated in the district of Natchez, and about seventeen miles from the fort on the Homochitto river. It also appears to the satisfaction of the committee that the heirs of the said William Scott duly registered their claim before the board of commissioners west of Pearl river March 29, 1804, but that proof of settlement and cultivation not being made the said claim was not confirmed by the board of commissioners, and the said tract of two hundred acres was subsequently sold as public lands belonging to the United States.

It is proved by the depositions of John Bolls and Catharine Bolling that the said tract of land was settled and improved by the said William Scott previous to and during the years 1792 and 1793. It is also proved by the deposition of John Bolls that "the said tract of land was in cultivation October 25, 1795, and for a number of years before and after, and that the children of said William Scott were at that time inhabitants of the province and ever since." From those facts it results that the title of the petitioners was protected by the act of Congress of March 3, 1803, and that the United States have sold a tract of land to which they had no title, and in derogation to the rights of the petitioners. The committee have, therefore, instructed me to report a bill for their relief, which is herewith presented.

19TH CONGRESS.]

No. 578.

[2D SESSION.]

## CONDITION OF DUNCAN McARTHUR'S CLAIM WITH REGARD TO THE DISPUTED LAND BETWEEN ROBERTS' AND LUDLOW'S LINES IN OHIO.

COMMUNICATED TO THE SENATE FEBRUARY 16, 1827.

The undersigned, agent of the United States for defending the suits in ejectment, Duncan McArthur vs. John Reynolds, and the said McArthur vs. Henry Vanmetre, now pending before the court of common pleas of Champaign county, Ohio, for the recovery of land in the valley of the Great Miami river, westward of Ludlow's line, south of the Greenville treaty line, sold by authority of the laws of the United States, hereby certifies that the said land lies westward of a direct line from the termination or head of the valley of the Scioto river to the termination or head of the valley of the Little Miami river, and that no part of the land which is proposed to be made the warrant of a donation to the said McArthur of \$65,000, lies between the rivers Scioto and Little Miami, or within the territory reserved by the Commonwealth of Virginia for the satisfaction of the land bounties of the officers and soldiers of that Commonwealth who served in the continental line of the revolutionary army; and further, that, by the running of Ludlow's and Roberts' lines into and across the Great Miami country, and the permission given to the holders of warrants granted for these bounties to locate up to these lines, about 160,000 acres of land, without the limits of the reserved territory, have been lost to the United States.

Given at Chillicothe, February 15, 1827.

CADWALLADER WALLACE.

The COMMITTEE ON PRIVATE LAND CLAIMS of the Senate of the United States.

19TH CONGRESS.]

No. 579.

[2D SESSION.]

## PURCHASE OF LANDS FROM THE INDIANS; SURVEYS, QUANTITY, SALES, EXPENSES OF THE PUBLIC LANDS; THE AMOUNT PAID, BALANCES DUE AND AMOUNT FORFEITED BY THE PURCHASERS OF PUBLIC LANDS SINCE THE DECLARATION OF INDEPENDENCE.

COMMUNICATED TO THE SENATE FEBRUARY 16, 1827.

To the Senate of the United States:

I transmit to the Senate a report from the Secretary of the Treasury, with statements prepared at the Register's and General Land Office, in compliance with a resolution of the Senate of the 16th of May last in relation to the purchases and sales of the public lands since the Declaration of Independence.

JOHN QUINCY ADAMS.

WASHINGTON, February 16, 1827.

TREASURY DEPARTMENT, *February 15, 1827.*

The Secretary of the Treasury, to whom was referred a resolution of the Senate of May 16, 1826, "requesting the President of the United States to cause to be prepared and laid before the Senate, at the commencement of the next session of Congress, a statement showing the sums annually paid since the Declaration of Independence for purchasing from the Indians, surveying and selling the public lands, showing, as near as may be, the quantities of land which have been purchased; the number of acres which have been surveyed; the number sold and the number which remain unsold; the amount of sales and of forfeitures; the sums paid by purchasers, and the sums due from purchasers in each land district; keeping in separate columns or tables, as far as practicable, the statements for every State and Territory in which there are public lands," has the honor to submit to the President a communication from the Register of the Treasury, and one from the Commissioner of the General Land Office, both dated the 14th instant, which, with the statements to which they respectively refer, contain the information required by the said resolution.

The President of the United States.

RICHARD RUSH.

TREASURY DEPARTMENT, *Register's Office, February 14, 1827.*

In compliance, in part, with a resolution of the Senate of the United States of May 16, 1826, I have the honor to transmit herewith statements numbered from 1 to 7, inclusive, viz:

No. 1. Exhibiting the expenditures of holding Indian treaties from 1776 to December 31, 1825.

No. 2. Exhibiting the expenses of surveys of public lands to December 31, 1825.

No. 3. Exhibiting the expenses of selling the public lands to December 31, 1825.

No. 4. Exhibiting special sales of public lands made prior to the opening of the land offices.

No. 5. Exhibiting the quantity of land sold in each State, and amount of purchase money, to December 31, 1825.

No. 6. Exhibiting the amount paid by purchasers, balances due by individuals, and total amount of purchase money from the opening of the land offices to December 31, 1825.

No. 7. Exhibiting the amount of money forfeited to December 31, 1824.

I have the honor to be, with great respect, sir, your obedient servant,

JOSEPH NOURSE, *Register*Hon. RICHARD RUSH, *Secretary of the Treasury.*

## No. 1.

*Statement of expenditures on account of holding Indian treaties, &c., from July 4, 1776, to December 31, 1825, stated in pursuance of a resolution of the Senate of the United States of May 16, 1826.*

Year.	Amount.	Year.	Amount.
From July 4 to December 31, 1776 .....	\$42,928 64	For the year 1801.....	\$9,000 00
For the year 1777.....	57,622 29	1802.....	20,000 00
1778.....	10,322 11	1803.....	53,000 00
1779.....	3,326 45	1804.....	41,000 00
1780.....	2,337 79	1805.....	60,825 00
1781.....	2,195 60	1806.....	70,735 00
1782.....	905 00	1807.....	169,150 00
1783.....	1,718 00	1808.....	58,225 00
1784.....	4,534 48	1809.....	57,725 00
1785.....	8,738 88	1810.....	55,975 00
1786.....	27,092 85	1811.....	55,475 00
1787.....	750 00	1812.....	
1788.....	4,747 10	1813.....	
1789.....		1814.....	
1790.....	29,650 10	1815.....	111,750 00
1791.....		1816.....	82,075 00
1792.....	13,648 85	1817.....	91,276 06
1793.....	27,222 83	1818.....	230,409 54
1794.....	13,042 46	1819.....	185,522 77
1795.....	21,475 68	1820.....	197,378 01
1796.....	55,563 98	1821.....	118,050 00
1797.....	32,396 38	1822.....	379,611 99
1798.....	16,470 09	1823.....	201,017 71
1799.....	20,302 19	1824.....	227,341 50
1800.....	31 22	1825.....	519,979 12
			3,392,494 67
		Estimated amount for the year 1826.....	475,884 85
			3,868,379 52

The expenditures commencing in 1776, and extending in the above statement to 1780, inclusively, were in the paper medium then current. The sums extended for those years, after depreciation commenced, are reduced to specie by the table of depreciation fixed by Congress.

JOSEPH NOURSE, *Register.*TREASURY DEPARTMENT, *Register's Office, February 13, 1827.*



## No. 2.—Statement of expenses of surveying public lands, and salaries of surveyors and clerks.

Surveyor's name.	Year.	Salaries of surveyors and their clerks.	Expenses of surveying.	Surveyor's name.	Year.	Salaries of surveyors and their clerks.	Expenses of surveying.
Rufus Putnam, surveyor northwest of Ohio river, including Michigan Territory.	1797	\$5,964 96	.....	Isaac Briggs, surveyor south of Tennessee—Continued.	1806	.....	\$3,000 00
	1798	6,034 40	.....		1807	.....	3,000 00
	1799	12,486 95	.....				
	1800	11,415 40	.....				53,792 34
	1801	16,661 52	.....				
	1802	2,000 00	\$15,986 36	Seth Pease, surveyor south of Tennessee	1807	\$1,733 34	12,874 77
	1803	2,000 00	2,339 24		1808	2,961 50	22,791 0
	1804	245 82	1,574 16		1809	2,496 07	15,489 42
					1810	2,250 00	20,184 31
					1813	921 19	1,175 09
					1820	.....	533 40
		56,808 35	96,899 76			10,362 10	73,048 58
Jared Mansfield, surveyor northwest of Ohio river, including Michigan Territory.	1803	800 00	1,252 50				
	1804	2,691 48	15,536 19				
	1805	2,905 82	25,463 53	Thomas Freeman, surveyor south of Tennessee.	1810	.....	3,450 00
	1806	2,950 00	37,034 28		1811	2,940 21	51,703 00
	1807	2,950 00	36,867 35		1812	3,409 71	8,000 00
	1808	2,677 84	13,627 60		1813	4,337 50	15,000 00
	1809	2,289 98	3,900 09		1814	1,767 94	11,642 14
	1810	2,976 72	17,645 17		1815	.....	20,000 00
	1811	3,009 59	11,487 83				10,000 00
	1812	3,414 42	6,905 51		1816	.....	25,000 00
	1813	194 02	41 68		1817	11,112 50	25,000 00
					1818	3,337 80	40,000 00
		26,859 87	169,981 93		1819	3,671 66	29,000 00
Josiah Meigs, surveyor northwest of Ohio river, including Michigan Territory.	1813	1,883 51	2,130 82		1820	1,750 00	22,500 00
	1814	3,050 00	11,417 79		1821	6,112 22	43,000 00
	1815	54 34	.....		1822	211 96	.....
						38,651 60	314,295 14
		4,887 65	13,548 61				2,305 35
Edward Tiffin, surveyor northwest of Ohio river, including Michigan Territory.	1815	3,183 16	13,140 91				
	1816	3,975 00	22,636 75				311,989 79
	1817	4,000 00	12,636 40				
	1818	5,225 00	5,321 32	Levin Wales, surveyor south of Tennessee.	1822	925 00	18,000 00
	1819	3,075 00	48,271 83		1823	2,775 00	5,000 00
	1820	4,100 00	40,000 00		1824	925 00	4,000 00
	1821	4,100 00	35,000 00		1825	2,230 55	18,556 63
	1822	4,100 00	20,000 00				6,855 55
	1823	4,100 00	15,000 00				45,556 63
	1824	4,100 00	10,000 00				
	1825	4,100 00	14,197 50	George Davis, surveyor south of Tennessee.	1824	1,649 78	53,286 00
					1825	2,949 75	2,442 00
		44,038 16	236,094 71			4,599 53	55,708 00
Aaron Greely, surveyor of Michigan Territory.	1812	.....	5,565 93				30,000 00
William Rector, surveyor of Illinois, Missouri, and Arkansas.	1814	375 00	.....	John Coffee, surveyor of Alabama.....	1817	.....	40,000 00
	1815	.....	625 00		1818	.....	37,000 00
	1816	.....	53,969 54		1819	875 00	40,500 00
	1817	.....	99,717 43		1820	5,250 00	39,000 00
	1818	.....	64,241 96		1821	2,635 00	28,000 00
	1819	3,000 00	109,650 00		1822	1,807 51	.....
	1820	4,000 00	40,520 53		1823	4,375 00	3,000 00
	1821	4,000 00	50,000 00		1824	2,625 00	8,864 00
	1822	3,999 99	62,818 00		1825	3,500 00	.....
	1823	3,966 66	84,136 00				21,057 51
	1824	2,972 52	.....				226,364 00
		25,314 17	565,678 46	Robert Butler, surveyor of Florida.....	1824	.....	7,000 00
William Clark, surveyor of Illinois, Missouri, and Arkansas.	1824	.....	30,000 00		1825	710 50	.....
	1825	2,869 26	30,000 00			3,803 42	40,789 23
						4,513 92	47,787 23
		2,869 26	60,000 00				
William McRee, surveyor of Illinois, Missouri, and Arkansas.	1825	1,527 48	20,500 00	Stias Brent, surveyor of Louisiana.....	1807	512 30	.....
Isaac Briggs, surveyor south of Tennessee.	1803	.....	2,600 00		1808	500 00	.....
	1804	.....	105 00		1809	375 00	.....
	1804	.....	1,895 00		1810	500 00	.....
	1805	.....	15,808 59		1811	500 00	.....
	1806	.....	28,163 75		1812	375 00	.....
					1813	625 00	.....
						3,387 30	.....

\* A repayment by Thomas Freeman, in 1825, of \$2,305 35 to be deducted.

## RECAPITULATION.

Surveyor's name.	Year.	Salaries of surveyors and their clerks.	Expenses of surveying.	Surveyor's name.	Year.	Salaries of surveyors and their clerks.	Expenses of surveying.
<b>FIRST DISTRICT.</b>				<b>SECOND DISTRICT—Continued</b>			
<i>Surveyors northwest of Ohio river, including Michigan Territory.</i>				<i>Surveyors south of Tennessee.</i>			
Rufus Putnam .....	From 1807 to 1804.	\$56,808 35	\$26,899 76	Isaac Briggs .....	From 1787 to 1807.	.....	\$53,792 34
Jared Mansfield .....	From 1803 to 1813.	26,639 87	169,981 93	Beth Pease .....	From 1807 to 1820.	\$10,362 10	73,048 58
Josiah Meigs .....	From 1813 to 1815.	4,987 65	13,548 61	Thomas Freeman .....	From 1810 to 1822.	38,651 00	311,989 79
Edward Tiffin .....	From 1815 to 1825.	44,058 16	236,094 71	Levin Wallis .....	From 1822 to 1825.	6,855 55	45,556 53
Aaron Greely .....	1812 .....	.....	5,565 93	George Davis .....	1824 and 1825 ....	4,599 53	55,708 00
						60,468 78	540,095 34
		132,714 03	452,090 94	<i>Surveyor of Alabama.</i>			
				John Coffee .....	From 1817 to 1825.	21,057 51	226,364 00
<b>SECOND DISTRICT.</b>				<i>Principal deputy surveyor of Louisiana.</i>			
<i>Surveyors of Illinois, Missouri, and Arkansas.</i>				Silas Brent .....	From 1807 to 1813.	3,387 30	.....
William Rector .....	From 1814 to 1834	25,314 17	565,678 46	<i>Surveyor of Florida.</i>			
William Clark, acting .....	From 1824 to 1825.	2,669 26	60,000 00	Robert Butler .....	1824 and 1825 ....	4,513 92	47,787 23
William McRee .....	1825 .....	1,527 48	20,500 00	<i>Total expenses of surveys of public lands to December 31, 1825 .....</i>			
		29,710 91	646,178 46			231,832 45	1,912,515 97

TREASURY DEPARTMENT, Register's Office, February 14, 1827

JOSEPH NOURSE, Register.

## No. 3.

*Expenses of selling the public lands, consisting of the emoluments of the registers and receivers, and the incidental expenses paid by the receivers.*

Land offices.	1800 to 1814.	1815.	1816.	1817.	1818.	1819.	1820.	1821.	1822.	1823.	1824.	1825.	Total.
<b>OHIO.</b>													
Marion.	\$6,724.91	\$588.98	\$1,704.65	\$1,220.38	\$1,023.97	\$1,319.61	\$1,195.80	\$1,279.30	\$984.64		\$1,279.30	\$1,620.68	\$21,406.90
Zanesville.	25,491.31	6,767.91	4,329.54	5,929.56	4,329.54	9,516.73	1,174.35	9,530.47	9,530.47	1,543.60	1,875.01	2,119.70	63,487.03
Steubenville.	63,166.03	5,446.80	5,821.76	4,673.30	3,608.51	9,514.93	2,545.03	2,748.73	1,878.87	1,878.87	2,182.31	2,875.07	96,323.24
Chillicothe.	48,981.02	3,510.13	3,765.97	3,482.65	3,544.87	2,616.43	1,949.37	1,985.23	1,464.05	1,464.05	1,744.83	1,645.04	76,961.18
Cincinnati.	87,574.12	10,555.79	9,013.63	12,570.91	8,459.48	4,744.49	3,837.65	3,654.97	3,654.97	3,654.97	2,081.20	8,579.94	152,875.12
Wesport.	17,919.19	7,949.88	6,530.72	7,570.23	5,211.31	3,418.75	2,928.16	2,574.05	1,739.72	1,739.72	1,978.66	1,831.17	60,707.70
Tiffin.						702.05	1,255.08	1,461.53	1,461.53	1,461.53	1,478.78	1,311.17	7,403.26
Delaware.						1,965.17	4,186.76	4,186.76	4,186.76	4,186.76	1,562.53	1,562.53	14,844.65
	248,536.78	34,618.76	32,053.63	35,210.23	28,760.88	18,708.70	17,194.76	16,070.78	20,637.17	13,173.42	13,815.83	21,401.28	486,494.48
<b>INDIANA.</b>													
Jeffersonville.	16,361.95	3,483.31	8,573.61	8,092.36	6,979.77	5,385.38	4,821.13	2,594.33	2,542.52	2,065.03	2,425.35	1,985.41	64,772.49
Vincennes.	14,284.82	1,980.35	6,235.70	10,216.79	7,236.82	5,892.63	4,366.76	3,311.88	3,106.94	1,629.11	1,816.92	1,647.46	62,106.21
Fort Wayne.							1,310.55	1,562.87	3,196.83	2,640.37	1,065.12	1,284.01	3,358.86
Crawfordsville.							2,651.90	6,654.89	5,911.75	3,246.87	3,207.70	3,281.04	15,359.16
Indianapolis.											2,448.94	2,689.14	23,613.45
	36,546.08	5,473.66	15,199.31	18,609.15	13,506.59	11,258.01	12,150.34	14,113.77	14,738.07	10,571.07	10,964.03	10,820.09	169,070.17
<b>ILLINOIS.</b>													
Shawneetown.	1,871.25	1,618.59	2,313.23	2,159.00	5,292.83	2,749.01	2,342.79	2,569.18	1,769.03	1,455.03	1,576.62	1,412.05	28,380.55
Kaskaskia.	5,298.45	6,507.88	3,771.69	3,085.11	3,637.30	2,594.40	2,693.22	1,092.07	1,372.52	1,544.86	1,303.33	1,215.41	34,106.21
Edwardsville.			1,831.53	2,592.51	3,904.36	2,936.51	2,216.93	2,565.04	1,595.94	2,114.96	1,662.71	1,419.40	22,760.89
Springfield.										1,903.74	2,713.03	1,528.51	6,455.28
Vandalia.									1,379.01	634.29	855.69	1,045.84	5,713.43
Pale-tire.									1,498.56	1,666.55	1,618.73	1,355.45	7,453.28
	7,129.70	8,326.45	7,916.45	7,746.62	19,904.59	9,279.92	7,253.04	9,091.17	7,893.63	8,690.37	9,790.11	7,916.70	103,848.75
<b>MISSOURI.</b>													
St. Louis.													26,948.96
Funkle's.													25,739.34
Cape Girardeau.													9,719.26
Palmyra.													9,663.13
Lexington.													9,121.42
					5,256.85	15,141.20	7,465.94	8,459.71	7,087.17	7,304.64	7,712.81	8,047.29	66,475.11





## RECAPITULATION

*Of expenses of selling public lands, from the opening of the land offices to December 31, 1825.*

States and Territories.	1800 to 1814.	1815.	1816.	1817.	1818.	1819.	1820.	1821.	1822.	1823.	1824.	1825.	Total.
Ohio.....	\$348,855 76	\$34,615 76	\$32,055 65	\$35,210 33	\$59,760 88	\$15,706 70	\$17,124 76	\$18,070 78	\$20,837 17	\$13,173 42	\$13,813 83	\$21,401 32	\$495,434 48
Indiana.....	20,646 08	5,472 66	15,196 31	18,600 15	13,506 59	11,333 01	13,152 34	14,112 77	14,738 07	10,571 07	10,864 03	10,930 09	168,070 17
Illinois.....	7,139 70	8,329 45	7,946 45	7,746 62	12,904 59	9,279 93	7,323 04	9,091 17	7,893 63	8,680 37	9,790 11	7,916 70	103,848 75
Missouri.....	.....	.....	.....	.....	5,382 35	15,141 30	7,465 94	8,459 71	7,097 17	7,304 64	7,713 81	8,047 29	66,475 11
Mississippi.....	13,761 16	8,901 73	5,887 58	8,902 00	2,854 16	2,393 13	15,497 80	5,314 21	3,487 11	8,871 08	6,938 37	7,471 43	80,176 37
Louisiana.....	.....	.....	.....	.....	.....	.....	.....	6,066 88	3,774 61	4,519 72	3,915 33	2,175 06	30,451 62
Alabama.....	94,855 77	4,003 07	7,641 90	15,132 68	32,377 41	92,514 51	14,633 63	13,071 26	16,639 90	9,916 83	9,538 57	10,464 30	186,776 91
Michigan.....	.....	.....	.....	.....	1,885 95	1,885 15	1,691 89	1,497 30	1,965 54	2,304 68	4,003 55	4,577 28	13,990 29
Arkansas.....	.....	.....	.....	.....	.....	.....	.....	839 05	9,908 96	2,031 09	1,729 24	678 26	7,489 60
Florida.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,285 54	9,286 54
Aggregate.....	334,560 49	55,323 69	68,739 98	80,592 38	102,147 83	81,060 72	77,016 40	74,517 13	78,450 46	67,632 89	68,038 64	75,890 23	1,154,951 84

TREASURY DEPARTMENT, Register's Office, February 14, 1827.

JOSEPH NOURSE, Register.

## No. 4.

*Statement exhibiting special sales of public lands prior to the organization of the land offices.*

Year.	Where and to whom sold.	Sales of public lands.		Deposits forfeited.	Total proceeds.	Remarks.
		Quantity.	Purchase money.			
		<i>Acres.</i>				
1787	New York.....	72,974	\$87,325 59	\$29,789 65	\$117,108 94	
1792	To the State of Pennsylvania...	202,187	151,640 25		151,640 25	Paid in certificates of public debt.
1792	John Cleves Symmes .....	272,540	189,693 00		189,693 00	Paid in army land warrants.
1792	Ohio Company .....	892,900	642,856 66		642,856 66	Paid in certificates of public debt and army land warrants.
1796	Pittsburg .....	43,446	99,901 59	525 94	100,427 53	
		1,484,047	1,171,417 09	30,308 59	1,201,725 68	

TREASURY DEPARTMENT, Register's Office, February 14, 1827.

JOSEPH NOURSE, Register.

## No. 5.

*Statement exhibiting the net amount of public lands sold in the several States and Territories, after deducting lands reverted and relinquished; also the amount of purchase money thereof, including interest and moneys forfeited, from the year 1787 to December 31, 1825.*

States and Territories.	Net amount of sales, after deducting lands reverted and relinquished.		Remarks.
	<i>Acres.</i>		
	72,974.00	\$117,108 94	Sales at New York in 1787.
	43,446.61	100,427 53	Sales at Pittsburg in 1796.
	892,900.00	642,856 66	Sales to the Ohio Company.
	272,540.00	189,693 00	Sales to J. C. Symmes and associates.
	7,496,854.74	15,185,038 32	Sales at the land offices in the State.
Total in Ohio .....	8,778,715.35	16,335,123 75	Including lands sold at Cincinnati, situate in Indiana.
Indiana .....	3,068,968.42	5,611,187 22	Including lands sold at Vincennes, situate in Illinois.*
Illinois .....	1,222,442.25	1,729,145 58	
Missouri .....	980,372.41	1,971,217 84	
Mississippi .....	1,155,562.28	2,220,122 81	
Alabama .....	3,498,369.68	11,763,351 88	Including lands sold at St. Stephen's, situate in Mississippi.*
Louisiana .....	150,375.67	265,907 22	
Michigan .....	291,839.28	416,096 07	
Arkansas .....	39,177.61	49,115 90	
Florida .....	55,689.08	90,591 92	
	19,230,412.03	40,351,880 19	

\* In consequence of the balances due on these lands being a charge on the respective offices at which they were sold.

TREASURY DEPARTMENT, Register's Office, February 14, 1827.

JOSEPH NOURSE, Register.



## No. 6.

*Statement exhibiting the amount paid by purchasers on account of public lands, the balances due by individuals, and the amount of purchase money, including interest paid and money forfeited, from the opening of the land offices in 1800 to December 31, 1825.*

States and Territories.	Land offices.	Paid to purchasers.	Due by individuals.	Purchase money, including interest and forfeitures.	Remarks.
Ohio .....	Marietta.....	\$390,494 73	\$28,881 58	\$349,376 31	
	Zanesville.....	1,659,327 94	119,013 17	1,778,341 11	
	Steubenville.....	3,099,964 93	81,568 96	3,681,533 19	
	Chillicothe.....	2,130,943 26	96,208 32	2,227,151 78	
	Cincinnati.....	5,113,478 01	301,751 09	5,415,229 10	
	Wooster.....	1,685,984 71	117,961 09	1,803,945 80	
	Piqua.....	41,147 16	.....	41,147 16	
	Delaware.....	388,313 87	.....	388,313 87	
		14,439,654 61	745,383 71	15,185,038 32	
Indiana .....	Jeffersonville.....	1,803,419 70	309,939 82	2,113,359 52	
	Vincennes.....	1,817,995 42	393,632 11	2,211,617 53	
	Fort Wayne.....	16,108 57	.....	16,108 57	
	Crawfordsville.....	417,674 95	.....	417,674 95	
	Indianapolis.....	832,436 65	.....	832,436 65	
		4,907,635 99	703,561 93	5,611,197 22	
Illinois .....	Shawncetown.....	495,315 92	202,265 07	697,580 99	
	Kaskaskia.....	296,043 99	81,384 39	377,428 38	
	Edwardsville.....	394,242 79	72,832 88	467,075 67	
	Springfield.....	110,279 37	.....	110,279 37	
	Vandalia.....	17,123 89	.....	17,123 89	
	Palestine.....	59,657 28	.....	59,657 28	
		1,372,663 24	356,482 34	1,729,145 58	
Missouri.....	St. Louis.....	560,497 24	293,082 41	853,579 65	To December 31, 1824.
	Franklin.....	905,518 88	93,744 02	999,262 90	
	Cape Girardeau.....	69,598 17	.....	69,598 17	
	Palmyra.....	23,566 13	.....	23,566 13	
	Lexington.....	25,210 99	.....	25,210 99	
		1,584,391 41	386,826 43	1,971,217 84	
Louisiana.....	Opelousas.....	56,195 03	47,219 93	103,414 96	
	New Orleans.....	157,731 58	.....	157,731 58	
	Ouachita.....	4,760 68	.....	4,760 68	
		218,687 29	47,219 93	265,907 22	
Mississippi.....	Washington.....	1,481,590 71	526,756 61	2,008,347 32	
	Choctaw district.....	197,154 03	.....	197,154 03	
	Augusta.....	14,631 46	.....	14,631 46	
		1,693,376 20	526,756 61	2,220,132 81	
Alabama.....	Huntsville.....	2,884,947 47	2,298,213 66	5,183,161 13	To May 27, 1824. To December 31, 1824.
	St. Stephen's.....	1,091,890 28	707,752 04	1,799,642 32	
	Cahaba.....	2,068,883 33	2,145,963 94	4,214,847 27	
	Tuscaloosa.....	519,477 30	.....	519,477 30	
	Sparta.....	53,233 86	.....	53,233 86	
		6,611,429 24	5,151,929 64	11,763,358 88	
Michigan.....	Detroit.....	335,168 13	37,670 44	372,838 57	
	Monroe.....	43,257 50	.....	43,257 50	
	.....	378,425 63	37,670 44	416,096 07	
Arkansas.....	Batesville.....	40,154 12	.....	40,154 12	
	Little Rock.....	8,961 78	.....	8,961 78	
	.....	49,115 90	.....	49,115 90	
Florida.....	Tallahassee.....	90,591 92	.....	90,591 92	

## RECAPITULATION.

Land offices.	Paid by purchasers.	Due by individuals.	Purchase money, including interest and forfeitures.
Ohio.....	\$14,439,654 61	\$745,383 71	\$15,185,038 32
Indiana.....	4,907,635 29	703,561 93	5,611,197 22
Illinois.....	1,372,663 24	356,482 34	1,729,145 58
Missouri.....	1,584,391 41	386,826 43	1,971,217 84
Louisiana.....	218,687 29	47,219 93	265,907 22
Mississippi.....	1,693,376 20	526,758 61	2,220,135 81
Alabama.....	6,611,422 24	5,151,929 64	11,763,351 88
Michigan.....	378,425 63	37,670 44	416,096 07
Arkansas.....	49,115 90	.....	49,115 90
Florida.....	90,591 92	.....	90,591 92
Total.....	31,345,963 73	7,955,831 03	39,301,794 76

NOTE.—The proceeds of the sales of certain lands in Ohio, retroceded to the United States by the United Brethren, and the proceeds of the sales of certain lands in Mississippi appropriated to support Choctaw schools, are not included in the above table.

TREASURY DEPARTMENT, Register's Office, February 14, 1827.

JOSEPH NOURSE, Register.

## No. 7.

Statement exhibiting the amount of forfeitures which accrued annually in the several land offices in the respective States from the year 1800 to December 31, 1825.

Years.	Ohio.	Indiana.	Illinois.	Missouri.	Mississippi.	Alabama.	Michigan.	Total.
1800.....	\$140 00	.....	.....	.....	.....	.....	.....	\$140 00
1801.....	1,100 00	.....	.....	.....	.....	.....	.....	1,100 00
1802.....	397 24	.....	.....	.....	.....	.....	.....	397 24
1803.....	245 00	.....	.....	.....	.....	.....	.....	245 00
1804.....	1,487 69	.....	.....	.....	.....	.....	.....	1,487 69
1805.....	1,040 91	.....	.....	.....	.....	.....	.....	1,040 91
1806.....	3,672 87	.....	.....	.....	.....	.....	.....	3,672 87
1807.....	3,552 08	\$465 04	.....	.....	.....	.....	.....	3,987 12
1808.....	4,379 09	113 19	.....	.....	.....	.....	.....	4,485 28
1809.....	13,966 32	113 69	.....	.....	\$112 98	\$291 20	\$25 22	14,529 40
1810.....	39,009 88	64 00	.....	.....	129 91	132 57	.....	39,356 36
1811.....	69,769 17	318 53	.....	.....	150 02	458 49	.....	70,696 21
1812.....	23,023 12	1,819 04	.....	.....	345 67	287 36	.....	25,475 39
1813.....	59,220 06	8,044 53	.....	.....	12,070 12	48 00	.....	79,382 71
1814.....	5,851 05	3,351 89	\$158 51	.....	102 61	914 58	.....	10,378 64
1815.....	6,632 44	4,877 55	560 80	.....	32,500 77	344 17	.....	44,915 73
1816.....	12,958 48	5,849 43	472 92	.....	8,574 69	1,860 90	.....	29,716 42
1817.....	15,849 27	6,148 03	1,371 52	.....	5,944 98	8,608 22	.....	37,962 03
1818.....	4,849 07	2,870 90	4,025 42	\$487 28	5,673 74	15,635 21	275 84	33,886 76
1819.....	1,140 78	1,479 09	2,985 36	11,942 29	1,962 12	25,919 20	393 72	45,832 76
1820.....	345 25	413 00	992 14	670 08	325 97	8,208 91	66 06	11,011 41
1821.....	694 03	212 83	305 09	.....	769 61	939 90	.....	9,221 46
1822.....	99 06	198 76	24	1 60	.....	1,970 11	.....	2,369 77
1823.....	4 78	.....	1 10	18 80	280 00	.....	.....	304 68
1824.....	27,739 41	289 03	7,421 75	121 69	7,419 20	579 42	.....	43,570 50
	297,320 05	36,597 82	18,265 05	13,241 74	76,362 59	66,218 24	760 84	508,666 33

TREASURY DEPARTMENT, Register's Office, February 14, 1827.

JOSEPH NOURSE, Register.

## GENERAL LAND OFFICE, February 14, 1827.

SIR: In compliance, in part, with a resolution of the Senate, dated May 16, 1826, I have the honor to submit the statement marked A, which exhibits the quantity of land purchased by the United States, the quantity of public lands surveyed previous to January 1, 1826, and the estimated quantity of the public lands remaining unsold January 1, 1826.

The quantities of the lands purchased have been ascertained, as far as practicable, from actual surveys, and, in default of such, by geometrical calculations made from the best maps. The quantities of the lands surveyed have been taken from the surveys which have been returned to this office, and do not include large quantities of land, particularly in the States of Mississippi and Louisiana, which are known to have been surveyed previous to January 1, 1826; but the returns for which have not yet been forwarded to this office. This item also includes the amount of lands surveyed for Indian reservations surrounded by the public lands, but the amount of such reservations have not been included in the column of purchased lands. The tabular statements accompanying this report, numbered from No. 1 to No. 10, will exhibit the data on which the column showing the amount of land remaining unsold in each State and Territory is formed.

I have the honor to be, with great respect, your obedient servant,  
HON. RICHARD RUSH, Secretary of the Treasury.

GEO. GRAHAM.

## A.

*Statement exhibiting the quantity of public land purchased by the United States in each State and Territory, the quantity actually surveyed, surveys of which have been received at the General Land Office, and the estimated quantity remaining unsold on January 1, 1826.*

State or Territory of—	Quantity of public land purchased by the U. States.	Quantity of public land surveyed to January 1, 1826.	Quantity of public land remaining unsold January 1, 1826.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>
Ohio .....	24,388,745.80	17,820,832.80	6,191,927.53
Indiana .....	16,060,036.70	16,546,538.70	12,131,461.90
Illinois .....	29,517,962.62	27,530,748.31	24,161,662.93
Michigan .....	17,561,470.00	6,248,348.51	16,600,554.26
Missouri .....	39,119,018.89	22,387,577.65	35,522,350.69
Arkansas .....	33,661,120.00	11,353,619.03	31,441,309.31
Louisiana .....	31,463,040.00	2,768,663.68	23,392,602.67
Mississippi .....	14,188,454.00	8,723,928.78	11,643,275.05
Alabama .....	24,482,159.83	22,602,754.83	20,268,863.58
Florida .....	31,254,120.00	2,995,192.09	30,237,932.17
Total .....	261,695,427.84	138,968,224.38	213,591,060.09

TREASURY DEPARTMENT, General Land Office, February 14, 1827.

GEORGE GRAHAM.

## No. 1.—OHIO.

*Table showing the quantity of land in the State of Ohio, and the manner of its appropriation.*

	<i>Acres.</i>
Quantity of purchased land in the State .....	24,388,745.80
Of which the following items are appropriated:	
Virginia military lands .....	3,709,484.00
United States revolutionary military—	
In Zanesville district .....	640,490.69
In Chillicothe district .....	821,176.07
	1,461,666.76
Connecticut reservation, including free lands .....	3,267,910.00
Two townships granted for Athens College .....	46,080.00
One township for an academy, act of March 3, 1803, in lieu of the one granted to J. C. Symmes for same purpose, act of May 5, 1792 .....	23,040.00
Donation tract to Ohio Company, act of April 21, 1792 .....	100,000.00
Saline reservations in the State .....	23,680.00
Grant to Arnold H. Dohrman .....	20,480.00
Grant to French inhabitants of Gallipolis .....	25,200.00
Grant of three sections to Ebenezer Zane .....	1,920.00
Grant to State, for road from Connecticut reserve to Perrysburg .....	49,177.00
Grant of Schoenbrun, Gnadenhutten, and Salem, to the United Brethren .....	12,000.00
Acres .....	8,740,637.76
One-third-sixth part of purchased land in the State is reserved by law for common schools .....	677,465.16
Sold to Ohio Company .....	892,900.00
Sold to John Cleves Symmes, including the township for an academy .....	272,540.00
Net quantity of public land sold at New York .....	72,974.00
Net quantity of public land sold at Pittsburg .....	43,446.61
Net quantity of public land sold at the land offices in the State to January 1, 1826, which includes land sold at Cincinnati, lying in Indiana .....	7,496,854.74
	18,196,818.27
Quantity of public land remaining unsold .....	6,191,927.53



## No. 2.—INDIANA.

*Table showing the quantity of land purchased in the State of Indiana, and the manner of its appropriation.*

	<i>Acres.</i>
Amount of purchased land in the State.....	16,060,036.70
Of which the following items are appropriated:	
Amount of private claims.....	277,274.25
Donation to Canadian volunteers.....	64,640.00
Two townships granted to the State for a seminary of learning, act of April 19, 1816.....	46,080.00
Granted, not exceeding one township, for saline purposes, act of April 19, 1816.....	23,040.00
Four sections granted for seat of government.....	2,560.00
	413,594.25
One thirty-sixth part of purchased land is reserved by law for common schools.....	446,112.13
Net quantity of public land sold at the land offices in the State, to January 1, 1826, which includes lands sold at Vincennes, lying in Illinois.....	3,068,868.42
	3,928,574.80
Quantity of public land remaining unsold.....	12,131,461.90

## No. 3.—ILLINOIS.

*Table showing the quantity of purchased land in the State of Illinois, and the manner of its appropriation.*

	<i>Acres.</i>
Amount of purchased land in the State, to January 1, 1826.....	29,517,262.62
Of which the following items are appropriated:	
Amount of private claims.....	179,904.23
Saline reservations in Shawneetown district, including the Great Wabash reserve.....	181,256.33
Saline reservations on the Vermilion river.....	24,872.92
Amount of military locations.....	2,878,560.00
Four sections granted to State for seat of government.....	2,560.00
One township for seminary of learning, selected.....	23,040.00
One township for seminary of learning, part selected.....	23,040.00
	3,313,233.48
One thirty-sixth part of the purchased land is reserved by law for common schools.....	819,923.96
Net quantity of public land sold at the land offices in the State, to January 1, 1826.....	1,222,442.25
	5,355,599.69
Quantity of public land remaining unsold.....	24,161,662.93

## No. 4.—MICHIGAN.

*Table showing the quantity of land purchased in the Territory of Michigan, and the manner of its appropriation.*

	<i>Acres.</i>
Amount of purchased land in the Territory.....	17,561,470.00
Of which the following items are appropriated:	
Amount of private claims.....	148,217.85
Donation tract for public buildings.....	10,000.00
One township granted for seminary of learning in Detroit district, act of March 26, 1804.....	23,040.00
	181,257.85
One thirty-sixth part of the purchased land is reserved by law for common schools.....	487,818.61
Net quantity of public land sold in the Territory, to January 1, 1826.....	291,839.28
	960,915.74
Quantity of public land remaining unsold.....	16,600,554.26

## No. 5.—MISSOURI.

*Table showing the quantity of purchased land in the State of Missouri, and the manner of its appropriation.*

	<i>Acres.</i>
Amount of purchased land, it being the total within the State limits.....	39,119,018.89
Of which the following items are appropriated:	
Amount of private claims.....	966,086.52
Two townships granted for a seminary of learning, acts of February 17, 1818, and March 6, 1820.....	46,080.00
Amount of military locations.....	468,960.00
Saline reservations allowed by act of March 6, 1820.....	46,080.00
Donations to State for seat of government, act of March 6, 1820.....	2,449.86
	<hr/> 1,529,656.38
One thirty-sixth part of the purchased land is reserved by law for common schools.....	1,086,639.41
Net quantity of public land sold in the State, to January 1, 1826.....	980,372.41
	<hr/> 3,596,668.20
Quantity of public land remaining <i>unsold</i> , which quantity includes all the unconfirmed private claims in the State.....	35,522,350.69

## No. 6.—ARKANSAS.

*Table showing the quantity of land purchased in the Territory of Arkansas, and the manner of its appropriation.*

	<i>Acres.</i>
Amount of purchased land in the Territory.....	33,661,120.00
Of which the following items are appropriated:	
Amount of private claims.....	59,681.97
Appropriated for satisfying military warrants of the late war.....	1,162,880.00
One township granted for seminary of learning, to be located on the waters of the Arkansas river, act of February 17, 1818.....	23,040.00
	<hr/> 1,245,601.97
One thirty-sixth part of the purchased land is reserved by law for common schools.....	935,031.11
Net quantity of public land sold to January 1, 1826.....	39,177.51
	<hr/> 2,219,810.69
Quantity of public land remaining <i>unsold</i> , which quantity includes all the unconfirmed private claims in the Territory.....	31,441,309.31

## No. 7.—LOUISIANA.

*Table showing the quantity of land purchased in the State of Louisiana, and the manner of its appropriation.*

	<i>Acres.</i>
Amount of purchased land includes the total of the land in the State, estimated.....	31,463,040.00
Of which the following items are appropriated:	
Two townships granted for seminary of learning, act March 3, 1811.....	46,080.00
The private claims in this State are numerous, the surveys of which are so limited, and returns so few, it is impossible to give a correct statement of the number of acres the claimants are entitled to, including grants and donations from the French, Spanish, English, and American governments, they may be estimated at.....	5,000,000.00
	<hr/> 5,046,080.00
One thirty-sixth part of purchased land is reserved by law for common schools.....	873,981.66
Net quantity of public land sold to January 1, 1826.....	150,375.67
	<hr/> 6,070,437.33
Quantity of public land remaining <i>unsold</i> .....	25,392,602.67

## No. 8.—MISSISSIPPI.

*Table showing the quantity of land purchased in the State of Mississippi, and the manner of its appropriation.*

	<i>Acres.</i>
Amount of purchased land in the State lying north of 31° of latitude.....	12,474,854.00
Land lying south of 31° of latitude, estimated by Tanner's Atlas.....	1,713,600.00
Owued by the United States originally.....	14,188,454.00

Brought forward.....	14,188,454.00
Of which the following items are appropriated, lying north of 31° of latitude:	
Amount of private claims, surveys of which have not been received at the General Land Office.....	564,451.88
Amount of private claims, surveys of which are on file in the General Land Office, January 1, 1827.....	17,432.12
Two townships granted for seminary of learning, (see act February 20, 1819.)	46,080.00
Fifty-four sections appropriated for support of Indian schools by treaty of October 18, 1820.....	34,560.00
Two sections granted for seat of government to State, act February 20, 1819	1,280.00
Four sections granted to Indians by treaty, January 20, 1825.....	2,560.00
One thirty-sixth part of purchased land is reserved by law for common schools	394,123.72
	1,060,487.72
Net quantity of public land sold to January 1, 1826.....	1,484,691.23
	2,545,178.95
Quantity of public land remaining unsold.....	11,643,275.05

NOTE.—Quantity of land sold includes those lands lying in Mississippi which were sold at the St. Stephen's land office, Alabama, and all the private claims in the State lying south of 31° of latitude.

#### No. 9.—ALABAMA.

*Table showing the quantity of land purchased in the State of Alabama, and the manner of its appropriation.*

	Acres.
Amount of purchased land in the State.....	24,482,159.83
Of which the following items are appropriated:	
Amount of surveyed private claims.....	57,909.35
Amount of private claims selected from surveys.....	13,230.23
Four townships to French emigrants, for the cultivation of the vine and olive	90,995.95
Two townships granted to State for seminary of learning, act March 3, 1819	46,080.00
One township granted to Connecticut for the education of deaf and dumb..	23,040.00
Indian reservations, of 12 miles square, within the surveyed district.....	92,160.00
Amount of Indian selections from the public surveys.....	17,920.00
One town lot granted to State, act March 2, 1819.....	1,620.00
One township granted for use of salines, same act.....	23,040.00
	365,995.53
One thirty-sixth part of purchased land is reserved by law for common schools	680,059.99
Net quantity of public land sold to January 1, 1826, in the State.....	3,167,240.73
	4,213,296.25
Quantity of public land remaining unsold.....	20,268,863.58

NOTE.—The quantity of public land sold at St. Stephen's, lying in Mississippi, is deducted from the amount of sales, and added to the Mississippi item of sold land.

All private claims lying south of 31° of latitude are included in the quantity of public land remaining unsold.

#### No. 10.—FLORIDA.

*Table showing the quantity of land in the Territory of Florida, and the manner of its appropriation.*

	Acres.
Amount of purchased land, being an estimate of all in the Territory, except the Indian possession, surveyed by order of the War Department, of 4,032,940 acres.....	31,254,120.00
Of which the following items are appropriated:	
Selected for Deaf and Dumb Asylum of the State of Kentucky.....	23,040.00
Township one north, of range one east, selected by General Lafayette, and patented to him.....	23,028.50
Granted for seat of government, town of Tallahassee.....	160.25
Two townships granted for seminary of learning, act March 3, 1823.....	46,080.00
	92,308.75
One thirty-sixth part of purchased land is reserved by law for common schools	868,170.00
Net quantity of public land sold to January 1, 1826.....	55,689.08
	1,016,167.83
Quantity of public land remaining unsold, which includes all grants and private claims under the British and Spanish governments.....	30,237,952.17



*Statement exhibiting the estimated quantity of unceded land and reservations of land in the possession of the Indians in each State and Territory wherein the public lands are situated, January 1, 1826.*

Ohio.....	409,501.60	Indian reservations.
Indiana .....	{ 5,500,000.00 }	Indian reservations.
Illinois.....	{ 899,632.00 }	
Illinois.....	6,424,640.00	
Michigan, on the peninsula....	{ 7,283,920.00 }	Indian reservations.
Michigan, on the peninsula....	{ 55,440.00 }	
Missouri, none.		
Arkansas .....	{ 4,316,400.00 }	Cherokee lands.
Arkansas .....	{ 3,317,760.00 }	Choctaw lands. This item was included by mistake in the table of unsold lands.
Louisiana, none.		
Mississippi .....	14,188,454.00	
Alabama .....	{ 9,492,041.00 }	Indian reservations.
Alabama .....	{ 27,025.00 }	
Florida .....	4,032,640.00	
Acres.....	55,947,453.60	

19TH CONGRESS.]

No. 580.]

[2D SESSION.]

## LAND CLAIM IN INDIANA.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 21, 1827.

Mr. MOORE, of Alabama, from the Committee on Private Land Claims, to whom were referred the petition and documents of the heirs of Jeremiah Buckley, deceased, reported:

That George Musser, Sarah Musser, John Smith, and Margaret Smith, James G. Ennis, and Catharine Ennis, the petitioners, represent: That about June 11, 1796, Jeremiah Buckley, of the State of Pennsylvania, purchased of one T. Dubois, then of the territory northwest of the river Ohio, a tract of land containing one hundred acres, situate on the Wabash river, about three miles above the town of Vincennes, for the consideration of one hundred and forty dollars, and shortly thereafter returned to Pennsylvania and deceased, leaving the said Sarah, Margaret, and Catharine, and one son, namely, Thomas Buckley, his infant heirs, of tender years; that afterwards the said Sarah intermarried with George Musser, Margaret with John Smith, and Catharine with James G. Ennis, all living now, and citizens of the county of Warren, and State of Kentucky; that the said Thomas Buckley has sold and transferred his interest in the same to the said John Smith. That the said Dubois, subsequent to the sale and contract as above to the said Buckley, viz: about June 11, 1803, conveyed one hundred arpents of the said land, equal to eighty-five acres, to the United States for the purpose of erecting a garrison, &c., and made a deed of conveyance accordingly, from which it also appears that the said Dubois recognized the conveyance made to the said Buckley, and provided therein for indemnity from the United States, in case the heirs of the said Buckley should ever call on him or his heirs for the land. The petitioners affirm that Dubois sold to the said Buckley one hundred acres, and not one hundred arpents, as represented by the deed to the United States. They now ask a retrocession of the land, and compensation for the destruction of timber, &c., during the time it was occupied by the troops of the United States.

The material facts, as set forth, relative to the contract by Dubois to Buckley, and the deed subsequently made by Dubois to the United States, are satisfactorily proved by documentary evidence. It is also proven by the affidavit of three persons, certified by a magistrate to be respectable citizens of Knox county, Indiana, that the United States kept possession of the said land from 1803 to about 1813; that during this time the timber was destroyed, or made use of for building the garrison, &c., and that its value might be estimated at something like four hundred dollars.

The committee are of opinion that the prayer of the petitioners, as relates to the retrocession of the land, is reasonable and just, and report a bill for that purpose; but, as respects the amount demanded for the timber and use of the land, they consider this extravagant, but propose to give a reasonable compensation, which is also provided for in the bill herewith reported.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

The undersigned, the legal heirs and representatives of Jeremiah Buckley, deceased, formerly of Pennsylvania, respectfully represent: That the said Jeremiah, their ancestor, on or about June 11, 1796, purchased of one Toussaint Dubois, of Vincennes, in Indiana, one hundred acres of land, in Knox county, about three miles above the town of Vincennes, on the Wabash river, the metes and bounds whereof are described in the said Dubois' agreement with Buckley, herewith filed, and marked A; that the said one hundred acres so purchased of the said Dubois was valuable and heavily timbered; that their father, the said Jeremiah Buckley, shortly after his said purchase, departed this life, leaving your petitioners infants of tender years; that since they have arrived at age and investigated the said purchase, they find that said

Dubois, by deed bearing date September 11, 1803, conveyed the said one hundred acres, or rather one hundred arpents, of the same to the United States, which deed is duly recorded in the county of Knox aforesaid. Your petitioners would also state that, by reference to said deed, a copy of which is herewith exhibited, marked B, the said Dubois recognizes the sale so made to your petitioners' ancestor, and provides therein for an indemnity from the United States in case the heirs of said Buckley should ever call on him or his heirs for the land. Your petitioners do not admit that said Dubois sold to their ancestor one hundred arpents only, as he has represented in said deed of conveyance, but they insist upon the sale and purchase of one hundred acres.

Your petitioners do not admit that their ancestor owed the said Dubois any balance for said land, nor for money paid as security, which said Dubois has claimed and received of the United States; the receipt of said Dubois for the full amount of the purchase money of said land is herewith filed, marked C.

Your petitioners would further state that at the time the United States took possession of said land under the purchase from Dubois the timber thereon was very valuable, and that the United States officers, soldiers, and agents, as they are informed, have cut down, taken off, and destroyed the whole of the timber on the same, or nearly so; that they are informed that the timber so taken off and used by the United States was reasonably worth \$800. Your petitioners are informed that the United States occupied part of the same for a garrison and fort, &c., but that it is not any longer needed by the government for such purposes. Your petitioners, the premises considered, pray that the title to said land may be conveyed to and invested in them; and that they may be compensated for the timber so taken, used, and destroyed by the officers, soldiers, and agents of the government, with interest thereon from September, 1803, until paid, and such reasonable sum for the occupancy thereof as may be deemed reasonable and just.

They represent that said Jeremiah Buckley died, leaving Sarah Musser, late Sarah Buckley, Margaret Smith, late Margaret Buckley, Catharine Ennis, late Catharine Buckley, and Thomas Buckley, his only children, his heirs and representatives; that the said Sarah intermarried with George Musser, the said Margaret with John Smith, and the said Catharine with James G. Ennis, all living, and citizens of the county of Warren and State of Kentucky; that the said Thomas has sold and transferred his interest in the same to said John Smith, as per his writing herewith filed, marked D, and is about removing to the State of Missouri.

And your petitioners, in duty, &c., will, &c.

GEORGE MUSSER.  
SARAH MUSSER.  
JOHN SMITH.  
MARGARET SMITH.  
JAMES G. ENNIS.  
CATHARINE ENNIS.

STATE OF KENTUCKY, *Warren County*, ss:

This day John Hess and Margaret Hess, of said county, personally appeared before the subscriber, a justice of the peace in and for said county, and made oath that they were well acquainted with Jeremiah Buckley, formerly of Pennsylvania, and thence of Virginia, and who departed this life about the year 1800, and that he has been acquainted with Sarah Musser, Margaret Smith, Catharine Ennis, and Thomas Buckley, from their infancy until the present time, and that they were the children and heirs of said Jeremiah Buckley, deceased, so represented and believed and held by every one always, and yet are; which said Sarah Musser, Margaret Smith, Catharine Ennis, and Thomas Buckley are the same named in the foregoing petition; and that the said George Musser is the husband of Sarah, John Smith the husband of Margaret, and James G. Ennis the husband of Catharine, as set out in the same.

Given under my hand this 1st day of October, 1825.

JOHN A. WHITE, *Justice of the Peace for Warren County.*

## B.

*Deed.—Touissaint Dubois and wife to the United States.*

This indenture, made the seventh day of November, in the year of our Lord one thousand eight hundred and three, between Touissaint Dubois, of Vincennes, in the county of Knox, in the Indiana Territory, of the one part, and the United States of America, of the other part: Whereas, by certain articles of agreement bearing date the 11th day of June, 1796, and made between the said Touissaint Dubois, of the one part, and one Jeremiah Buckley, of Cumberland county, in the State of Pennsylvania, of the other part, the said Touissaint Dubois, for the consideration of one hundred and forty dollars, did grant, bargain, and sell unto the said Jeremiah Buckley all his, the said Touissaint Dubois', claim and interest of, in, and to one hundred acres of land lying and being in said county of Knox, which said tract of one hundred acres of land was part of three lots, amounting in the whole to five hundred and sixty acres, binding on the Wabash river, and adjoining the lot of Confou on its northeast side, purchased by him, said Dubois, from Pierre Latulip, Pierre Gamelin, sen., and Pierre Gamelin, jr.; bounds of the aforementioned one hundred acres of land, as follows: beginning on the bank of the said river, in the line of the entire tract and midway thereof, and to extend from thence with the same up the river to its northeast corner on the river, and thence, out from the river with another line of the entire tract, a sufficient distance to include the hundred acres, making the corners at right angles; and reciting therein that the said Dubois was not then in possession of a patent title from the government in and to the said land, and of course could not at that time legally convey to the said Buckley the tract sold to him; under these circumstances the said Touissaint Dubois promised and engaged for himself and his heirs that he would thereafter, as soon as might be in his power so to do, after he had received a patent for said land, make and convey a full and sufficient title in fee simple to the said Jeremiah Buckley in and to the aforesaid land then sold to him, under the penalty of forfeiting to the said Buckley, his heirs, executors, or administrators, the sum of two hundred and eighty dollars, as in and by the said articles of agreement, reference being thereunto had,

will more fully and at large appear; and whereas the quantity of land by the said Touissaint Dubois, then sold to the said Jeremiah Buckley, was one hundred arpents only, although the same is, through mistake, mentioned in the said agreement to have been one hundred acres; and whereas there now remains due from the said Buckley to the said Touissaint Dubois, as well for the residue of the said one hundred and forty dollars in the said agreement mentioned as for money he was security for to Thomas Jones, for the proper debt of the said Jeremiah Buckley, the sum of eighty-seven and a half dollars, which, with interest for the same from the year 1796 to this day, amounts to the sum of one hundred and twenty-six dollars; and whereas the said Touissaint Dubois has long since obtained a patent of confirmation for the said tract of land, and was always ready and willing to convey to said Buckley the land by him sold to said Buckley; and whereas no accounts or information have been received or heard from said Buckley from the said year seventeen hundred and ninety-six to this time, although every possible inquiry has been made after him and his family; and it is therefore believed that he is dead without heirs; and whereas the United States have, through the application of William Henry Harrison, esq., governor of the Indiana Territory, and Cornelius Lyman, esq., captain in the first regiment of infantry, and commanding at Fort Knox, applied to the said Touissaint Dubois, by the direction of the Secretary of War, to convey to the said United States, for the purpose of building and establishing a garrison thereon, the said one hundred arpents of land so by him agreed to be sold to the said Jeremiah Buckley, which he, the said Touissaint Dubois, has consented to do on their paying him the said sum of one hundred and twenty-six dollars so, as aforesaid, due by the said Jeremiah Buckley to him, and on condition of the said United States satisfying and compensating, or otherwise agreeing with the said Jeremiah Buckley, or his heirs or assigns, for his or their estate, right, title, or interest of and in the said tract of one hundred arpents of land, by virtue of the said above-recited agreement:

Now, this indenture witnesseth that the said Touissaint Dubois, for and in consideration of the said sum of one hundred and twenty-six dollars to him in hand paid by the said United States, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, and sold, and by these presents doth grant, bargain, and sell, unto the said United States, all and singular the said tract or parcel of one hundred arpents of land, situate in the said county of Knox, and which is particularly bounded and described as follows, to wit: beginning at a small sassafras on the bank of the river, near to two white oaks; thence south thirty-eight and one-half degrees east, along a line of Antoine Marashal's one hundred and fifty-four perches, to a post near two elms and a hickory; thence along another of said Marashal's lines, north fifty-one and one-half degrees east, eighty and two-tenths perches, to a sugar tree on William McIntosh's line; thence with said line, north thirty-eight and one-half degrees west, to a sugar and sycamore trees at high-water mark, one hundred and eighty-six perches; thence down the Wabash river to the place of beginning; containing one hundred arpents, together with all rights, members, and appurtenances whatsoever to the same tract or parcel of land belonging or in anywise appertaining, and all his estate, right, title, and interest of, in, and to the same; to have and to hold the said tract of one hundred arpents of land, and every part thereof, with the appurtenances, to and to the use of the said United States forever. And the said Touissaint Dubois and his heirs the said tract of land, with the appurtenances, to the said United States forever, against himself, the said Touissaint Dubois, and his heirs, and against all and every other person or persons whomsoever claiming or to claim by, through, from, or under him or them, other than and except the said Jeremiah Buckley, his heirs or assigns, by virtue or in pursuance of the said recited agreement, shall and will warrant and forever defend by these presents.

*Provided always, nevertheless,* And it is hereby concluded and agreed upon by and between the said parties to these presents, and it is their true intent and meaning, and true intent and meaning hereof, that if the United States do not and shall not satisfy and compensate or otherwise agree with the said Jeremiah Buckley, his heirs or assigns, for his or their estate, claim, or interest in and to the said tract of one hundred arpents of land, to the clear indemnity and discharge of the said Touissaint Dubois, his heirs or assigns; or if the said United States do not, and shall not, from time to time, and at all times hereafter, well and sufficiently save, keep harmless, and indemnify the said Touissaint Dubois, his heirs, executors, and administrators, of and from all costs and charges, damages, sum and sums of money and expenses which he shall or may bear, pay, or put unto, for, or by reason, or on account of, this executing of these presents, or by reason or on account of the said agreement and sale so by him made to the said Jeremiah Buckley, then these presents, and every clause, article, matter, and thing herein contained, shall from thenceforth cease, determine, and become absolutely void to all intents and purposes whatsoever, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

In witness whereof, the said parties have to these presents set their hands and seals.

DUBOIS.	[L. s.]
JANE DUBOIS.	[L. s.]

Sealed and delivered in the presence of—

H. KNOX.  
ROBERT BAIRD.

INDIANA TERRITORY, *Knox County, sct:*

This day came before me Touissaint Dubois and Jane Dubois, his wife, she, the said Jane, being first examined touching her right of dower, and voluntarily relinquishing her right of dower to the lands herein mentioned; each did, severally, acknowledge the annexed deed to be their act and deed. Given under my hand November 7, 1803.

THO. S. DAVIS.

Recorded in my office in Vincennes, Knox county, the 6th day of January, anno Domini one thousand eight hundred and four, on book D, pages 50, 51, and 52.

JOHN GIBSON, JR., Recorder, Knox County.

I certify that the foregoing is truly copied from the record of deeds in this department.

C. VANDEVENTER, Chief Clerk.

DEPARTMENT OF WAR, December 2, 1823.



STATE OF INDIANA, *Knox County*:VINCENNES, *October 28, 1825.*

Whereas Messrs. John Smith and George Musser, of Kentucky, have applied to us, the undersigned, to state the value of the timber which was on a certain tract of land sold by Touissaint Dubois to the United States in the year 1803, which said land was sold to one Jeremiah Buckley in the year 1796 by the said Touissaint Dubois: This land is situate on the river Wabash, about three miles up said river from Vincennes, and contains, agreeably to said Dubois' conveyance to the United States, one hundred arpents French measure, or about eighty-five acres English measure; but said Dubois appears to have sold to said Buckley one hundred acres English measure, and on which said land the United States, by their officers and soldiers, erected a garrison and named it Fort Knox:

Now, we, the undersigned, being well acquainted with the situation of said land, and of the timber thereon in the said year of 1803, are of opinion that the said land might be called a goodly timbered tract; that is to say, not of the first quality of timbered land, but perhaps the second; and after mature deliberation we are of opinion that the timber on said land was worth, at the time it was taken possession of by the United States in the year 1803, the sum of four hundred dollars. We know that there is now no timber of any value on said land. We know that the said timber was taken off of said land by the United States officers and soldiers for the purpose of building the fort, for firewood, and rails for fencing land for the use of said officers and soldiers in raising corn, vegetables, &c.; that the said fort was occupied and held in possession of the United States from the year 1803 until removed to Vincennes, which was in 1812 or 1813.

In testimony whereof, we have hereto set our hand and seals.

HOMER JOHNSON. [L. s.]  
 AQUILA RAMSEY. [L. s.]  
 SAM'L CARRUTHERS. [L. s.]

Signed and sealed in presence of—

D. C. JOHNSON.

STATE OF INDIANA, *Knox County*, ss:

Personally appeared before me, Frederick Graeter, a justice of the peace of said county, the within named Homer Johnson, Aquila Ramsey, and Samuel Carruthers, and made oath that the foregoing and within statement and valuation is correct and just, to the best of their belief, knowledge, and understanding.

In testimony whereof, I have hereto set my hand and seal this 28th day of October, A. D. 1825; and I do certify that the said Homer Johnson, Aquila Ramsey, and Samuel Carruthers, are all respectable citizens of Knox county.

[L. s.]

F. GRAETER, J. P.

STATE OF INDIANA, *Knox County*, ss:

I, Homer Johnson, clerk of the circuit court in and for said county, do certify that Frederick Graeter, before whom the above oath was taken, is, and was at the time of taking the same, a justice of the peace in and for said county, duly commissioned and qualified, and that full faith and credence is and ought to be given to all his official acts as such.

In testimony whereof, I have hereunto set my hand and affixed the seal of office, at Vincennes, this 28th day of October, A. D. 1825.

[L. s.]

HO. JOHNSON, *Clerk.*

STATE OF INDIANA, *Knox County*:VINCENNES, *October 28, 1825.*

Whereas Messrs. John Smith and George Musser have applied to me to make a statement of the situation of a certain tract of land, and timber thereon, in 1803, which was sold to one Jeremiah Buckley in the year 1796 by one Touissaint Dubois, and again by said Dubois conveyed to the United States in the month of September, 1803, said land being situate on the river Wabash, about three miles up said river from Vincennes, and contains, agreeably to said Dubois' conveyance to the United States, one hundred arpents, or about eighty-five acres English measure:

Now, I, Robert Buntin, jr., formerly a lieutenant in the army of the United States, and now a citizen of Vincennes, do hereby state that I am not able to say anything as to the timber in 1803. In the year 1812 I commanded at the said place, called Fort Knox, and know that all the timber of any value, or much value, was then cut off of the land; that in 1813, the fort being moved to Vincennes, all the buildings and timber then at the fort was rafted down the river to Vincennes, and used in building another fort; and, further, I always understood that the timber taken off of said land was made use of for building said Fort Knox, for firewood for the fort, and for rails to fence ground to raise corn, vegetables, &c., for the use of the officers and soldiers; that he has understood and believes the United States took possession of said land in said year of 1803, and that it was finally evacuated and removed in the year 1813 to Vincennes.

In testimony whereof, I have hereto set my hand and seal the day and date above written.

[L. s.]

R. BUNTIN, Jr.

Signed and sealed in presence of—

HO. JOHNSON.

STATE OF INDIANA, *Knox County*, ss:

Personally appeared before me, Frederick Graeter, a justice of the peace in and for said county, this 28th day of October, 1825, Robert Buntin, jr., formerly a lieutenant in the army of the United States, and now a respectable and credible citizen and witness, and made oath that the foregoing statement is correct and true, to the best of his knowledge and belief.

In testimony whereof, I have hereunto set my hand and seal, at Vincennes, the day and date before written.

[L. s.]

F. GRAETER, J. P.

STATE OF INDIANA, *Knox County*, ss:

I, Homer Johnson, clerk of the circuit court in and for said county, do hereby certify that Frederick Graeter, esq., before whom the above oath was taken, is, and was at the time of taking the same, a justice of the peace in and for said county, duly commissioned and qualified; and that due faith and credence is and ought to be, given to all his official acts as such.

In testimony whereof, I have hereunto set my hand and affixed the seal of office, at Vincennes, this 28th day of October, A. D. 1825.

[L. s.]

HO. JOHNSON, *Clerk*.

A.

Articles of agreement entered into, made, and concluded, the eleventh day of June, anno Domini one thousand seven hundred and ninety-six, between Touissaint Dubois, of the town of Vincennes, and county of Knox, in the territory northwest of the Ohio river, of the one part, and Jeremiah Buckley, of Cumberland county, in the Commonwealth of Pennsylvania, of the other part, witnesseth:

That the said Touissaint Dubois, for and in consideration of the sum of one hundred and forty dollars to him in hand paid this day by the said Jeremiah Buckley, the receipt whereof is hereby acknowledged, hath bargained and sold, and by these presents doth bargain, set over, and sell, unto the said Jeremiah Buckley, his heirs and assigns forever, all his, the said Touissaint Dubois' title, claim, and interest, of, in, and to, one hundred acres of land lying and being in the county of Knox aforesaid, which said tract of one hundred acres of land is part of three lots, amounting in the whole to five hundred and sixty acres, binding on the Wabash river, and adjoining the lot of Cunnifou on its northeastern side, purchased by him, the said Dubois, from Pierre Letalip, Pierre Gamelin, senior, and Pierre Gamelin, junior; bounds of the before-mentioned one hundred acres of land now intended to be conveyed by the said Touissaint Dubois to the said Jeremiah Buckley to be as follows, that is to say: beginning on the bank of the said river, in the line of the entire tract, and midway thereof, and to extend from thence with the same up the river to its northeast corner on the river, and thence out from the river, with another line of the entire tract, a sufficient distance to include the hundred acres, making the corners at right angles. And whereas the said Touissaint Dubois is not now in possession of a patent title from government in and to any of the above-mentioned land, and of course cannot at this time legally convey to the said Buckley the tract now sold to him; under these circumstances the said Touissaint Dubois promises and engages, for himself and his heirs, that he will hereafter, so soon as it may be in his power so to do, after he shall have received a patent for said land, make and convey a full and sufficient title, in fee simple, to the said Jeremiah Buckley in and to the aforesaid land now sold to him, under the penalty of forfeiting to the said Buckley, his heirs, executors, or administrators, the sum of two hundred and eighty dollars; but, in case it should so happen that the said Dubois cannot obtain a legal title at all to the before-mentioned premises, using proper endeavors to that end, it is to be understood that he shall be no further accountable to the said Jeremiah Buckley, his heirs, executors, or administrators, than to return and refund to him, or his heirs, &c., the sum of one hundred and forty dollars above, said to be paid by the said Buckley to him at this time.

The said Jeremiah Buckley, for his part, promises and engages to and with the said Touissaint Dubois, that whereas there appears to be a body of stone useful for building adjacent to the river, and which may be altogether included within the hundred acres now purchased by him; that in case said stone should be so included within his lot now purchased as aforesaid, that the said Dubois cannot on the residue of the tract discover stone as fit for building as that on the lot now sold, within two feet of the surface, that, in that case, it is agreed by the said Jeremiah Buckley that the said Touissaint Dubois and his heirs shall and may forever enjoy the privilege of quarrying stone for his or their own use on the said lot now sold to him, the said Buckley; and, further, the said Buckley grants the privilege of getting building stone from his lot aforesaid to Francis Vigo, for his own necessary use, at any time and at all times during his life or residence in the neighborhood; but this privilege to be allowed him, the said Vigo, only in case, as was before mentioned with respect to said Dubois, that stone may not be had as aforesaid on the residue of the entire tract. Lastly, the said Touissaint Dubois further promises and engages to sell to the said Buckley forty acres more of land, adjoining the south end of the hundred acres now sold to him, in the ensuing fall, at a proportionate price with that now sold; that is, in proportion of one hundred and forty dollars for one hundred acres, should the said Buckley wish to purchase, making prompt payment for the same, and provided that the said Dubois shall not have sold such land, now engaged, to some other person in the meantime.

In witness of all which agreements, the before-mentioned parties have interchangeably set their hands and affixed their seals the day and date above written.

DUBOIS.

JERRY BUCKLEY.

N. B.—In addition to the before-mentioned agreements on the part and behalf of the said Jeremiah Buckley, he agrees that the said Francis Vigo, in case stone for building cannot be had adjacent to the river on the residue of the above tract, that he shall have liberty of taking stone from his lot on the river bank.

N. B.—The words "within two feet of the surface" interlined between tenth and eleventh lines from the foot of the page on the other side, and the words "he agrees," in the above N. B., were interlined before signing.

Teste:

JOHN CORDELL.  
JAMES JOHNSON.

C.

Received the 11th day of June, 1796, of Jeremiah Buckley, the sum of one hundred and forty dollars, in full payment for one hundred acres of land this day sold by me to him, and particularly described in articles of agreement this day interchangeably signed by myself and the said Buckley, as by reference to which will more fully appear. I say received by me.

Teste: JAMES JOHNSON.  
JOHN CORDELL.

DUBOIS.

19TH CONGRESS.]

No. 581.

[2D SESSION.]

### APPLICATION OF ILLINOIS FOR A CESSION, ON EQUITABLE TERMS, OF ALL THE MINERAL LANDS IN THAT STATE.

COMMUNICATED TO THE SENATE FEBRUARY 22, 1827.

*Resolved by the senate and house of representatives of the State of Illinois,* That our senators in Congress be instructed, and our representatives requested, to use their best exertions in procuring the passage of a law by Congress to surrender to this State, on equitable terms, all the mineral country now owned by the United States and lying within the territorial limits of this State.

J. McLEAN,  
*Speaker of the House of Representatives.*  
WILLIAM KINNEY,  
*Speaker of the Senate.*

STATE OF ILLINOIS, ss:

SECRETARY'S OFFICE, *Vandalia*.

I, George Forquer, secretary of state of the State of Illinois, do hereby certify that the foregoing is a correct copy of the enrolled resolution on file in this office.

In testimony whereof, I have hereunto subscribed my hand and affixed the seal of the State this 24th day of January, A. D. 1827, and of the independence of the United States the fifty-first.

GEORGE FORQUER.

19TH CONGRESS.]

No. 582.

[2D SESSION.]

### APPLICATION OF INDIANA FOR FURTHER RELIEF TO PURCHASERS OF PUBLIC LANDS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 26, 1827.

#### JOINT RESOLUTIONS of the general assembly relative to the purchases of public lands.

*Resolved by the general assembly of the State of Indiana,* That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure the passage of a law to extend the time of payment on all lands now forfeited or liable to forfeiture, and to authorize each and every purchaser whose lands are either forfeited or are liable to forfeiture to redeem the same on making prompt payment therefor, at a price the amount of which (including forfeited payments) shall not exceed the *minimum* price of Congress lands.

*Resolved, further,* That our senators and representatives aforesaid be requested to procure, if possible, the passage of a law giving to every purchaser and occupant of Congress lands who has made one or more payments, and whose lands have been forfeited or are liable to forfeiture, a privilege, in the nature of a right of pre-emption for — years, to repurchase the same, or other lands of equal value, at a sum which, added to his former payments, shall make the amount per acre not to exceed the *minimum* price of Congress lands; and that, in the *interim*, and before government has disposed of the same, every purchaser who has improved his lands without completing the payments shall have the privilege of occupying the same and enjoying the proceeds thereof.

*Resolved,* That his excellency the governor be requested to transmit the foregoing resolutions to each of our senators and representatives in Congress.

H. H. MOORE,  
*Speaker of the House of Representatives.*  
JOHN H. THOMPSON,  
*President of the Senate.*



19TH CONGRESS.]

No. 583.

[2D SESSION.]

# ON CHARGES BY A DEPUTY SURVEYOR AGAINST THE OFFICIAL CONDUCT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 27, 1827.

Mr. WHIPPLE, from the Committee on Public Lands, to whom was referred sundry charges against George Graham, Commissioner of the General Land Office, by John Wilson, late a deputy surveyor in the southeastern district of the State of Louisiana, reported:

That said charges have been under the consideration of the committee; that the accuser and the accused have been before them; and that all the witnesses produced, and other evidence submitted by the respective parties, have been carefully and, so far as the committee can judge, impartially examined, and the import of the testimony duly considered. The committee deem it their duty to submit, in as brief a manner as possible, a few comments upon the evidence produced in support of each of the charges exhibited against the Commissioner of the General Land Office by Mr. Wilson.

The first charge is one of general and indefinite import, to which it was impracticable for the accused to answer; for which reason the committee conceived it improper to go into its investigation. This will be seen by reference to the charge.

The second charge made by said Wilson against Mr. Graham is for "criminal delinquency in neglecting to comply with instructions of the honorable William H. Crawford," directing said Graham to prosecute, on civil and criminal suits, Gabriel Winter, of Natchez, in the State of Mississippi, who is alleged to have sworn falsely for the purpose of defrauding the United States. Under this charge it appears that the competent authority, viz: the Secretary of the Treasury, who has a general superintendence of the land office, is responsible (if any one has been guilty of a dereliction of duty) for whatever relates to this transaction; but the committee, according to the evidence submitted, see no cause to attach blame to any department of the government, as will satisfactorily appear by the documents herewith submitted.

The third accusation is for permitting one or more letters to be opened and read in his office by a person to whom he (the said Graham) knew they were not addressed. In support of this charge no evidence whatever has been adduced.

The fourth charge is, that the Commissioner of the General Land Office was criminally delinquent in not directing an inquiry into the conduct of the register of the land office in New Orleans. The delinquency here charged would attach to the Secretary of the Treasury, if to any officer of the government; but it appears, by the testimony submitted, that no information was submitted to either Mr. Graham or the Secretary of the Treasury which would have warranted either of them in the belief that the register of the land office at New Orleans ought to be proceeded against.

The fifth charge is for advertising lands for sale by public proclamation, published in one or more of the public papers, on August 5, 1826, on the Bayou Grosse Tête, in the State of Louisiana, in the absence of the President of the United States. This part of the fifth charge was abandoned by Mr. Wilson as indefensible, and was not, therefore, inquired into by the committee, as there was not a shadow of evidence upon which to ground suspicion. That part of the charge which accuses Mr. Graham of proclaiming lands for sale on Bayou Grosse Tête that he knew were confirmed as pre-emption rights, or sold at public sale, is wholly unsupported by evidence; but even admitting the fact, that the proclamation of sale did embrace some private claims, yet the committee are perfectly satisfied, from evidence, that the utmost caution was used by Mr. Graham to guard against its occurrence. Mr. Graham, in a letter to Mr. Harper, register of the land office in the district where those lands are situated, under date of September 19, 1823, suggests to Mr. Harper the possibility that private claims might interfere with lands offered for sale, and directs him to inquire into the fact. The lands proclaimed for sale in August, 1826, were contained in an official list from the same register, as containing lands that had not been offered for sale under a former proclamation. It should be observed that the power of bringing the public lands into market is a discretionary one, and vested in the President; that no lands east of the Mississippi and island of New Orleans, from a variety of causes not necessary to enumerate, have been prepared for sale.

The sixth charge against the Commissioner of the General Land Office is, that he is incompetent to the performance of the duties of his office, in that he has made returns to Congress of unsold lands, the calculations of which produce results so erroneous, and of such data, as to preclude the possibility of their being acted upon. The committee do not deem it their province to decide upon the competency of officers of the government who are appointed by and hold their offices at the pleasure of the Executive of the United States; but they deem it no more than an act of justice to the Commissioner of the General Land Office to say that the records of his office, so far as they have fallen under the examination of the committee, exhibit much accuracy; and that all the returns made to Congress from those records have been made with great care and fidelity; that he has, since his appointment to office, introduced a new method of ascertaining the quantities of land contained in the plats returned to his office; and that the returns made to either branch of the national legislature from his office have been as accurate as it was practicable to make them.

The seventh charge accuses Mr. Graham of withholding private papers, and refusing copies of public papers necessary in the adjustment of legal claims on the government. Mr. Wilson has failed to make out any case that the committee think reprehensible. Mr. Wilson, who it appears was the person making the application, withheld from Mr. Graham, in part, the power to comply with his request, by withholding certain papers that had been loaned him from the office, and which formed a part of the papers of which he desired copies. The committee will state, in justification of Mr. Graham in this particular, that Mr. Wilson, in March and May, 1826, had obtained from the land office the loan of certain original documents for the avowed purpose of taking copies of them, which he wished for, and was to return. Mr. Wilson, though frequently called on, returned, from time to time, but a part of those papers, and has only now, on the order of the committee, delivered to them the residue. When Mr. Wilson called for copies of papers in the office relating to the same subject, of which the papers he had in his possession formed a part, Mr.

Graham declined giving him the copies until he should return the originals, then in his possession, which he (Wilson) refused to do.

No testimony has been adduced to support the eighth accusation; the allegation that authenticated charges had been exhibited against Davis, and that Mr. Graham had neglected to take measures for his removal, is also wholly unsupported. Upon this allegation the committee would remark that the Commissioner of the General Land Office is not the proper officer before whom to exhibit charges against Davis for misconduct in office, nor has he the power of removal, and, consequently, cannot be responsible for his continuance in office, if there were any cause of removal, altho the committee regarded as foreign to their inquiry. It may, however, be proper to remark that it appears from testimony before the committee that certain charges were exhibited to the Secretary of the Treasury against Davis, by Wilson, which have never been decided upon; the papers withheld, as before mentioned, by Wilson being a part of the testimony in the case, and consequently no decision could be made upon those charges.

The ninth charge is for permitting George Davis to continue a suit brought against the complainant, and precluding, by his official acts, the complainant from prosecuting suits against Davis, &c.

The history of this charge is shortly as follows: Wilson held the office of principal deputy surveyor for the southeastern district of Louisiana under Davis, who is the surveyor of the lands south of Tennessee. Davis dismissed Wilson from office, who refused to give up the books and records of his office, on the pretext that his accounts were not settled and paid. Davis instituted suit against Wilson, and obtained possession of the papers so withheld, by legal process. It appears the suit was dismissed after the object of it was obtained, and there is no evidence of any impropriety of conduct whatever, on the part of Mr. Graham, respecting the prosecution of it. Wilson, in his turn, brought suit against Davis for some proceeding in the above-named suit; and to support the charge that Mr. Graham, by his official acts, had precluded him from prosecuting his suit against Davis, he testifies that he was unable to proceed in the prosecution in consequence of the refusal of Mr. Graham to settle his accounts. Upon this testimony it is only necessary to remark that it proves Mr. Graham had no legal authority to settle Wilson's accounts, the proper officer to make the settlement being the surveyor south of Tennessee; nor does it bring into question any official act of Graham.

The tenth charge made by Mr. Wilson against the Commissioner of the General Land Office is for wilful misrepresentations made in an official report to Congress, in which said commissioner is charged with assigning false causes why the lands in the States of Louisiana, Mississippi, and Alabama, had not been surveyed and brought into market, when the said commissioner knew that said lands were surveyed and ready for market. The evidence before the committee most clearly proves that such had been the negligence in the surveying department in this portion of the Union that no patents could be safely issued even for private land claims, and that such was the erroneous nature of the plats of survey returned to the General Land Office that they were not deemed safe documents upon which to act, and that they have been returned to the surveyor for correction. Under these circumstances, the committee think the Commissioner of the General Land Office was not only correct in the assignment of the causes why these lands were not brought into market, but that he was actuated by wise and laudable motives, and consulted the best interests of the United States in not bringing them into market.

The eleventh charge is, that the Commissioner of the General Land Office asserted that the continuance in office of the surveyor of the lands of the United States south of the State of Tennessee was the fault of the President of the United States, &c.

The evidence under this charge is, that the Commissioner of the General Land Office remarked, when representations were made to him respecting the surveyor of lands south of Tennessee, that so long as the President of the United States saw fit to continue said surveyor in office he was bound to respect him as such. Nor does it yet appear that the said surveyor ought to be removed.

The twelfth and the last charge is for having stated wilful and deliberate falsehoods in relation to the settlement of the accounts of deputy surveyors.

The committee have examined the party himself to this charge, also Colonel Dinsmore, and the documentary proof, and are perfectly and fully satisfied that no part or portion of the charge is sustained.

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The Committee on Public Lands, to whom was referred, for investigation and report, charges against George Graham, Commissioner of the General Land Office, instituted by John Wilson, late principal deputy surveyor of the southeastern district of Louisiana, proceeded to the investigation of the subject.

MONDAY, *February 19, 1827.*

The committee met. Present: Mr. Scott, chairman, Mr. Jennings, Mr. Vinton, Mr. Gurley, Mr. Whipple, Mr. Strong, and Mr. Wailles.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, *February 20.*

The committee met pursuant to adjournment. All the members present.

John Wilson, the complainant, sworn and examined.

Adjourned until 9 o'clock to-morrow morning.

WEDNESDAY, *February 21.*

The committee met. Present: all the members.

Ordered, by the committee, That Mr. Wilson produce to the committee the following papers by 10 o'clock to-morrow morning:

Letter from G. Davis to Commissioner of General Land Office, dated February 17, 1825; same to same, dated February 22, 1825; same to same, (not dated;) same to same, dated March 18, 1825; same to same, dated January 21, 1825; G. Graham to Hon. R. Rush, dated March 15, 1826; G. Davis to Commissioner, dated January 3 and 5, 1825.

Ordered, That Mr. Graham produce the correspondence between himself and G. Davis since December 22, 1824.

The following witnesses were sworn and examined:

John Wilson, the complainant, further examined; Hon. John Wilson, member of Congress; Mr. Haile, Silas Dinsmore, George Wood, John M. Moore, and Samuel D. King.

The complainant, John Wilson, stated he had no other witnesses to examine.

The committee adjourned till 10 o'clock to-morrow.

THURSDAY *February 22.*

The committee met. Present: all the members.

John Wilson, the complainant, examined by the committee.

Mr. Wilson produced, in pursuance of the order of yesterday, all the papers required of him except the letter from George Graham to the Hon. R. Rush, dated March 15, 1826, the right to the production of which letter the committee waived.

Samuel D. King was further examined.

Robert King sworn and examined.

George Wood further examined.

Mr. Graham, in compliance with the order of yesterday, produced the correspondence as required.

*Ordered*, That Mr. Wilson produce the following papers by 10 o'clock to-morrow morning:

Letter from G. Davis to Commissioner of the General Land Office, dated May 27, 1825; same to same, dated February 5, 1825.

A statement made by the deputy surveyor from Donaldsonville, who was present when Mr. Davis' letter to Mr. Wilson was presented to him by Mr. Lyman.

Also a statement by Mr. Turner, mentioned in the postscript to the letter of January 3, 1825.

A copy of a letter received from Mr. Harper, sent in the letter of January 5, 1825.

Two memoranda, marked A and B, contained in the letter of January 21, 1825.

Copies of papers marked 1 and 2, being a letter from Mr. Turner and a list of books and papers received by him; also papers 3 and 4, being the copy of a letter from G. Davis to S. H. Harper, and his original letter in reply, contained in G. Davis' letter of March 18, 1825.

The copy of a letter from G. Davis to J. C. Turner, received April, 1825, from G. Davis, in a letter not dated.

A copy of G. Davis' note to the district attorney at New Orleans, received in George Davis' letter of February 17, 1825.

The committee adjourned till 9 o'clock to-morrow.

FRIDAY, *February 23.*

The committee met. Present: all the members.

Silas Dinsmore further examined.

Mr. Wilson, in compliance with the order of yesterday, produced all the papers except the "statement made by the deputy surveyor from Donaldsonville, who was present when Mr. Davis' letter to Mr. Wilson was presented to him by Mr. Lyman;" and being required to produce that paper, he offered the following affidavit.—(See it, marked D, and filed in the papers.)

The committee adjourned till 3 o'clock this day.

The committee met pursuant to adjournment. All the members present.

Committee adjourned till 10 o'clock to-morrow morning.

SATURDAY, *February 24.*

The committee met. Present: all the members.

Committee adjourned till Monday morning next at 10 o'clock.

MONDAY, *February 26.*

Committee met. All the members present.

Letter from Mr. Graham to L. Wailes, dated February 28, 1824, marked A, filed under second charge.

John Wilson, a witness, sworn and examined as follows:

*Question.* Do you know if any, and what, steps were taken by Mr. Graham for the prosecution of Gabriel Winter at any time subsequent to the letter of February 28, 1824?

*Answer.* I do not know whether steps were taken to prosecute Winter.

*Question.* Do you know what reply Wailes made to the letter of February 28, 1824?

*Answer.* I do not.

*Question.* Do you know of any other fact in relation to the prosecution of Winter?

*Answer.* I do not.

*Question.* Do you, or do you not, know that the prosecution of Gabriel Winter was abandoned by order of the Secretary of the Treasury?

*Answer.* I do not.

*Question.* What do you know of the opening of a letter, as specified in the third charge?

*Answer.* I called at Mr. Graham's office, and was informed by Mr. Graham that there was a letter which had been there for two or three days, and which had been opened; which letter is herewith filed, marked B.

*Question.* Do you know of any other letter which was opened with Mr. Graham's knowledge?

*Answer.* None.

*Question.* Did Mr. Graham inform you that the letter had been broken open, and by whom?

*Answer.* He informed me that Mr. Wilson, a member of Congress, had broken it open and made the endorsement thereon, which is as follows: "Seal broken through mistake, supposing this letter was intended for John Wilson, a member of Congress." The letter was sealed at the time I received it at Mr. Graham's office.

*Question.* State all you know in relation to the twelfth charge.

*Answer.* I called on Mr. Graham for the settlement of my accounts, and stated that I understood from Colonel Dinsmore that Mr. Graham said that he would settle them when presented; Mr. Graham replied that he had never said he would; that Mr. Davis was the proper person to settle them.



*Question.* What do you know in relation to the ninth charge?

*Answer.* In a conversation with Mr. Graham he said that Davis had sent on an account for \$100, as charges for prosecuting a suit against witness in behalf of the United States, and that he, Graham, had written to Davis to know why said suit was continued against witness. Said suit was instituted by Davis to recover \$2,000 alleged to be due the government, and that he afterwards found that the suit was brought to recover books and papers in possession of witness. Witness believes that said suit was not instituted by order of Graham. That the papers were afterwards taken out of his possession by legal process in said suit.

*Question.* Did Mr. Graham ever preclude you from prosecuting suits against Davis?

*Answer.* He refused to settle my accounts, and in that way prevented me from prosecuting suits against Davis.

*Question.* Do you know that Mr. Graham was informed of the register at New Orleans receiving or exacting illegal fees, as mentioned in the fourth charge, and when was he so informed?

*Answer.* I do not recollect when; it was between August, 1825, and this time. I informed Mr. Graham that Mr. Harper, the register at New Orleans, had exacted fees which he was not entitled to; that he had received from ten to fifteen dollars each, for making entries of back concessions, when the law entitled him to but twenty-five cents each. I also mentioned that I had a letter in my possession from William Kenna & Co. to R. H. Lee, but did not show the letter to Mr. Graham.

*Question.* Have you ever exhibited any written charges against the said register at New Orleans?

*Answer.* I have not.

*Question.* Have you ever informed Mr. Graham, in writing, that the register had received illegal fees?

*Answer.* I do not think I have.

*Question.* Did you request an inquiry into the conduct of the register?

*Answer.* In a conversation with Mr. Graham I stated that I thought an inquiry ought to be instituted into the official conduct of the register but made no formal request.

*Question.* Do you know of charges having been exhibited by any other person against the said register?

*Answer.* I do not.

*Question.* Did you, or did you not, know that the Secretary of the Treasury was a proper public agent to whom to communicate the alleged misconduct of the register of the land office at New Orleans, as contained in your fourth specification; and if so, did you communicate to the Secretary of the Treasury?

*Answer.* I have no recollection of having made a communication to the Secretary of the Treasury; I considered Mr. Graham the proper person.

Mr. Wilson abandons that part of the fifth charge which relates to Mr. Graham's having advertised lands for sale without the authority of the President.

*Question.* Were any of the lands proclaimed for sale August 5, 1826, and referred to in the fifth charge, sold in pursuance of that proclamation?

*Answer.* Not that I know of; I believe the proclamation was withdrawn before the day of sale.

*Question.* Do you know that Mr. Graham has knowingly communicated to Congress false calculations of the returns of unsold lands? And if so, state the particular facts.

*Answer.* I do not know that he has knowingly made false returns to Congress; but I believe they have been erroneous.

*Question.* In what particular are they erroneous?

*Answer.* In this: that I believe, from information, that the calculations of the arrears of land surveyed were made geometrically.

*Question.* Do you know how the calculations of the returns made to Congress of unsold lands were made?

*Answer.* I do not; but was informed that all the calculations were made geometrically. I did not allude to any particular return to Congress.

*Question.* What papers do you allude to in the seventh charge, and what person?

*Answer.* I allude to myself as the person; and the papers I allude to were papers sent to the register's office for the settlement of my accounts, and now filed there; and I allude to no other papers. I think Mr. Graham withheld papers longer than he ought to have done, though they were afterwards filed with the Secretary of the Treasury or the register for the settlement of my accounts.

*Question.* Did you file the papers alluded to with Mr. Graham yourself, or were they filed with him by the Secretary of the Treasury for his report thereon?

*Answer.* I understood that they were filed with Mr. Graham by the Secretary for his report thereon.

*Question.* Were the papers to which you allude papers which related to your official duties, and which it was necessary for you to transmit to the officers of the government for the purpose of settling your accounts; or were they your own private papers, which you reserved for the purpose of preservation to settle your own claims?

*Answer.* I considered they were public official papers necessary to be filed for the settlement of my accounts; but, that done, I considered myself entitled to a part of them.

*Question.* Did Mr. Graham promise you copies of papers; did he afterwards refuse to furnish them; and for what reason did he refuse you a reference to public documents necessary in the settlement of your accounts?

*Answer.* Mr. Graham did promise me copies of papers which I considered important to me in the settlement of my accounts; which papers were afterwards refused by his clerk, or a reference, in any way, to them, assigning as a reason that Mr. Graham had directed that no copies should be furnished me until I returned some papers belonging to the files of his office. Mr. Graham did not ask me to surrender those papers when he promised me the copies.

J. WILSON.

Hon. John Wilson, member of Congress from South Carolina, sworn:

*Question.* What do you know relative to the breaking open a letter addressed to John Wilson, as mentioned in the third charge?

*Answer.* I received a letter from the post office at the Capitol addressed to John Wilson or George Graham, and, supposing it intended for me, broke it open. On perusing the letter I discovered that it was not for me. I immediately returned it to the post office, having made the endorsement, in my own handwriting, of the mistake. The letter was sealed by myself or the postmaster.

*Question.* Did you ever open any letters in Mr. Graham's office, with the privity and consent of Mr. Graham, addressed to John Wilson?

*Answer.* I never did.

*Question by John Wilson, the complainant.* Are your letters generally addressed to John Wilson, esq., or to the Hon. John Wilson?

*Answer.* I have received letters addressed in both ways.

JOHN WILSON.

• Hon. Mr. Haile, member of Congress, sworn:

*Question.* State what you know in relation to the eighth charge.

*Answer.* I know nothing of his (Graham's) neglect to carry into effect his instructions in relation to George Davis. I know nothing, of my own knowledge, in regard to the settlement of accounts, (the accounts of deputy surveyors;) nor do I know that any charges were ever filed, or representations made, requiring Mr. Graham to remove Mr. Davis, except what others have told me since my arrival in the city of Washington. I am not personally acquainted with George Davis, and I have never officially applied for his removal from office.

WM. HAILE.

Silas Dinsmoor, sworn:

*Question.* Do you, or do you not, know that George Graham, Commissioner of the General Land Office, has neglected to carry into effect his instruction to George Davis in relation to the settlement of the accounts of deputy surveyors?

*Answer.* I do not know that Mr. Graham neglected to carry the instructions into effect. It is a fact that they were not carried into effect; but I do not know whose neglect it was.

*Question.* In what particular were they not carried into effect?

*Answer.* George Davis neglected and refused to pay the deputy surveyors, according to the instructions of Mr. Graham, dated August 15, 1824, and annexed to the charges.

*Question.* Do you, or do you not, know whether any charges have been exhibited to Mr. Graham against George Davis?

*Answer.* I do not know.

*Question.* Did Mr. Graham state to you that charges had been exhibited to him against George Davis; and if so, when and by whom?

*Answer.* In February, 1826, I was at Mr. Graham's office, and he inquired if I knew Mr. Wilson, and said that heavy charges had been exhibited against George Davis, but did not say they had been exhibited to him; nor did he specify what the charges were; nor do I know what proof was exhibited to Mr. Graham in support of said charges.

*Question.* Did you ever exhibit to Mr. Graham affidavits from deputy surveyors and others showing that Mr. Davis had been guilty of improper conduct in office, and complaining of his incompetency to the duties of the office?

*Answer.* I did present to Mr. Graham, in January last, affidavits from John Gilmore and William Brown, deputy surveyors, and a letter from Joseph Dunbar. These were accompanied by certificates from men of good character; which affidavits stated that said Davis was unworthy of public or private confidence. These papers were returned to me in a letter from the General Land Office, dated January 30, 1827. A few days after they were delivered to Mr. Graham they were returned by my request.

*Question.* State at whose instance those affidavits were taken, and for what purpose they were given to you, and by whom.

*Answer.* The affidavits were taken at my instance. They were taken to convince the government of the impropriety of sending me back to Davis for the settlement of my accounts, and not taken for the purpose of filing them as charges for the removal of said Davis from office, but for my own justification; and when returned to me, I presented them to the President of the United States, with the letter of Mr. Graham.

*Question.* Do you know that Mr. Graham ever took any measures for the removal of Davis?

*Answer.* I do not. Mr. Graham stated to me that so long as the President retained said Davis in office he (Graham) was bound to respect him.

*Question by Mr. Wilson.* Please state if you had any other motive in showing those affidavits to Mr. Graham; and if so, what were they, and any remarks made by Mr. Graham in relation to the charges against Davis?

*Answer.* I am under the impression that I have already fully answered that question.

*Question.* Do you know that Mr. Graham, in his report to Congress of December 20, 1826, wilfully misrepresented the causes why the lands south of the 31st degree of latitude in Louisiana, Mississippi, and Alabama, had not been surveyed or brought into market?

*Answer.* I cannot say he did. I believe there is an error in the statement of the date of my dismissal. I do not know that it emanated from Mr. Graham's office.

*Question.* Have you retained in your possession, since 1824, any papers relative to surveys south of the 31st degree of latitude?

*Answer.* I retained the field notes of all the surveys until the 9th of November last, when they were delivered to an agent of the government.

*Question.* Do you know that Mr. Graham stated any wilful and deliberate falsehoods in relation to the settlement of the accounts of the principal deputy surveyors of the eastern and southeastern districts, in the State of Louisiana?

*Answer.* Not to my knowledge.

*Question by Mr. Wilson.* Did Mr. Graham state to you, in conversation, that on presenting my accounts to him they would be adjusted?

*Answer.* Mr. Graham stated to me that the accounts of Mr. Wilson can be settled on presentation.

*Question by Mr. Graham.* Have I not uniformly stated to you that the accounts of the principal deputy surveyors should be settled by the surveyor under whom they acted?

*Answer.* You have.

*Question.* Did Mr. Graham state to you that your accounts should be settled here?

*Answer.* He did not.

SILAS DINSMOOR.

George Wood sworn:

*Question.* Do you know of Mr. Graham's withholding any important papers, or any other papers, properly belonging to any person, or of his refusing to furnish copies of any such papers after having promised so to do.

*Answer.* I do not.

*Question.* Do you know that Mr. Graham refused to allow to Mr. Wilson, or any other person, a reference to public documents which were necessary for him to have in the settlement of his legal claims on the government?

*Answer.* Mr. Wilson, in March, 1826, called on Mr. Graham, at the General Land Office, for certain papers addressed to him as the Commissioner, which Mr. Graham directed me to give to Mr. Wilson, and to take his receipt for them, which I did. It was distinctly understood by me, from the Commissioner, that Mr. Wilson was to return them to the files of the office as soon as it was practicable for him to make copies of them. After Mr. Wilson had had them in his possession for a week or ten days, I called on him, at the request of Mr. Graham, to return them, which he promised me to do without delay. He did not return them. I repeatedly called on him, at the request of Mr. Graham, and received from Mr. Wilson repeated assurances that he would return them. On May 10, 1826, Mr. Graham came into my room, accompanied by Mr. Wilson, and requested me to deliver a bundle of papers, which he then gave me, to Mr. Wilson, and to take his receipt for the same; which I did, and the receipt is now in my possession. A long time elapsed, sufficient for Mr. Wilson to have made copies of them all, when, at the request of Mr. Graham, I called on Mr. Wilson for them; he promised that these papers should be returned in a day or two; that he was then preparing copies of them. I made many applications for these papers as they were important letters, and the frequent reference made to the files of the surveyor general at Washington made it highly important that they should be in their proper places; this I stated to Mr. Wilson. He returned to the office, about the month of September or October, the letter of Mr. Davis, dated February 4, 1826, and the accompanying papers, and stated that he had not done with the papers still in his hands. In December last the papers which were loaned to Mr. Wilson more than seven months before were returned to the office by the honorable Secretary of the Treasury with other papers, and referring to the Commissioner a communication relating to Mr. Wilson's accounts. These papers were handed me by the Commissioner. On my receiving the fair copy of his reply to the Secretary of the Treasury, Mr. Graham said to me "that here were the papers which Mr. Wilson had so long detained, and that they should be returned to this office when the Secretary was done with them." I therefore made an envelope over those papers sent to the Hon. Mr. Rush, with Mr. Graham's reply, and wrote on that envelope that the papers enclosed belonged to the files of the General Land Office, and respectfully requested that they might be returned to the General Land Office when he had made his examination of them, which was done. On the 18th December last Mr. Wilson came to the General Land Office and demanded of me those papers received from the Treasury Department, as being his. In reply, I said that they were placed on the files of the office, and, if he wanted them again, he must get Mr. Graham's consent. He then demanded the receipt I had taken of his having received those papers, which I delivered to him. I saw Mr. Wilson on the evening of that day, (December 18,) at the request of Mr. Moore, the chief clerk, and stated to him that the request he had addressed to the Commissioner on that day would not be complied with until he had given up those letters which he had so long withheld; to which he replied that he would not give them up. Those papers delivered in March, 1826, were submitted to the First Comptroller of the Treasury, with the report of the Commissioner, on the accounts of Mr. Wilson, dated January 10, 1827; certified copies are now on the table before the committee. There are now eight letters from George Davis to the Commissioner of the General Land Office, received by Mr. Wilson May 10, 1826, still in Mr. Wilson's hands. Mr. Graham, so far from refusing Mr. Wilson a reference to public documents which he deemed necessary for him to have in the settlement of his legal claims, gave him every facility which the office afforded; nor do I know that he has refused to any other person all the facilities which the office affords in the settlement of their claims.

*Question by Mr. Wilson.* Did I not, some days after the receipt of the letter from Mr. Moore, call at the office and request a reference to the papers alluded to, and did not you refuse me a reference in any way, stating that it was the orders of Mr. Graham?

*Answer.* On the 18th of December, the same day on which Mr. Wilson made the request for certain papers of Mr. Graham, while I was at the cases containing the files of the office, examining them to see if Mr. Wilson had delivered up the letters for which I had taken his receipts, before delivering those receipts up to him, Mr. Wilson did make an attempt to overlook me and to examine the papers, which I would not permit. I do not recollect stating that Mr. Graham had directed me to do so; but I did say to Mr. Wilson, as before deposed, that if he wanted the papers he must get Mr. Graham's consent, without which he should not look at them.

GEORGE WOOD.

John M. Moore sworn:

*Question.* Do you know of Mr. Graham's withholding any important papers, or any other papers, properly belonging to any person, or of his refusing to furnish copies of any such papers after having promised so to do?

*Answer.* I know nothing of any promise Mr. Graham may have made; but I heard Mr. Graham say that copies of papers which Mr. Wilson wanted could not be delivered until he, Wilson, delivered up the mass of papers which he had borrowed. I do not know of Mr. Graham's having refused to deliver papers properly belonging to any other person.

*Question.* Do you know that Mr. Graham refused to allow to Mr. Wilson, or any other person, a reference to public documents which were necessary for him to have in the settlement of his legal claims on the government?

*Answer.* I do not know of Mr. Wilson, or any other person, being refused a reference to public documents which were necessary for the prosecution of their just rights.

*Question.* Did the papers which were in the possession of Mr. Wilson properly belong to the files of the office?

*Answer.* I believe they did.

*Question by Mr. Wilson.* Do you, or do you not, recollect that a day or two previous to your addressing me a note, requesting me to return to your office certain papers in my possession, that I applied to Mr.



Wood to allow me to look at other papers; and did he not refuse me, saying that he had received orders from Mr. Graham to do so?

*Answer.* I can say nothing about it.

*Question by the same.* Did Mr. Graham direct you not to deliver to me copies of papers which I had called for?

*Answer.* Mr. Graham declined giving copies of some letters which Mr. Wilson requested until Mr. Wilson should surrender some original letters which he held in his possession belonging to the files of the office, and directed me to advise Mr. Wilson of his determination. I addressed a note to Mr. Wilson, requesting him merely to surrender the originals; but Mr. Wilson demanded the copies without surrendering the originals. After a few days succeeding the date of my note, I then advised him, verbally, of the only condition on which the copies could be granted.

JOHN M. MOORE.

Samuel D. King sworn:

*Question.* Do you know of Mr. Graham's withholding any important papers, or any other papers, properly belonging to any person, or of his refusing to furnish copies of any such papers after having promised so to do?

*Answer.* I do not.

*Question.* Do you know that Mr. Graham refused to allow to Mr. Wilson, or any other person, a reference to public documents which were necessary for him to have in the settlement of his legal claims on the government?

*Answer.* I do not.

*Question by Mr. Wilson.* Do you know of Mr. Graham's promising to furnish me with copies of papers and afterwards refusing to do so?

*Answer.* I understood Mr. Graham to say that if you would address him a note you should have copies of the papers. I afterwards understood that Mr. Graham refused to furnish the copies until you returned certain original papers which you had in your possession belonging to the office.

*Question by Mr. Graham.* Are you not the clerk in the Land Office who makes out the patents on private land claims?

*Answer.* Yes.

*Question by the same.* Have we ever had, previous to December 20, 1826, a township plat in the office south of the 31st degree of latitude, in Louisiana, Mississippi, and Alabama, east of the Mississippi river, from which a patent for a private claim could be made out with accuracy?

*Answer.* None that I ever saw.

*Question by the same.* Has any township plat ever been returned to the office for the same district of country that was correct?

*Answer.* None.

*Question by the same.* Have not those few township plats which had been returned to the office in the same district of country, and which were incorrect, been returned for correction, and for laying down the private claims, since the papers have been recovered from Mr. Dinsmoor?

*Answer.* Yes, with the exception of one plat; the plat of the township including the town of Mobile.

*Question by the same.* Was not that retained because it was expected the surveyor was obliged to make out an entire new plat, and that that would be useless to him?

*Answer.* Yes; for that reason, and because it was the only plat in that section of the country that contained any private claims.

*Question.* Is it not the general practice of the office not to proclaim lands for sale until the township plats have been received?

*Answer.* It is the general practice.

*Question by Mr. Wilson.* Have not the lands in the southeastern district of Louisiana been proclaimed twice for sale, once in 1823 and once in 1826; and were township lines run through those lands?

*Answer.* I cannot say positively as regards the proclamations; the surveys of those lands were not made conformably to the usual method of surveying the public lands, being made under the provisions of a special law.

S. D. KING.

Robert King sworn:

*Question.* Are you the draughtsman in the General Land Office?

*Answer.* I am.

*Question.* Are you the clerk who generally makes out the calculations of the quantity of lands surveyed, when called for by Congress?

*Answer.* Yes.

*Question.* Have you not always made out those calculations from the best materials the office afforded?

*Answer.* I have.

*Question.* Were not the township plats in many instances defective, in consequence of the surveyors not having returned the table of contents?

*Answer.* Yes.

*Question.* Were not those quantities heretofore ascertained, where no table of contents were returned, by geometrical calculations?

*Answer.* Yes.

*Question.* In all cases where you ascertained by geometrical calculations, were they as correct as if the quantities had been taken from the table of contents?

*Answer.* No; they could not be as correct.

*Question by Mr. Graham.* Previous to my coming into office, was there any book kept in which the quantities contained in each township, as contained in the table of contents, was recorded?

*Answer.* No.

*Question by the same.* Did I not, sometime after coming into office, direct you to keep a book in which the quantities of land contained in each township and fractional township was to be recorded?

*Answer.* Yes.

*Question.* Was not the return made to Congress this year taken from that book?

*Answer.* Yes.

*Question.* Although the geometrical calculations are not precisely accurate, are they not sufficiently so for all useful and practical purposes?

*Answer.* Yes.

ROBERT KING.

George Wood further examined:

*Question.* State if there are any papers belonging to the General Land Office that were forwarded by Mr. Davis in reply to the letter of the Secretary of the Treasury, informing him (Davis) of charges made against him, that were delivered to Mr. Wilson, and which have not been returned?

*Answer.* The letters receipted for by Mr. Wilson on May 10, 1826, are returned, excepting the letters of George Davis to the Commissioner of the General Land Office, dated May 27, 1825, and one dated February 5, 1825, and the enclosures referred to by Mr. Davis in his letter of January 3, 1825, in which he says: "I now enclose you a statement made by the deputy surveyor, just now from Donaldsonville, who was present when my letter to Mr. Wilson was presented to him by Mr. Lyman, which puts the infatuation of Mr. Wilson, as regards the withholding of the plats of survey, beyond question;" also the statement of Mr. Turner, mentioned in the postscript. This letter was detained by Mr. Davis, and enclosed in his letter of 5th January, in which he states that "the letter and other papers which you will receive, having been sent to the post office a few moments too late for the last mail, I have withdrawn the packet to-day in order to enclose the copy of a letter since received from Mr. Harper." These papers are not returned.

In the letter of January 21, 1825, Mr. Davis, in a postscript, writes: "I send two memoranda, marked A and B, not at first intended for your eye, but now sent to explain what Mr. Dinsmoor means by what he calls regularity and order in an office," &c. These are not returned.

Mr. Davis, in his letter of March 18, 1825, states: "I had the pleasure, yesterday, of receiving a letter from Mr. Turner, covering a copy of the catalogue of the books, papers, and other public property of his office, of which he appears to have been just put in possession by the marshal. I enclose a copy of each, marked Nos. 1 and 2. I also enclose Nos. 3 and 4, respectively, the copy of a letter which I addressed to Mr. Harper, the register, while I was at New Orleans, and his original letter in reply." These papers are not returned.

In the letter, not dated, (received April, 1825,) Mr. Davis says, "he encloses a copy of a letter from himself to J. C. Turner." This is not returned.

The letter of G. Davis, of February 17, 1825, states, "on my arrival here, I addressed, as heretofore stated to you, a note to the district attorney, a copy of which is herewith enclosed." This copy is not returned.

The letters which were given me by Mr. Graham to loan to Mr. Wilson on May 16, 1826, were those sent to the honorable Mr. Rush, with the letter dated March 15, 1826, and the enclosures, (with the exception of Mr. McCrummins' and other contracts, and the bill of Mr. Lloyd,) were filed in the letters, as is the uniform custom of the office. They were letters relating immediately to the charges now preferred by Mr. Wilson; and Mr. Davis' letters of the 3d and 5th of January will be found to sustain the propriety of the conduct of Mr. Harper, the register in New Orleans, in making certain charges for services performed by him for making copies of plats, &c., to applicants for such copies, which is not, I believe, any part of his official duty. The contracts sent in letters to the General Land Office are filed separately; and the bill of Mr. Lloyd for surveys was referred to M. R. King, whose duty it is to examine the accounts of the surveyors.

GEO. WOOD.

Silas Dinsmoor further examined:

*Question by Mr. Graham.* Were the surveyors which Mr. Davis refused to pay, the surveyors employed by you?

*Answer.* They were employed by me, but were commissioned by Mr. Davis' predecessors.

*Question by the same.* Were the field notes of those surveyors in your possession, or in the possession of Mr. Davis, at the time Mr. Davis refused to pay?

*Answer.* They were in my possession, and retained by me, because I had to certify to the correctness of the surveys according to the field notes deposited in my office.

*Question.* Do you know that those surveyors made application to Mr. Davis previous to January 1, 1825, and he refused to pay them?

*Answer.* Yes.

*Question.* Can you state when the refusal was made?

*Answer.* I think in November, 1824.

*Question by Mr. Wilson.* Was it necessary, according to the rules of the office, that the field notes should be returned to Mr. Davis, that he might be authorized to pay the deputies after the certificate had been forwarded to the surveyor?

*Answer.* I think not; the law does not require it; they never had been formally requested; and the certificates were always considered as sufficient evidence to pay the deputies, and payments were made under them.

SILAS DINSMOOR.

George Wood further examined:

*Question.* Was the date of the dismissal of Colonel Dinsmoor in the report of Mr. Graham of December 20, 1824, the result of accident; and if so, how did it occur?

*Answer.* Mr. Graham requested me to give him whatever information the files of the office afforded of the dismissal of Colonel Dinsmoor. I brought him two letters—one dated October 24, 1824, and the other November 24—1824, from George Davis, both of which had some reference to the dismissal of Colonel Dinsmoor and the appointment of General Morgan. From the similarity of the dates of the two letters laid before him, Mr. Graham, in filling up the blank he had left in the draught he was then making, inserted the date October, instead of November, 1824.

GEO. WOOD.

*Papers filed by Wilson in support of his charges.*

I. Charges against Mr. Graham, including the extract of a letter from George Graham, Commissioner of the General Land Office, bearing date August 15, 1824, to George Davis, surveyor, &c., referred to in the eighth charge.

II. Proclamation.

III. Letter of the Secretary of the Treasury, transmitting the information required by a resolution of the House of Representatives of the 19th instant, in relation to a survey of the lands lying south of the 31st degree of latitude.

IV. Letter from the General Land Office to Levin Wailes, informing him that the money which had been received by Winter, as a principal deputy surveyor, improperly, must be repaid, &c., marked A.

V. Letter from Levin Wailes to John Wilson—relates entirely to the third charge, marked B.

Auditor's report on salary account.

*Letter from the chairman of the committee to Mr. Graham.*

CONGRESS HALL, February 16, 1827.

DEAR SIR: Mr. John Wilson has preferred charges against you, of which, by order of the committee, you have here a copy. The House of Representatives had referred those charges for investigation to the Committee on the Judiciary, who have been discharged, and the subject turned over to the Committee on Public Lands. The committee will meet on Monday morning at 9 o'clock, and will receive from you any communications you shall see proper to make on the subject. Mr. Wilson has been notified to attend and sustain his charges.

Very respectfully, your obedient servant,

JOHN SCOTT.

GEORGE GRAHAM, Esq.

*Letter from the chairman of the committee to Mr. Wilson.*

CONGRESS HALL, February 16, 1827.

SIR: The charges presented by you against George Graham, esq., Commissioner of the General Land Office, have been referred by the House of Representatives to the Committee on Public Lands. The committee will meet on Monday next at 9 o'clock, and have directed me to say to you that they will expect your attendance before them at the committee room, prepared with such evidence as you may have to sustain the charges. The committee will also expect of you a list of witnesses, and copies, or a reference where copies of such documents as you rely on may be obtained. The committee will prefer written evidence and written statements, as far as practicable.

Your obedient servant,

JOHN SCOTT.

Mr. JOHN WILSON.

*Mr. Wilson to the Speaker of the House of Representatives.*

WASHINGTON, January 31, 1827.

SIR: I beg leave to enclose herewith charges against George Graham, Commissioner of the General Land Office, the nature of which, it is presumed, will be considered sufficient to require an investigation into his conduct; and all of which, it is confidently believed, are susceptible of the strongest proofs.

Very respectfully, sir, your obedient servant,

JOHN WILSON,

*Principal Deputy Surveyor for the Southeastern District of Louisiana.*

HON. JOHN W. TAYLOR, *Speaker of the House of Representatives.*

I.

*Charges against George Graham, Commissioner of the General Land Office, exhibited by John Wilson, principal Deputy Surveyor of the Southeastern District of the State of Louisiana.*

*First.* For conduct operating against the interests of the United States, and of individuals concerned in lands in the said States.

*Second.* His wilful and criminal delinquency in neglecting to comply with the instructions of the honorable William H. Crawford, late Secretary of the Treasury, to prosecute, or cause to be prosecuted, on civil and criminal suits, one Gabriel Winter, of Natchez, in the State of Mississippi, who had sworn falsely, for the purpose of defrauding the government of a certain sum of money which the said Graham directed to be deducted from the accounts of an officer of the government, and to be paid to the aforesaid Winter, for his benefit.



*Third.* His permitting one or more letters to be opened and read in his office by a person to whom he knew they were not addressed nor intended for.

*Fourth.* His wilful and criminal delinquency in not directing an inquiry into the conduct of the register of the land office in New Orleans, on being informed that he had imposed upon land claimants by making the most exorbitant charges, as fees, which were unauthorized by law, oppressive upon the claimants, and injurious to the interests of the government.

*Fifth.* His advertising lands for sale by public proclamation, published in one or more of the public papers, bearing date August 5, 1826, on the Bayou Grosse Tête, in the State of Louisiana, in the absence of the President, who alone was authorized to direct the sale; a great part of which lands he must or ought to have known, from the records in his office, had been confirmed as pre-emption rights, or sold at public sale, whilst other lands, long since surveyed and prepared for sale, were not offered.

*Sixth.* His incompetency to the performance of the duties of his office, in making returns to Congress of unsold lands; the calculations of which produce results so erroneous, and of such data, as to preclude the possibility of their being correctly acted upon.

*Seventh.* His withholding papers properly belonging to and highly important to the person applying for them, and refusing to furnish copies which he had previously promised, or a reference in any way to public documents, also properly belonging to and equally important to the applicant in the adjustment of his legal claims upon the government.

*Eighth.* For neglecting to carry into effect his own instructions to George Davis, the surveyor of the lands of the United States south of the State of Tennessee, in relation to the settlement of the accounts of deputy surveyors, (a copy of which is hereto annexed,) and his neglect to take proper measures for the removal of said Davis, who had been repeatedly represented to him as a man of most infamous character, incompetent to the performance of the duties of his office, and against whom charges embracing offences of the most serious nature, and well authenticated, had been exhibited, when he, the said Graham, knew that the interests of the government, as well as of individuals, were materially affected by his continuance in office.

*Ninth.* His permitting the aforesaid George Davis to continue a suit, instituted by him as the agent of the United States, against an officer of the government, founded upon a false oath made by the aforesaid Davis, which will appear by his correspondence with said Graham, and precluding, by his official acts, the aforesaid officer from prosecuting suits instituted against him, Davis, thereby subjecting him to great delay and pecuniary embarrassments.

*Tenth.* For wilful misrepresentations made in an official report to Congress bearing date December 20, 1826, in compliance with a resolution of the House of Representatives, dated the 19th of said month, to show cause why the lands in the States of Louisiana, Mississippi, and Alabama, south of the 31st degree of north latitude, had not been surveyed and brought into market, did, in the aforesaid report, represent, as one cause, "the detention of the books, records, and papers, by the late principal deputy surveyor, Silas Dinsmoor, who was removed from office in October, 1824;" thereby imposing upon Congress the belief that no lands had been surveyed or prepared for sale in said Dinsmoor's district, whereas he knew, or ought to have known, from the records in his office, that about one hundred townships had been surveyed, the surveys approved of by the proper officer, and that the aforesaid number of townships might have been brought into market more than three years since, and previous to the appointment of the present surveyor south of Tennessee; and further, that he, the said Graham, did assert that the aforesaid Silas Dinsmoor was removed from office in October, 1824, which he, Graham, knew was not the case, as will appear from his correspondence with George Davis, the surveyor of the lands south of Tennessee.

*Eleventh.* His having asserted that the continuance in office of the surveyor of the lands of the United States south of Tennessee was the fault of the President of the United States, thereby attempting to exculpate himself from his own gross derelictions and violations of duty in relation to the conduct of the aforesaid surveyor by an attempt to impose them upon the President.

*Twelfth.* His wilful and deliberate falsehoods in relation to the settlement of the accounts of the principal deputy surveyors of the eastern and southern districts of the State of Louisiana.

Respectfully submitted by

JOHN WILSON,

*Principal Deputy Surveyor for the Eastern and Southeastern Districts of Louisiana.*

*Extract from a letter addressed by George Graham, Commissioner of the General Land Office, bearing date August 15, 1824, to George Davis, surveyor of the lands of the United States south of the State of Tennessee, (referred to in the eighth charge.)*

"In the Jackson Court-house district the surveying should be confined to the surveying of the private claims, connecting them with the township lines, and completing the plats of all those townships which contain private claims.

"I enclose a copy of a letter from Mr. Dinsmoor. From this letter, and from others addressed to members of Congress from Louisiana by different deputy surveyors, it appears that the credit of the government has been materially injured by the conduct of your predecessors in office. You will therefore take immediate measures to remove any just complaints which may be made by the deputy surveyors, in consequence of any improper detention of the money due to them by the government, by a speedy settlement of their accounts. That the necessary funds may be promptly remitted you will furnish this office with an estimate, exhibiting—

*First.* "The sums, in detail, actually due to the several deputy surveyors for surveys made in each land district, respectively, distinguishing the sums due for the surveys actually returned, and those not returned."

*Second.* "The amount required to pay for surveys contracted for, and expected to be finished previous to January 1, 1825, in each separate district."

*Third.* "The amount required to defray the surveying expenses for 1825. This last estimate will be submitted to Congress with the estimates from the Treasury Department, and must be made in detail, exhibiting the sums required for each land district.

"GEORGE GRAHAM."

*Copy of charges against George Davis, referred to in eighth charge.*

Charges against George Davis, surveyor of the lands of the United States south of the State of Tennessee, exhibited by John Wilson, late principal deputy surveyor of the southeastern district of Louisiana.

*First.* For violating the act of Congress of February 28, 1806, and for conduct operating against the interests of the United States, and of individuals concerned in lands within the said district.

*Second.* For refusing to confirm the appointment of Louis Bringer, made by the principal deputy surveyor, as a deputy, after having promised such confirmation; and appointing one John Fletcher, a man of infamous character, altogether incompetent to perform the duties of the office, and a person who had lately before been confined in the jail or calaboose under some criminal charge, where it is understood the surveyor, who was also confined, made his acquaintance.

*Third.* That the incompetency of and worthless character of the said Fletcher was notorious, and known to the said surveyor before the appointment was made, and that he had previously expressed his opinion in public of Fletcher's incapacity.

*Fourth.* That the said Davis appointed various incompetent persons as deputy surveyors, against the remonstrances of landholders, who absolutely refused to let such surveyors run their lines, in consequence of which the said lands remained unsurveyed up to the date of these allegations.

*Fifth.* That one of these deputies, named James Grinage, could not even commence the front grants, although they had natural boundaries, such as rivers and bayous, and was repeatedly making application by letter to know where and how to begin, and when instructed could not proceed; all of which must have been known to said Davis.

*Sixth.* That the surveys made by the deputy surveyors, who were so improperly appointed, are in most or all instances entirely erroneous, and that the said surveyor was apprised of their errors, and still suffered them to continue.

*Seventh.* That the said surveys made by these incompetent deputies will create great confusion and difficulty, and that when the general plat of that district is projected the lines will not correspond; all of which must or ought to have been anticipated and plainly foreseen by the said surveyor when he appointed those incompetent deputies.

*Eighth.* That the inaccuracies of the surveys made by his incompetent deputies have produced various conflicting titles, and that the surveys have tended to confuse and destroy the old admitted claims, and to create litigation and dispute among the claimants.

*Ninth.* That the said surveyor has very considerably retarded the surveyors in said district by abusive language and ill treatment to the old and experienced deputies, many of whom have been driven from the employment by unwarrantable insults, all of which have resulted from improper partiality, and adopted to displace qualified men from the service, and put in their stead unfit and ignorant partisans.

*Tenth.* For withholding public moneys from the deputies when in possession of funds, which were to be applied to their use, without any just cause why their accounts should not have been paid.

*Eleventh.* For compelling deputies to refund money which had been legally paid them, when no just reason existed.

*Twelfth.* His appointing to the office of principal deputy surveyor for the southeastern district of Louisiana a very young man, who is totally unfit for the duties of the office, having neither practical nor theoretic knowledge of surveying.

*Thirteenth.* For attempting to intimidate the deputies from urging a settlement of their accounts by the most abusive and threatening language, and acting the part of a common bully to effect his object.

*Fourteenth.* For having positively forbidden one of his principal deputy surveyors from corresponding with the Commissioner of the General Land Office or the Secretary of the Treasury without first sending the letters to him, that he might judge of the propriety of forwarding them.

*Fifteenth.* His repeated threats and disrespectful language against the Secretary of the Treasury and Commissioner of the General Land Office.

*Sixteenth.* His entire incompetency to conduct the surveys and private claims in the State of Louisiana.

*Seventeenth.* His improper conduct in writing confidential letters to his deputies, endeavoring to get them to act as spies upon the old surveyors, that he might have a pretence for removing them from office, and, when this failed, undertaking to remove them himself without any cause.

*Eighteenth.* For receiving again into employment surveyors who had been previously dismissed for fraud upon the general government, and extortion from individuals, all of which had been before known to said Davis.

*Nineteenth.* For wilfully, maliciously, and falsely swearing that John Wilson, late principal deputy surveyor for the southeastern district of Louisiana, was indebted to the general government in the sum of two thousand dollars, and causing the said Wilson to be held to bail in that sum as a debtor to the United States, until, from the manifest showing of the said Wilson, the judge of the district court of the United States for the eastern district of Louisiana discharged and released his bail.

*Twentieth.* In falsely stating that the said Wilson had defrauded the government of the United States out of fifteen or twenty thousand dollars, and assigning that as a reason for withholding money due to the said Wilson.

*Twenty-first.* For ordering the said Wilson, then principal deputy surveyor, to Washington, Mississippi, under pretence of settling his accounts, and having detained him there several days when no necessity existed for such detention or settlement, as the said Davis had all the proper receipts from Wilson; all of which was to the injury of the general government, and to the land claimants, in the loss of time, and to the health and interest of said Wilson.

*Twenty-second.* For improper conduct as surveyor, in making repeated applications for a check of \$140 08 in favor of Auguste Bonnet, which had been previously delivered to said Davis' son; and writing to the cashier of the Branch Bank of Donaldsonville to stop that check if offered, when he knew his son had given a written receipt for the same; and still declaring to others that the said check was dishonestly withheld by said Wilson.

*Twenty-third.* For imposing unnecessary duty upon the principal deputy surveyor, the said Wilson, and his deputies, by requiring triplicate plats of surveys, made previous to his appointment to office, which consumed the time of said surveyor and deputies that should have been usefully devoted to public service.

*Twenty-fourth.* For the infamous moral character of the said George Davis, and his unfitness to perform the duties of surveyor.

All of which is submitted by

DONALDSONVILLE, *March 16, 1825.*

JOHN WILSON.

## II.

*By the President of the United States.*

In pursuance of the provisions of an act of Congress approved April 20, 1818, entitled "An act authorizing the disposal of certain lots of public ground in the city of New Orleans and town of Mobile," it is hereby ordered that the register and receiver of the land office at New Orleans shall expose to public sale, to the highest bidder, on the first Monday in January next, the building formerly appropriated by the United States to the use of the naval arsenal, together with the ground occupied by the said building and its appurtenances.

There will also be exposed to public sale, at the same time and place, and in pursuance of the provisions of the act above quoted, six certain lots of ground situate in the city of New Orleans, designated on the official plat of survey filed in the office of the register of the land office as numbers thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen, binding on the Rue de l'Hospital, and fronting on the Rue de Conde, which ground has been relinquished to the United States by the Ursuline nuns of the said city.

There will also be exposed to public sale, at the same time and place, a piece of ground belonging to the United States, situate in the same square as the lots above designated, being three feet and nine inches wide, by one hundred and twenty feet deep.

It is further ordered that, at the same time and place, the said register and receiver shall expose to public sale the following lots of land, situate on the *Bayou Gros Tête*, in the district of lands offered for sale at New Orleans, viz:

Lots numbered from seven to ninety-four, inclusive of both numbers, situate on the east side of the said bayou.

Lots numbered one to twenty-five, inclusive of both numbers, situate on the west side of the said bayou.

Also a second range of lots, situate on the east side of the said bayou, numbered from one to thirteen, inclusive of both numbers.

The sale will commence on the first Monday in January next, and will be continued until the whole of the property shall have been offered.

The lots on the *Bayou Gros Tête*, appropriated for the benefit of schools, will be excluded from sale.

Given under my hand, at the city of Washington, this 5th day of August, A. D. 1826.

JOHN QUINCY ADAMS.

By the President:

GEO. GRAHAM, *Commissioner of the General Land Office.*

GENERAL LAND OFFICE, *August 5, 1826.*

By direction of the Secretary of the Treasury, and in virtue of the provisions of the act of Congress passed May 15, 1826, entitled "An act for the sale of a house and lot in New Orleans and a storehouse at the quarantine ground in Louisiana," the register and receiver of the land office at New Orleans will offer at public sale, to the highest bidder, on the first Monday in January next, the house and lot in Royal street, in the city of New Orleans, heretofore used for the district court of the United States.

By order:

GEO. GRAHAM, *Commissioner of the General Land Office*

## III.

[For the papers belonging to this class see No. 539, page 858.]

## IV.—A.

GENERAL LAND OFFICE, *February 28, 1824.*

SIR: With the instruction dated the 8th of August last, authorizing the payment of the salary claimed by Mr. Winter, I forwarded copies of the papers on which that instruction was founded, together with a copy of Mr. Winter's affidavit.

I now enclose a copy of a letter from Mr. Wilson to the Secretary of the Treasury, together with the copies of the certificates which accompanied it, and am instructed by the Secretary to say to you that he still thinks that Mr. Wilson is not entitled to his salary from a period beyond that to which you were authorized by my letter of the 8th of August last to pay him; but that the facts stated, and the testimony now furnished by Mr. Wilson, show that Mr. Winter had virtually abandoned his office, and therefore should not have received the pay; and he has directed me to request that you will call upon Mr. Winter to refund the amount paid by you, and to assure him that if he does not, both civil and criminal process will



be issued against him. You will communicate without delay the answer which Mr. Winter may make in reply to your demand.

With great respect, your obedient servant.

L. WAILES, Esq.

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register of the Treasury.*

V.—B.

ADAMS COUNTY, *Mississippi, January 5, 1826.*

DEAR SIR: I was in Claiborne county when your letter of the 27th of November must have arrived at Washington. I received it a few days since. I recollect informing Mr. Davis, by letter, about the time you were settling your account with him in October, 1824, that it would be proper to deduct a certain sum which had been paid to Gabriel Winter, by orders from the Commissioner of the General Land Office. But I have not the most indistinct recollection that two days elapsed between the date of my note to him on that subject and the time of its delivery. This much, however, I can say, that whether there may have been such a delivery or not, nothing could have been more foreign from my mind than a design to defraud either Mr. Davis or the government, or benefit you.

I have seen and heard so much of the extraordinary epistles of this suspicious blockhead that I have ceased to regard anything coming from him in any other light than that of utter contempt.

I perfectly recollect writing to Mr. Harper, register of the land office in the southeastern district, at the time I forwarded to him maps of the lands which had been advertised for sale on the west side of the Mississippi in that district. I had found the maps (if such they might be called) of those lands in the office, without course or distance on any of the lines, nor could I find the field notes of any of them. They appeared to have been divided into sections, somewhat upon the plan for surveying lands under the Spanish government; but the contents of no section had been calculated, or if they had been they were not inserted on the maps. In the short time allowed for the computation, and specially with the data before me, I had no other means of deducing their contents than from the projections. These I knew were not to be relied on for accuracy, and even if they had been, that mode of computation, I need not tell you, would have been but an approximation to truth. I therefore apprised Mr. Harper that the areas which I had returned ought not to be taken as the true ones. I presumed that you, as principal deputy surveyor of the district, would be in possession of the field notes. I therefore informed Mr. Harper that as you would (*ex officio*) be one of the superintendents of the sales you would be present, and if any section should be sold, you should, before any payment should be made on it, revise the calculations from the field notes, and that your calculations should be regarded as more perfect than any which I might have it in my power to make.

I am, very respectfully, your obedient servant,  
JOHN WILSON, Esq., *Washington City.*

LEVIN WAILES.

*The United States Dr. to John Wilson, late principal deputy surveyor for the southeast district of Louisiana.*

For amount of his salary from January 1 to September 30, 1824 .....	\$375 00
For amount of his salary from October 1 to December 22, 1824, 83-92 of \$125 .....	112 77
	487 77
Deduct amount paid to him by treasury warrant No. 8573, dated December 30, 1826, on report No. 51414* .....	81 40
Leaving this sum due to him, being the amount that was suspended by said report No. 51414, and which is now to be paid conformably to the decision of the Secretary of the Treasury of February 12, 1827 .....	406 37

AUDITOR'S OFFICE, *February 13, 1827.*

WM. PARKER.

COMPTROLLER'S OFFICE, *February 13, 1827.*

Examined.

WM. ANDERSON.

The balance due to Mr. Wilson, as per annexed statement, arises as follows:

By report No. 51414, for the amount of his salary from January 1 to December 22, 1824 .....	\$487 77
There was deducted and suspended this amount that had been paid both to him and his predecessor in office for salary from May 25, 1821, to March 17, 1822 .....	406 37
Leaving this amount, which was paid to him by warrant No. 8573, dated December 30, 1826 .....	81 40

Therefore, as it has now been decided that Mr. Wilson is entitled to his salary, which was suspended, as above stated, and as his salary from May 25, 1821, to March 17, 1822, has long since been paid and the account settled, and as the deduction was made from his salary that accrued from January 1 to December 22, 1824, the sum of \$406 37 is now strictly due to him for the balance of his salary for said period, viz: from January 1 to December 22, 1824.

AUDITOR'S OFFICE, *February 13, 1827.*

WM. PARKER.

TREASURY DEPARTMENT, *Register's Office, February 17, 1827*

I hereby certify that the foregoing statement of the account of John Wilson, late principal deputy surveyor for the southeast district of Louisiana, is a true copy of the original on file in this office.

JOSEPH NOURSE, *Register.*

The Commissioner of the General Land Office laid before the Committee on Public Lands the following papers in reply to the charges made against him by John Wilson:

On the second charge Mr. Graham submitted the following certified copies of letters, &c., now filed with the accounts of J. Wilson, with the Register of the Treasury:

GENERAL LAND OFFICE, *April 7, 1821.*

SIR: I am authorized to inform you that it is the wish of the President and the Secretary of War that the office of principal deputy surveyor for the eastern district of Louisiana be given, if vacant, to Lieutenant John Wilson, who will present, or cause to be presented, this letter.

I am, very respectfully, yours,

J. MEIGS.

THOMAS FREEMAN, Esq., *Surveyor General, Washington, Mississippi.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

CHOCTAW AGENCY, *May 24, 1821.*

SIR: Your letter of the 9th ultimo, with its enclosure from the General Land Office, recommending you for the office of principal deputy surveyor for the southeastern district of Louisiana, have been received. That office is considered as vacant, and I am gratified to have the advantage of filling it with a person so highly recommended, and no doubt well qualified.

The principal deputy's office for that district is kept at Donaldsonville, a small village on the left bank of the Mississippi river, about 70 miles above Orleans. The salary annexed to the office is \$500 a year, with fees of 25 cents a mile for examining and recording all surveys made by the deputy surveyors in the district.

Should you accept the appointment, I wish you to proceed without delay to that office. Call at my office on your way, in the town of Washington, near Natchez, where you will receive your commission and instructions. It is necessary that you should have some knowledge of the French language, the population of the district being chiefly French Creoles of that country, many of whom do not understand a word of English.

Let me have the pleasure of a line from you on this subject as soon as you receive this.

I am, very respectfully, sir, your obedient servant,

THOMAS FREEMAN.

JOHN WILSON, Esq., *City of New York.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

SURVEYOR'S OFFICE, *June 5, 1821.*

SIR: Your letter of 7th April, recommending Lieutenant John Wilson for the appointment of principal deputy surveyor of the southeastern district of Louisiana, has been received. I have written to Mr. Wilson on the subject, and directed him to proceed without delay to take charge of that office, to call at this office on his way and receive his commission and instructions.

I shall be very much gratified to find Mr. Wilson qualified and willing to conduct the duties of that office. No surveyor can be found here to take charge of it who is qualified to superintend it. Captain Winter, who last had charge of that office, paid but little attention to it. The back tracts or pre-emptions granted to holders of front tracts in that district remain yet to be surveyed. The difficulty of making surveys of back tracts in that tract of country renders it almost impossible to get a surveyor qualified to undertake those surveys. This, together with the want of the constant attention of a principal deputy in the district, are the causes why the survey of the district has not been completed before this time.

I am, very respectfully, sir, your most obedient servant,

THOMAS FREEMAN.

JOSIAH MEIGS, Esq., *Commissioner General Land Office.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

JANUARY 10, 1822.

SIR: Enclosed you have a commission from the President of the United States, appointing you, by and with the advice and consent of the Senate, to the office of surveyor of the public lands south of the State of Tennessee, for the term of four years from the date of the commission, (9th instant.) You will please to qualify yourself by taking an oath to support the Constitution of the United States. You have also enclosed an open letter to Nicholas Gray, esq., the chief clerk of the late surveyor, Mr. Freeman, requesting

him to deliver to you all the books, papers, &c, appertaining to that office, for which you will please give him duplicate receipts.

I am, &c.

A true copy.

J. M. MOORE.

LEVIN WAILES, Esq., *Surveyor of the Public Lands south of the State of Tennessee, now at Opelousas, La.*

TREASURY DEPARTMENT, *Register's Office, February 10, 1827.*

The within is a true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

OPELOUSAS, *Louisiana, February 11, 1822.*

SIR: By the same post to-day which brought me a commission from the President of the United States of surveyor of the public lands south of the State of Tennessee I received your letter, dated at Natchez, the 4th current, informing me of your having been appointed by the late Major Freeman to the office of principal deputy surveyor for the southeastern district of the State of Louisiana, and of your determination to remain at Washington, Mississippi, until you should hear from me.

I expect to be in Washington by or before the 1st of the ensuing month. That, however, will depend, in some measure, on the flowing of the river Mississippi, so as to admit of boats passing through Plaquemine. I should regret even this short delay in placing you in charge of the office to which you have been appointed, if I did not know that there are at present no funds at the disposal of the head of the department to enable you to enter upon the duties of your office, and that there probably will be none until appropriation shall have been made by Congress, which I apprehend need not to be looked for until about the close of the present session.

I am, sir, very respectfully, your obedient servant,

LEVIN WAILES.

JOHN WILSON, Esq., *Washington, Mississippi.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

SURVEYOR'S OFFICE, *Washington, March 7, 1823.*

From documents in this office it appears that Gabriel Winter, esq., was paid his salary as principal deputy surveyor for the southeastern district of the State of Louisiana, December 30, 1820. From this date no salary has been paid to a principal deputy of said district until May 24, 1821, when, by the letter of Thomas Freeman, esq., the appointment was given to John Wilson, esq., to whom the salary has been paid from the last-mentioned date. Mr. Wilson resided in the State of New York at the date of his appointment; arrived at Washington at the last of February,\* and took possession of his office about April 1, 1822.

LEVIN WAILES, *Surveyor United States lands south of the State of Tennessee.*

TREASURY DEPARTMENT, *Register's Office, January 8, 1827.*

A true copy of the document on file.

JOHN STRETCH, *For the Register.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

*Extract of a letter from Levin Wailes, esq., surveyor of the lands of the United States south of Tennessee.*

SURVEYOR'S OFFICE, *Mississippi, March 19, 1822.*

SIR: You will be pleased to proceed to Donaldsonville, in the eastern district of Louisiana, with the least possible delay, and take charge of the office of principal deputy surveyor of that district, to which you have been appointed by my predecessor in office, the late Thomas Freeman, esq., by his letter dated May 24, 1821.

The books, papers, &c., of your office will be delivered to you by Edward White, esq., in whose charge they have been left by Gabriel Winter, esq., late principal deputy surveyor of said district.

LEVIN WAILES.

JOHN WILSON, Esq., *Principal Deputy Surveyor Eastern District State of Louisiana.*

SURVEYOR'S OFFICE, *Washington, Mississippi, December 26, 1823.*

I certify that the foregoing is a true extract from my letter of instruction to John Wilson, esq., principal deputy surveyor of the southeastern district of the State of Louisiana, dated March 19, 1822.

LEVIN WAILES.

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

\* Should be January; see his letter of January 11, 1822.—J. B.



NEW ORLEANS, *April 25, 1823.*

DEAR SIR: In answer to your letter of the 7th instant, I state that I considered you as the principal deputy surveyor of the southeastern district of Louisiana up to the time that Mr. Wilson took charge of the office, which, I believe, was in April, 1822. I recollect your being in my office in the capacity of surveyor during the short period that the inhabitants had an opportunity of entering double concessions, and that you entered some yourself on behalf of others.

There was no receiver of public moneys in commission till within five or six months of the expiration of the law.

What work you may have done while principal deputy surveyor I cannot certify, no returns having been made to my office.

Yours, &c.,

SAM. H. HARPER.

Captain GABRIEL WINTER.

TREASURY DEPARTMENT, *Register's Office, January 8, 1827.*

A true copy of the document on file.

JOHN STRETCH, *for the Register.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

The within is a true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

GENERAL LAND OFFICE, *June 24, 1823.*

SIR: Your letter of the 20th instant has been received. In reply, I have to state that a letter has this day been addressed to Mr. Wailes requiring information as to the period when your duties as principal deputy surveyor for the southeastern district of Louisiana ceased. Until the receipt of his answer an opinion as to the period at which your salary should be paid cannot be given.

I am, &c.,

JOHN McLEAN.

GABRIEL WINTER, Esq., *now at Baltimore, Maryland.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

GENERAL LAND OFFICE, *June 24, 1823.*

SIR: Enclosed is an extract from a letter just received from Gabriel Winter, esq., late principal deputy surveyor for the southeastern district of Louisiana. I will thank you to inform me when the official duties of Mr. Winter ceased; and whether, as stated, his successor did not qualify for the office until March 19, 1822, having received compensation from the date of his appointment, May 24, 1821.

Very respectfully, &c.,

JOHN McLEAN.

LEVIN WAILES, Esq., *Surveyor General, Washington, Mississippi.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

I never did receive from Major Freeman, late surveyor of the United States lands south of the State of Tennessee, any information, from which I inferred that the office of principal deputy was vacant, and I continued to do the duties of the office until about April 1, 1822.

GABRIEL WINTER.

DISTRICT OF COLUMBIA, *Washington County:*

Subscribed and sworn to August 7, 1823, before

R. S. BRISCOE, *Justice of the Peace.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy from the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

I certify that I was employed by the late Thomas Freeman, surveyor of the lands of the United States south of the State of Tennessee, as a clerk in his office, about the middle of June, 1821, in which capacity

I continued to act until after the month of April, 1822, during which time I never knew of Mr. Gabriel Winter acting as principal deputy surveyor of the southeastern district of Louisiana, or that he was, during the time specified, commissioned as such. On the contrary, I understood that the office was vacant until the appointment of Mr. John Wilson to fill the office.

WM. W. ROBINSON.

STATE OF MISSISSIPPI, *Adams County*:

Personally appeared before the undersigned justice of the peace for said county William W. Robinson, and made oath that the statement is true.

WM. W. ROBINSON.

Sworn to and subscribed before me December 25, 1823.

JAMES CARSON, *Justice of the Peace*.

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

NATCHEZ, *December 26, 1823.*

I certify that I was employed by Thomas Freeman, esq., late surveyor of the lands of the United States south of the State of Tennessee, as a clerk in his office, before the month of May, 1821, and that I continued to perform the duties of clerk in the surveyor's office until the month of April, 1822, during which time I have no knowledge of Gabriel Winter having acted as principal deputy surveyor of the southeastern district, State of Louisiana, or that he was, between the months specified, in commission. On the contrary, I heard Mr. Freeman remark, on paying Mr. Winter his salary, sometime before the month of May, 1826, that it would be the last he would receive, as the office would from that time be considered vacant, and always understood that it was so considered until the appointment of John Wilson to fill the vacancy. Between the times specified, Mr. Winter was in partnership with Mr. William Moore in the mercantile business, and was absent several months on business to the north connected with the affairs of the firm.

NICHOLAS GRAY.

STATE OF MISSISSIPPI, *Adams County*:

Personally appeared before the undersigned justice of the peace for said county Nicholas Gray, and made oath that the within statement is true, to the best of his knowledge and belief.

NICHOLAS GRAY.

Sworn to and subscribed before me December 26, 1823.

JAMES CARSON, *Justice of the Peace*.

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

I certify that Mr. Gabriel Winter was a partner of mine in the commercial business from the month of August, 1819, to December, 1821; and in the month of May or June, in the latter year, he went on to Philadelphia on business of the concern, and returned sometime in the month of November, same year.

WM. MOORE.

NATCHEZ, *December 26, 1823.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

DONALDSONVILLE, *Louisiana, January 6, 1824.*

Sir: Having been informed by Mr. Wailles that he had been instructed by the Commissioner of the General Land Office to pay to Mr. Winter, late principal deputy surveyor, the salary attached to that office from the date of my appointment to the office until about the last of March ensuing, on the affidavit of Mr. Winter, and to deduct the same which had been previously paid to me from my accounts, I feel constrained to address you in relation to it, and to transmit the enclosed copies of letters and certificates, from which I think it will appear evident that a more palpable perjury and fraud has seldom, if ever, been committed against the United States, or more injustice done towards one of its officers.

I beg leave to state that in the winter of 1821 I was on a visit to Washington city, being at that time an applicant for a civil appointment; while there a letter was received, I think, sometime in the month of March or April, 1821, by Mr. Meigs, late commissioner, from Mr. Freeman, late surveyor, stating that the office of principal deputy surveyor for this district was vacant. Upon the suggestion of Colonel Bonford I became a candidate for the office, and on my wishes being made known to Mr. Monroe, he directed Mr. Meigs to inform Mr. Freeman that it was his wish that I should be appointed to the office, (a copy of which letter I enclose herewith.) Upon the receipt of this letter by Mr. Freeman he forwarded

to me the letter of appointment, under date of May 24, 1821, (a copy of which is enclosed,) which I accepted. I did not, however, leave New York until the month of October following, and took passage from Pittsburg, Pennsylvania, for Natchez; but, in consequence of the lowness of the waters, I did not arrive there until the January following, when I heard of the death of Mr. Freeman, and was therefore compelled to remain at Natchez until the appointment of his successor. On the arrival of Mr. Wailes I received my instructions, (an extract from which I enclose herewith,) under date of March 19, 1822, eleven days previous to the time Mr. Winter swears that he was performing the duties of the office, when, at the same time, he was at Natchez, transacting business as a merchant.

The certificates of Messrs. Gray and Robinson, late clerks in the surveyor's office, clearly show that Mr. Winter was neither in commission nor acting as principal deputy in any way; while the certificate of Mr. Moore, his partner, proves that, during the time he has sworn that he was acting as principal deputy, he was absent at Philadelphia for several months upon business connected with the firm. Many other certificates can be obtained in that place, as well as from claimants in this district, showing that Mr. Winter neither resided nor kept an office in the district during the time that he has sworn that he was performing the duties. At the time I received the salary in question from Mr. Wailes, Mr. Winter proposed to me to divide it with him, (Mr. Wailes having refused to pay him after the date of my appointment, knowing that he had not been in service subsequent to that time,) stating that he had preserved the books and papers of the office, but did not pretend that he had performed any of the duties; for this would have been too absurd, where the falsity of such an assertion could so easily be proved. I, however, objected to any division, alleging that it was customary, in all departments of the government, for the salary to commence from the date of the appointment, and that sum would scarcely defray the expenses of my journey from New York to Natchez, and the expenses incurred while compelled to remain there. Mr. Winter acceded to the justice of my remarks, and expressed his willingness that I should draw the salary, saying that he should claim a compensation for having preserved the books and papers of the office. I will now state in what manner those books and papers were preserved. On my arrival in this place I found them in a house belonging to the estate of the late Major Freeman, in which resided the overseer. They were crowded into a couple of drawers in a cupboard, and appeared as if they had not been disturbed in more than a twelvemonth, all the maps and plans having been more or less injured by insects, and many of them rendered entirely useless. A great number of the field notes of surveys made in the district were missing, and not even the evidence of a scratch of the pen to show that Mr. Winter had ever done any duty, or that any surveys had been made in the district, or duties performed in the office, subsequent to the death of Mr. Gilbert, the former incumbent. Mr. Wailes informed me that he had written to the Commissioner of the General Land Office, under date of November 9, 1822, stating his reasons for paying me the salary which Mr. Winter has since received, to which letter I would also beg leave to refer you. I also enclose herewith a copy of a letter from Major Freeman to Mr. Meigs, dated June 5, 1821, wherein he states that Captain Winter, who *last* had charge of the office, paid but little attention to it; from which I think that nothing can be more plain than that Captain Winter was not then in commission, although he swears he was, until the first of April following; but Mr. Winter never expected that a copy of his oath would have been sent to Mr. Wailes; if he had, he never would have dared to have been guilty of so barefaced a perjury; and although his conduct and principles have for a long time been the subject of much animadversion, he has, by this act, fully disclosed the depravity of his heart, and will, I trust, meet with that punishment which deliberate guilt so justly deserves.

It is with much regret, sir, that I have felt myself constrained to intrude upon your time; but believing, as I do, that it is a duty every man owes to society to expose to merited castigation every offender who is so base or so unprincipled as to rob another of his property, and feeling that from you alone I can only hope for that justice which is due to me, I have thus been induced to encroach upon your time, for which I trust the subject will plead my apology. I would also beg leave to add that if any doubts should exist as to the expediency of instituting a suit upon the documents I forward herewith, I will produce others that cannot leave a doubt upon the minds of the most sceptical that he has been guilty of a most wilful and deliberate perjury.

With sentiments of profound respect, I have the honor to be your most obedient servant,  
JOHN WILSON, *Principal Deputy Surveyor.*

Hon. WM. H. CRAWFORD, *Secretary of the Treasury.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy from the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

GENERAL LAND OFFICE, *March 2, 1824.*

SIR: Your letter and its enclosures have been received and submitted to the Secretary of the Treasury for his consideration.

The enclosed letter to Mr. Wailes will advise you of the decision made by him, and the course which will be pursued in relation to Mr. Winter.

I am, sir, very respectfully, your obedient servant,

GEORGE GRAHAM.

JOHN WILSON, Esq., *Principal Deputy Surveyor, Donaldsonville, Louisiana.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the original document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

GENERAL LAND OFFICE, *November 17, 1826.*

The Commissioner of the General Land Office has the honor to return to the Secretary of the Treasury the letter of Mr. Wilson, late principal deputy surveyor, bearing date November 1, 1826, and the papers



accompanying the same, and, in compliance with the request of the Secretary, submits the following remarks on each item of the charges contained in Mr. Wilson's account.

The first item is a charge for \$487 77, on account of salary which he claims for a period previous to his entering on the duties of his office, and previous to any actual appointment. This question was submitted to Mr. Crawford in August, 1823, and, by his directions, the instructions contained in my letter of August 8, 1823, (a copy of which is enclosed,) were given. From subsequent information there was reason to believe that Mr. Winter, although in possession of the papers and records of the office, had performed no duties which entitled him to the salary; and, by direction of Mr. Crawford, the letter of February 25, 1824, was written to Mr. Wailes, (see the letter among the papers submitted by Mr. Wilson.) This letter confirms the instructions of August 8, 1823, so far as it respects the claim of Mr. Wilson to the salary. In giving this decision Mr. Crawford was guided by the general practice of the Treasury Department. With respect to Mr. Winter, he subsequently produced some letters from Colonel Freeman, which induced Mr. Crawford to agree to submit to Messrs. Williams and Rankin the question as to the period to which Mr. Winter was entitled to the salary; but the papers were returned without a decision.

The second item is for \$144, on account of travelling expenses incurred in going to and in returning from Washington. Charges of this nature have been admitted by the proper accounting officers of the Treasury, on the sanction of the Secretary of the Treasury. This sanction has never been, I believe, given but in one instance, and that was in the case of Mr. Wilson himself, and was founded on the certificate of the surveyor, Mr. Wailes, then in office.

The third and fourth items are for charges which can be admitted by the First Auditor of the Treasury, in the regular course of the adjustment of the surveyor's accounts, on the exhibition of the necessary vouchers.

The fifth item is for visiting different parts of his district and examining the work of the deputy surveyor. I have no recollection that any such charge has ever been made by any principal deputy surveyor except Mr. Wilson, and there is no instance within my knowledge in which such a charge has been admitted.

The sixth and seventh items are charges for his salary, and interest thereon, from the period of his dismissal from office by Mr. Davis to the first instant, on the ground that Mr. Davis had no right to dismiss him without the sanction of the President. If that sanction had been necessary it was given by the approval of Mr. Turner's appointment, who succeeded Mr. Wilson; but I presume that no such sanction was necessary, as the ninth section of the act of April 21, 1816, gives this particular appointment exclusively to the surveyor of the lands south of Tennessee, by whom Mr. Wilson was dismissed.

I am, very, &c.,

GEORGE GRAHAM.

HON. RICHARD RUSH, *Secretary of the Treasury.*

#### A.

*Copy of endorsement on the envelope of certain papers now printed, which were submitted to the Hon. William H. Crawford, Secretary of the Treasury, and which are referred to in letter to Joseph Anderson, esq., Comptroller, January 11, 1827.*

On the receipt of the enclosed papers, Mr. Wailes was instructed to call upon Mr. Winter to refund the money paid him.

It appears to me from those papers, as well as the letter from Colonel Freeman to Mr. Winter, which he has himself exhibited, particularly the letter of March 6, 1821, that Mr. W. is not entitled to receive salary beyond the month of March, 1821.

GEO. GRAHAM.

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the original document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

#### GENERAL LAND OFFICE, January 11, 1827.

Sir: I now return the papers in relation to the accounts of Mr. Wilson which were referred by the Secretary of the Treasury to this office on the 10th instant, with directions to report to the Comptroller agreeably to the 9th section of the act of April 25, 1812. It may be proper to state that under the 9th section of the act referred to no accounts are audited at this office except those of the receivers of the land offices.

In relation to Mr. Wilson's claim for salaries prior to entering on the duties of the office of principal deputy surveyor, I can only say that it has been twice submitted to Mr. Crawford, who decided against it, and once to the present Secretary of the Treasury, who, it is understood, gave a similar decision.

Although it is intimated in an "expose" accompanying the papers now submitted in behalf of Mr. Wilson that the whole case was not before Mr. Crawford at the time he gave his instructions, it is nevertheless believed that every material paper now submitted was before him, particularly at the period of his last decision.

The papers then before him were the letter of Mr. Wilson to the Secretary of the Treasury, dated January 6, 1824, and the papers numbered from No. 1 to No. 4, in black ink, contained in the envelope marked A, submitted from this office. The endorsement on that envelope was made when the papers were submitted to Messrs. Williams and Rankin, as referred to in a former report of the Secretary of the Treasury, marked B.

The general principles which regulate the auditing the accounts in this office in relation to salaries is to allow the salary from the period at which the duties commence. The date of the bond or oath of office, therefore, regulates the period from which the salary commences. This general rule is not deviated from

except by directions through your office. In conformity, therefore, to these rules, the claim of Mr. Wilson for salary previous to entering on the duties of his office cannot be admitted.

I have the honor to be your obedient servant,

GEO. GRAHAM.

JOSEPH ANDERSON, Esq., *First Comptroller Treasury Department.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

GENERAL LAND OFFICE, *January 12, 1827.*

SIR: Since the report was made to you yesterday in relation to the claim of Mr. Wilson for salary, I have examined the records of this office to ascertain upon what authority it was stated that Mr. McLean had given a decision in favor of Mr. Wilson's claim, and I find the letters of which the enclosed are copies.

Whether those letters were submitted to the Secretary of the Treasury or not I have no recollection; but whether they were or were not is altogether immaterial.

With great respect, your obedient servant,

GEO. GRAHAM.

JOSEPH ANDERSON, Esq., *First Comptroller of the Treasury.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

A true copy of the original document on file in this office.

JOSEPH NOURSE, *Register Treasury United States.*

On the third charge, Mr. Graham referred to the deposition of the Hon. Mr. Wilson.

On the fourth charge, Mr. Graham submitted the following letters, and referred to the testimony of Mr. Wood:

SURVEYOR'S OFFICE, *Washington, Mississippi, January 5, 1825.*

SIR: The letter and other papers which you will receive herewith having been sent to the post office a few minutes too late for the last mail, I have withdrawn the packet to-day in order to enclose the copy of a letter since received from Mr. Harper. Having understood from Mr. Turner, a deputy surveyor just from Donaldsonville, that Mr. Wilson had, in his abuse of Mr. Harper, Mr. Lyman, and myself, charged us with having combined for the purpose of swindling the government and individuals, I confess I was surprised on receiving Mr. Harper's letter, which is the first he has ever written to me in the course of eighteen years that we have been partially acquainted. The copy of Mr. Harper's letter is communicated without permission, under an impression that it is proper to do so.

Respecting the propriety of a register's receiving certain fees, as mentioned by Mr. Harper, I have not made myself sufficiently acquainted with the subject to form an opinion upon it; but I am certain that demands for copies of plats frequently made upon this office are improper, and should be made at the register's office, who, in my opinion, ought to be entitled to receive fees for them; or suppose, for instance, that Mr. Ruffin had had a right to demand, at this office, a certified copy of his neighbor's plat on the 22d of September last, he would have had an equal right to ask for a second one on the next day, &c., forever; and if Mr. Ruffin had such a right, every other man in the community must have had a similar and equal right; and if so, what time would be left for myself and the clerks in this office to attend to other duties? It appears to me self-evident that the register here ought to be authorized to attend to these inquiries, and to charge fees; in which cases there could be no impropriety in a copy of the same plat of surveys being issued or furnished daily. Before I came into office those demands were answered, and fees charged for them, by my immediate predecessor; and as I have reprobated the practice, I am persuaded that I have been frequently harassed by his friends, who have been sent here for the purpose, among whom Mr. Ruffin is believed to have been one.

I must beg that you will be so good as to instruct me on this subject. After a plat has been furnished to the register, and another to the General Land Office, I am desirous of knowing how many, and under what circumstances, others may be demanded at this office as a matter of right.

I am, very respectfully, sir, your most obedient servant,

G. DAVIS.

GEORGE GRAHAM, Esq., *Commissioner of General Land Office, Washington City.*

NEW ORLEANS, *December 31, 1824.*

SIR: Mr. J. Wilson, late principal deputy surveyor, is now in the city. He says you have denounced me as a "damned rascal and a drunkard," alleging that I ought to be deprived of my office, and requesting him (Wilson) to exhibit charges against me; and I think he said that you observed you either had or would prefer charges against me. Now, I cannot believe all this, even on the supposition that you had received false impressions in relation to me; yet I think it proper to inform you of what this man has said, and request that you will reply to this letter. I have understood that he has exhibited charges against me to the General Land Commissioner, but of what nature they are I am not yet apprised, but suppose, from some remarks of his, that he has accused me of taking fees from applicants for their applications. The law has always made it the duty of persons applying either for the registering of lands or for their purchase to deliver to the register a written notice or application to that effect. Whenever any

person produced to me a written notice, either drawn by himself or any other person, I never charged him a cent, except sometimes for a certificate and recording fees; but when, as was often the case, the party applied to me to write his *notice*, I charge him for it, as I had a right to do, it being no part of my duty as register to *write* his notice. And this has been the invariable custom both in the time of the commissioners and in that of my predecessor. But if Mr. Wilson charges me with having taken illegal fees as register, he states what is untrue, and cannot support the allegation without the aid of bribery and perjury.

As to my having charged for writing notices, he and everybody else who had anything to do in that way were long since acquainted. He knew the reason and propriety, too, of the charge, and never would have resorted to the means he has if it had not been to revenge himself on me for a supposed injury I had done him in one or two of my communications to the General Land Commissioner. He accuses me, also, of having had a considerable agency in procuring the appointment of Mr. Lyman as principal deputy. That you know to be entirely groundless. May I request a speedy answer?

I am, very respectfully, your obedient servant,

SAMUEL H. HARPER.

GEORGE DAVIS, Esq., *Surveyor General*.

[This letter has been answered, and a copy of the answer will probably be sent, at a time of more leisure, to the General Land Office. I never have spoken a disrespectful or unfriendly word of Mr. Harper in my life—never having had a cause to do so. G. D.]

SURVEYOR'S OFFICE, *Washington, Miss., January 28, 1825.*

SIR: Your note, handed me a few days since, respecting a demand against the government for surveying done by you sometime past in the southeastern district of Louisiana, having been mislaid, I will thank you to furnish me with another, in which you are requested to state, explicitly, the causes of the delays you seem to have experienced in rendering an account for that work and having it liquidated.

I shall be very candid with you: I have heard you mention circumstances in relation to your employment, under the direction of Mr. Wilson, which has had its due influence in removing him from the office of principal deputy surveyor of that district, and this is merely to ask of you to state in writing what you have incidentally stated to me and others verbally respecting what you know of the conduct of Mr. Wilson as principal deputy surveyor of the southeastern district of Louisiana. The subject, I know, is an unpleasant one; but justice to the government, as well as to individuals, requires that the truth should be told.

I am, respectfully, sir, your most obedient servant,

G. DAVIS.

JOHN B. PEYTON, Esq., *Deputy Surveyor, present.*

A true copy.

F. WOOD,  
LEOLIN STAYTON, } *Clerks.*

WASHINGTON, *January 31, 1825.*

SIR: In your note of the 28th instant I am requested "to state, explicitly, the causes of the delays which I have experienced in rendering an account, and having it liquidated, for surveying done in the southeastern district of Louisiana." I am also requested "to state in writing what I have incidentally stated verbally respecting the conduct of Mr. Wilson as principal deputy surveyor of the southeastern district of Louisiana." I will answer your first request as follows:

In the year 1822 I surveyed several tracts of land, (generally denominated "double concessions,") and returned them to the office of Mr. Wilson, principal deputy surveyor. There is among them a tract of land surveyed for the widow Roman. In making the survey of this tract I found the back line would run through a deep cypress swamp. In my certificate of the survey returned to Mr. Wilson's office I explicitly stated the land over which the *back line* would pass to be *impassable*.

In June, 1823, I returned another parcel of claims of the same kind. The last returns were made on better paper than the first, and the necessary certificates printed. Mr. Wilson insisted on my copying my first returns on the same kind of paper, which I readily consented to do. But the claim of the widow Roman, he said, must be represented as closed on the ground, alleging, as his reason for having done so, that a very important lawsuit was likely to be instituted by the owner of the adjoining land, and he had promised to obtain a patent for the widow Roman's land as soon as practicable, which, he said, could not be issued unless the survey was represented as closed. He also stated that the principal deputy surveyor of the southwestern district had informed him that such was the common practice when surveys could not be actually closed. I made the copy as he requested, and returned it folded in the original. The survey was approved, and the distance on the back line Mr. Wilson thought proper to put in my account against the government, amounting in all to \$317 39, stating, as his reason for so doing, that it had been the practice in the southwestern district to pay for the back lines of double concessions when the course and distance were found by calculation, and the lines could not be actually surveyed. This was done, he said, in consideration of the surveyors frequently being obliged to resurvey the division line between the front and back concessions, for which he could not be paid.

I receipted triplicate accounts, and received of Mr. Wilson a draft on your predecessor in office for the amount. Mr. Wailes refused to pay the draft until one of the accounts, accompanied by a plat of each survey, was returned to his office. This Mr. Wilson refused to do, alleging that I had presented a false account against government. The back line of the widow Roman's claim was the item to which he attached fraud. It was not at my instance that item was inserted in my account. It was ushered in by a peculiar kind of art, familiar only to such men as Mr. Wilson, when they have some villainous scheme in view.



In answer to your request respecting the conduct of Mr. Wilson while in office, I feel it my duty to state the following facts: When I first reported myself to Mr. Wilson as a deputy surveyor in his district, he assigned to Mr. Milo Johnson and myself the surveying of all the double concessions in the parishes of St. James, St. John the Baptist, and St. Charles, on both sides of the Mississippi river. He told us that he had determined on charging each claimant ten dollars for a certified plat of his land. We were instructed, verbally, as soon as we made a survey, to furnish the claimant with a plat, and tell him it was necessary to go with it to Lafourche and obtain the principal deputy surveyor's certificate to it, for which he would have to pay ten dollars. The first time I saw Mr. Wilson after I had commenced work, he was anxious to know the cause of no claimants having called on him with their plats. I answered that they were not willing to go with them to his office, being a distance of thirty miles. He then proposed that, when I had completed a survey, I should send it to him by mail, when he would approve it and return it in the same manner; on the receipt of which I was to demand of the claimant his fee, (\$10.) This conversation took place in the neighborhood where I was then at work; after which he went to a number of the inhabitants and told them that the surveys made by me would not be valid without his approval, for which he should charge each of them ten dollars, and induced them to believe that the surveys would not be approved until he received his fee. The claimants called on me soon after to know if the law justified such a demand? I told them it did not. From my having thus refused to become the tool of Mr. Wilson in extorting money from the inhabitants, (and not his villanous assertion of *fraud*,) was the only reason he had for withholding my accounts, knowing that, by so doing, I should experience some pecuniary embarrassments; and, probably, he thought to blast the reputation of one who had too much knowledge of his own villany. It is a notorious fact that Mr. Wilson has charged as high as twenty dollars for a copy of one claim; and he once charged a man, who was both ignorant and poor, sixty dollars for having a short front line and one side line measured, not more than ten arpents in length.

I am, very respectfully, your obedient servant,

JOHN B. PEYTON, D. S.

GEO. DAVIS, Esq., *Surveyor General*.

A true copy.

F. WOOD,  
LEOLIN STAYTON, } *Clerks*.

On the fifth charge Mr. Graham submitted the following papers:

BY THE PRESIDENT OF THE UNITED STATES.

In pursuance of the provisions of an act of Congress approved on April 20, 1818, entitled "An act authorizing the disposal of certain lots of public ground in the city of New Orleans and town of Mobile," it is hereby ordered that the register and receiver of the land office at New Orleans shall expose to public sale, to the highest bidder, on the first Monday in January next, the building formerly appropriated by the United States to the use of a naval arsenal, together with the ground occupied by the said building, and its appurtenances.

There will also be exposed to public sale, at the same time and place, and in pursuance of the provisions of the act above quoted, six certain lots of ground situated in the city of New Orleans, designated on the official plat of survey, filed in the office of the register of the land office, as numbers thirteen, fourteen, fifteen, sixteen, seventeen, and eighteen, binding on the Rue de l'Hospital, and fronting on the Rue de Conde, which ground has been relinquished to the United States by the Ursuline nuns of the said city.

There will also be exposed to public sale, at the same time and place, a piece of ground belonging to the United States, situate in the same square as the lots above designated, being three feet and nine inches wide by one hundred and twenty feet deep.

It is further ordered that, at the same time and place, the said register and receiver shall expose to public sale the following lots of land, situate on the Bayou Gros Tête, in the district of lands offered for sale at New Orleans, viz:

Lots numbered from seven to ninety-four, inclusive of both numbers, situate on the east side of the said bayou.

Lots numbered from one to twenty-five, inclusive of both numbers, situate on the west side of the said bayou. Also, a second range of lots situate on the east side of the said bayou, numbered from one to thirteen, inclusive of both numbers.

The sale will commence on the first Monday in January next, and will be continued until the whole of the property shall have been offered.

The lots on Bayou Gros Tête, appropriated for the benefit of schools, will be excluded from sale.

Given under my hand, at the city of Washington, this fifth day of August, A. D. 1826.

J. Q. ADAMS.

By the President:

G. GRAHAM, *Commissioner of the General Land Office*.

GENERAL LAND OFFICE, August 5, 1826.

By direction of the Secretary of the Treasury, and in virtue of the provisions of the act of Congress passed May 15, 1826, entitled "An act for the sale of a house and lot in New Orleans, and a storehouse at the quarantine ground in Louisiana," the register and receiver of the land office at New Orleans will offer at public sale, to the highest bidder, on the first Monday in January next, the house and lot in Royal street, in the city of New Orleans, heretofore used for the district court of the United States.

By order:

GEORGE GRAHAM, *Commissioner of the General Land Office*.

Printers of the laws of the United States in the States of Mississippi and Louisiana will insert the above once a week until the day of sale.

*Extract of a letter from the Commissioner of the General Land Office to S. H. Harper, register at New Orleans, Louisiana, dated September 19, 1823.*

"The private claims on the Bayou Darbonne having been granted on account of the settlement principally, I presume that there is no danger as to interference with them. It is possible, though I think not probable, that there may be some old grants on the Bayou Gros Tête which may interfere with the lands proclaimed for sale. This should be inquired into previous to the sale."

I certify that the above extract is correctly taken from vol. 10, page 302, of the letter-book of the General Land Office.

JNO. H. BAKER, *Clerk to Commissioner of Public Lands.*

HOUSE OF REPRESENTATIVES, *March 27, 1826.*

SIR: I have the honor to enclose you a petition from several citizens of Louisiana settled on the public lands on the Bayou Gros Tête, which were advertised for sale some months since, but which, it appears, were not offered at public sale, which prevents the petitioners from now purchasing them at private sale.

The circumstances under which these settlements were made, the losses the petitioners have sustained in consequence thereof, and the labor they have expended on these lands are fully, and I believe accurately, stated in their petition. It was enclosed to me by the honorable John Dutton, judge of the parish of Iberville, and residing at Plaquemine, in said parish, a gentleman of the first respectability, and who is intimately acquainted with our land claims, and the situation of the public domain in Louisiana. He represents it as very desirable that the public lands in that quarter should be speedily disposed of. Agreeing with him in opinion, and believing it for the interest of the government as well as of the citizens of Louisiana that the public lands in a situation to be offered for sale should be speedily brought into market, I have to request that a sale of the lands belonging to the United States, on said bayou, may be ordered to take place as soon as may meet the convenience of the department.

I am, very respectfully, your obedient servant,

GEORGE GRAHAM, Esq.

H. H. GURLEY.

REGISTER'S OFFICE, *New Orleans, April 29, 1826.*

SIR: Yours of the 29th ultimo has been received, and I now have the honor of enclosing you another list of the lots which were *not* offered for sale under the proclamation of August 11, 1823. A former list was sent under date of the 16th of September last. The public lots prepared for sale in this district all lie on the west side of the Mississippi, and parallel thereto, from Atchafalaya to near the mouth of Lafourche. In point of soil, I am told they are all nearly equal, and not very unequally distant from the Mississippi. I therefore cannot advise any particular portion to be offered to the exclusion of others. Some bayous are better known perhaps than others, but which they are I am unable to say. But, as I have on former occasions said, I do not think they will in any reasonable time command upon an average more than the minimum price. I think the month of November would be an inauspicious time to offer lands for sale in New Orleans. That, unfortunately, is often a sickly month here, in which few people like to venture into the city. I would suggest the early part or middle of January in preference; that is the season when the cotton planters and others most frequent the city.

In relation to the public lots in New Orleans which are *undisputed*, I will mention four: 1st. Six lots obtained from the Ursuline nuns, by compromise, under the authority of the department. 2d. The navy arsenal, authorized to be sold by an act of Congress of April 20, 1818. 3d. The house and lot formerly occupied by the district court of the United States in Royal street. And 4th. A large square parallel to the custom-house, and bounded by Canal, Commerce, Magazine, and Levee streets. The last-mentioned piece of ground is very valuable owing to its proximity to the river, and being in the most commercial part of the city. The navy arsenal is also valuable, being opposite and contiguous to the principal market-house. The surveyor has never furnished me with the plats of any of the above-described lots, but I have reason to believe that the plats of the two former pieces of ground have been transmitted to your office. If any or all of these lots should be offered for sale I would advise that they be offered also in January.

I am, very respectfully, your obedient servant,

SAM'L H. HARPER.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office.*

The following is an account of the public lots *not* offered for sale under the President's proclamation of August 11, 1823. By comparing this list with that contained in the proclamation, there can be no difficulty in ascertaining the lots to be proclaimed hereafter. I follow the order observed in the proclamation.

Of the lots on the west side of the Bayou Depassou, twenty-six in number, from No. 1 to No. 9, inclusive, only were offered.

Of the lots on the east side of Bayou Latorache, thirty-three in number, none were offered.

Of the lots on the west side of Bayou Latorache, thirty-seven in number, none were offered.

Of the lots on the east side of Bayou Fordocke, sixty-six in number, none were offered.

Of the lots on the west side of Bayou Fordocke, eighty-one in number, none were offered.

Of the lots on the east side of Bayou Gros Tête, ninety-four in number, from No. 1 to No. 6, inclusive, only were offered.

Of the lots on the west side of Bayou Gros Tête, eighty-one in number, from No. 1 to No. 25, inclusive, were not offered; the remainder were.

Of the lots on the east side of Bayou Gros Tête, (second range,) thirteen in number, none were offered.

Of the lots on Bayou Marangoin, east side, thirty-one in number, none were offered.

Of the lots on the west side of Bayou Marangoin, sixty-one in number, none were offered.

Of the lots on the east side of the Atchafalaya and south of the Big Fork, twelve in number, none, except No. 1, were offered.

Of the lots on the east side of Atchafalaya and Bear Bayou, sixteen in number, none were offered.

Of the lots on the east side of Atchafalaya and west of Cow island, three in number, none were offered.

Of the lots on the north side of Bayou Alabama, eight in number, none were offered.

Of the lots on the west side of Bayou Alabama, twenty-two in number, none were offered.

Of the lots on the east side of Bayou Alabama and west of Tortoise Bayou, fifty-one in number, none, except No. 1, were offered.

Of the lots on the north side of Bayou Goula, fourteen in number, *all were offered*.

Of the lots on the south side of Bayou Goula, fourteen in number, *all were offered*.

Of the lots on the north and east side of the Barras or Barrow's Bayou, twenty-seven in number, none were offered.

Of the lots on the south and west side of same bayou, thirty-five in number, none were offered.

Of the lots on the north side of Cow Bayou, fifty-nine in number, none were offered.

Of the lots on the south side of Cow Bayou, forty-two in number, none were offered.

Of the lots on the south and east side of Bayou Black, from forty-five to one hundred and forty-three in number, none were offered.

Of the lots on the west side of Bayou Black, from eighty-five to one hundred and thirty-seven in number, none were offered.

Of the lots on the east side of Bayou Buffalo, forty-seven in number, none were offered.

Of the lots on the west side of Bayou Buffalo, forty-two in number, none were offered.

Of the lots on the east side of Big Caillon, fifty in number, none were offered.

Of the lots on the west side of Big Caillon, fifty in number, none were offered.

Of the lots on the east of Little Caillon, eighty-four in number, none were offered.

Of the lots on the west side of Little Caillon, one hundred and five in number, none were offered.

Of the lots on the east side of Bayou Darbonne, fourteen in number, none were offered.

Of the lots on the west side of Bayou Darbonne, fourteen in number, none were offered.

NOTE.—All the lots on the west side of Bayou Gros Tête which were offered, viz: from twenty-six to eighty-one, have been entered and sold at private sale. Also, all those on the north side of Bayou Goula, except No. 14, have been sold; and those on the south side of Bayou Goula, with the exception of Nos. 2, 10, 11, 13, and 14, have been sold. All the others offered for sale have not yet been entered.

The lots reserved for the use of schools in the order proclaimed for sale are—

No. 10, east side of Bayou Latorache; No. 13, west side of Bayou Latorache; Nos. 12 and 48, east side of Bayou Fordocke; Nos. 18 and 54, west side of Bayou Fordocke; Nos. 9, 45, and 81, east side of Bayou Gros Tête; Nos. 23 and 59, west side of Bayou Gros Tête; No. 1, east side of Bayou Marangoin; Nos. 6 and 42, west side of Bayou Marangoin; No. 5, east side of Atchafalaya; No. 14, west side of Bayou Alabama; No. 28, east side of Bayou Alabama; No. 13, north side of Bayou Goula; No. 21, north and east side of Bayou Barras; No. 30, south and west side of Bayou Barras; No. 31, north side of Cow Bayou; No. 12, south side of Cow Bayou; Nos. 50, 86, and 122, southeast side of Bayou Black; Nos. 99 and 135, west side of Bayou Black; No. 34, east side of Bayou Buffalo; No. 23, west side of Bayou Buffalo; No. 17, east side of Big Caillon; Nos. 3 and 39, west side of Big Caillon; Nos. 25 and 61, east side of Little Caillon; Nos. 13, 49, and 85, west side of Little Caillon; No. 2, west side of Bayou Darbonne. In all, thirty-eight lots and a fraction of twelve remaining, being every thirty-sixth lot.

SAM. H. HARPER, *Register*.

On the sixth charge, Mr. Graham referred to the testimony of R. King.

On the charges Nos. 7 and 8, Mr. Graham referred to the testimony of Mr. Moore, Mr. Wood, and Mr. S. D. King; to the letter of January 11, 1827, to Joseph Anderson, esq., First Comptroller, filed under the second charge, and to the following papers:

GENERAL LAND OFFICE, December 21, 1826.

SIR: The return of those letters now in your possession, which were loaned you on the 10th day of May last, and which you have so repeatedly promised to return to this office, are now demanded to be brought back without delay. They are the letters of George Davis, esq., to the Commissioner of the General Land Office, and dated February 17, 1825, February 23, 1825, March 18, 1825, January 21, 1825, May 27, 1825, February 5, 1825, January 3 and 5, 1826, and a letter from G. Davis, not dated.

Yours, &c.,

GEO. GRAHAM.

Mr. JOHN WILSON, *City of Washington*.

GENERAL LAND OFFICE, January 12, 1827.

SIR: Mr. Wilson not having yet returned all the original papers which, under your sanction, were placed in his hands on the 11th of May last, I deem it proper to submit for your information the enclosed copy of a letter addressed to him on the 21st of December.

I am, very respectfully, &c.,

GEO. GRAHAM.

HON. R. RUSH, *Secretary of the Treasury*.

TREASURY DEPARTMENT, September 21, 1825.

SIR: I have the honor to enclose herewith copies of charges touching your official conduct which have been transmitted to this department by John Wilson, late principal deputy surveyor of the eastern district of Louisiana, and have to request that you will, as early as convenient, furnish such explanations in relation to said charges as may be necessary and proper.

I am, &c.,

RICHARD RUSH.

GEORGE DAVIS, Esq., *Surveyor General Washington, Mississippi*.

TREASURY DEPARTMENT, February 21, 1827.

I certify that the foregoing is a correct copy from the records of this department.

EDWARD JONES, *Chief Clerk*.



SURVEYOR'S OFFICE, *Washington, Miss., February 4, 1826.*

SIR: About the middle of October last I received a note from the honorable Secretary of the Treasury, dated the 21st of the preceding month, under cover, with two sheets of foolscap, containing sundry slanderous falsehoods, which the accompanying note informed me were copies of charges transmitted to the Treasury Department "by John Wilson, late principal deputy surveyor of the eastern district of Louisiana;" and I was requested to furnish, as early as convenient, such facts or explanations in relation to the said charges as might be deemed necessary and proper.

As there were no specifications transmitted with the charges, an omission which left me utterly at a loss, in most cases, to know or conjecture what was meant by the fabrication, I could think of no mode of more likely conforming to the wishes of the honorable Secretary than that of sending to the General Land Office a transcript of my correspondence with, and in relation to, the office of principal deputy surveyor of that district, for the information of the Treasury Department. You will accordingly receive herewith copies and extracts of letters numbered from one to sixty, as also one marked A, which will furnish all the information within my power as regards my official conduct in relation to the southeastern district of Louisiana.

The whole correspondence is not communicated, but I have not intentionally or knowingly withheld any part that could be useful towards the compliance with the wishes of the honorable Secretary. In a few instances you will find copies enclosed of entire letters when extracts only would have been sufficient; and in a few others the clerks, in making extracts, have transcribed more than was necessary or than had been intended. These have been accidents resulting from mistakes in them; and I have not thought it necessary to detain them from other business in correcting them. If copies of the entire letters should be wished for in any cases where extracts only are furnished, or should Messrs. Ripley and Wilson point out any that are withheld, and which they may think might be useful to their cause, you will only have to demand copies of them and they shall be transmitted. On many of the enclosed transcripts you will find explanatory notes, which may prove useful.

Your letter of December 19, 1825, came duly to hand, but indisposition and other causes have prevented an earlier acknowledgment of it. I beg you to accept my acknowledgments and thanks for the full and satisfactory instructions which it communicates on several points. The idea expressed in my letter of the 16th of the preceding month, that in locating private claims it might be somewhat preferable to assign them determinate depths, with such indefinite widths as should take in the required quantities, was occasioned by my having observed that, in decisions of the old board of commissioners, they had assumed such a principle in cases where the quantity of the grant was fixed, while its particular dimensions had been left by the original grant less definite.

In noticing that part of your letter which informs me of General Ripley's having lent his name in support of his charge against me, in the name of Wilson, of improperly appointing Fletcher a deputy surveyor, I would beg leave to remind you that I had long previously informed you that Ripley was Wilson's counsel. That he, in his professional capacity, drew up and was co-author of the falsehoods contained in the charges against me, exhibited in the name of Wilson, there can be no doubt. Of such men as Ripley or Wilson only was it to have been expected, therefore, that the invention of falsehoods, the drawing of them up in form as charges, and the impudence of coming forward as a witness to substantiate them, were to be exhibited as the acts of the same individual. All conjecture aside on this subject, there can be scarcely a doubt but that the mere relation of counsel in which Ripley stands to Wilson in this case, when the circumstances are viewed in all their bearings, would exclude him as a competent witness in a court of justice. For, as the government is in no manner concerned about the character of Fletcher, (he having executed no surveying under his appointment,) except in so far as my character might be implicated, in consequence of making an improper appointment, Ripley's officiousness must have for its object my removal from office; the effects of which upon the minds of a New Orleans jury in the trial of Wilson's suit against me may well be imagined. These facts and considerations, together with others which I shall notice presently, exhibit Ripley in the several incompatible capacities of plaintiff, accuser, counsel, and witness.

I believe it is not an uncommon case in New Orleans, more than elsewhere, however disreputable it may be considered in a legal view for an attorney, in want of employment, when undertaking a suit for a plaintiff in a doubtful case, or when his client is unable to advance a fee, to agree to depend for a remuneration upon the issue of the suit about to be instituted. As this was precisely the situation of the counsel and his client, I am quite as free from doubt of these being the terms upon which Ripley instituted the suit against me in February last, in the name of John Wilson, as I am deficient of positive proof of this supposed fact. This, if admitted, furnishes a clue to Ripley's subsequent movements. He commences a suit which he permits to lie dormant until, by the invention of falsehoods in the form of charges against me, which he modestly attempts to substantiate by the loan of his great name, he hopes to have me removed from office, correctly enough calculating upon the powerful effect it would be likely to have upon a New Orleans jury in giving credit to such false testimony as he might introduce, thus corroborated by an act of government, and in awarding damages for the imaginary injuries for which Wilson and Ripley pretend to be seeking redress.

Without ever seeking, procuring, or caring to procure, a personal acquaintance with General Ripley, after he had left the army and settled in New Orleans, there was none more warmly his friend, owing to the good conduct attributed to him during the late war, than myself. I and some others used to vote for him with great regularity when he was thought of as a candidate for the legislature, while the general mass of the population of New Orleans rejected him with apparent horror. By long-continued attacks in a newspaper, of which he was the reputed editor, upon the French part of the population of Louisiana in consequence of their refusing to vote for him, he drew from another paper an exposition of his character previous to his joining the army. Owing to this, and some little low shifts to which pecuniary embarrassments had continued to drive him, he became with me a doubtful character, until my doubts were removed by the falsehoods contained in his petition to the court with which he commenced the suit against me in Wilson's name, mentioned to you in my letter of February 17, 1825. Ripley's ideas of an attorney's duty to his client, the suit referred to being taken as an exemplification, if put into words, might be taken as a paraphrase on those of the celebrated English advocate Brougham. The latter seemed to think it the duty of a lawyer faithfully to defend his client at even the hazard of bringing down upon himself the vengeance of a King. Ripley seems to think that it is the duty of an attorney out of business

to become the partner of a pauper in an action for pretended damages, and to invent falsehoods, and to offer himself as a witness in support of his own suit.

At an interview had with General Ripley in the office of the district attorney in New Orleans a few days after the suit on behalf of the government had been instituted against Wilson, he inquired of me the particular causes of Wilson's removal from office; some of which I enumerated, such as extortion, neglect of duty, the artifices which had been used by him to retain his office, by first borrowing money of me under the pretence of extreme distress, and subsequently, when that hold upon me was about to be removed by a settlement of his accounts, obtaining from me by improper management a check for money in favor of Deputy Surveyor Bonnet, as repeatedly explained to the Commissioner, and afterwards retaining both it and the account for the payment of which it had been furnished, under a belief, no doubt, that I dare not remove him while he had possession of those papers.

On receiving the copy of Wilson's charges against me, evidently drawn up by Ripley, I was surprised to perceive all the offences for which I had been compelled to remove Wilson introduced as charges against myself, even including the circumstance of the check. I was inclined at first to ascribe to Ripley a considerable portion of ingenuity in his mode of reversing the direction of my own battery and turning it against myself; but, on reflection, I have perceived that the only quality of the mind necessary in the case has been a total disregard to truth, of which he had furnished me with a most extraordinary sample in the petition upon which his suit against me in Wilson's name was commenced.

I have had occasion heretofore to inform you that Wilson, having heard of my appointment to this office, in the first instance, before I had heard of it myself, visited me at my house in New Orleans in a very few days after I had received it. During his stay in the city the time which he spared from drinking-houses and gaming tables was divided between his visits to me in quest of money, and in searching for persons inimical to me in order to obtain assistance, when wanted, in slandering my character; in the course of which he fell in with an individual of the name of Rollins, who had sometime previously been *dropped* from his employment as an officer of the customs, for what I am not able to say with precision, but I believe, in part, for slandering the present collector, of which I knew him to be guilty, though I had never thought it worth while to communicate it. From this individual who, like Lucifer, hated every person whom he had left behind, including myself, and who, although extremely illiterate and deficient of that kind of knowledge which can be obtained only from books, possesses a considerable portion of natural talent and a tolerably deep insight into human nature, Wilson obtained statements upon which many of the *insinuations* which his charges convey are founded. The activity of Wilson in slandering me after he was dismissed, as communicated to me since by different persons, especially by the editor of the Louisiana Advertiser, in New Orleans, was truly astonishing, and justifies me in asserting that, while a man's *moral conduct* depends upon *himself*, his *moral character* may, and frequently is, made for him by others.

Rollins had not neglected to communicate to Wilson what he conceived to be my prejudices, who, supposing that imputing to me those foibles or vices against which my prejudices were at war would wound me in the most vulnerable points, did not fail to avail himself of those advantages. Thus, having been informed that being not only temperate myself, but that I had a particular aversion to sots and drunkards, which was his own character, on Lyman's presenting to him his letter of dismissal, he pronounced me, among other things, and in public, "a most consummate drunkard." Rollins having represented my prejudices against the appointment of foreigners to office to the exclusion of American citizens as almost amounting to intolerance; that my aversion to the British government amounted, as Rollins supposed, to hatred; and that the mere circumstance of being born an American was one of which every American should be proud, Wilson represented me at Donaldsonville as a deserter from the British army; and Mr. Beardslee, the newspaper editor referred to above, has informed me that happening in a drinking-house about ten o'clock at night in the course of last winter, Wilson came in, and that, although the company who happened to be present were equally unacquainted with him (Wilson) and with me, he immediately commenced slandering me, asserting that I was a Briton, and that I had favored them during the late war, &c.

If I have ever been inclined to bigotry in anything, it has been in my political faith in the rectitude and justice of our own government above those of any other on the globe; but Ripley and Wilson, who had heard of this, have charged me with making use of abusive and threatening language against the Secretary of the Treasury and the Commissioner of the General Land Office.

This vague assertion, which is introduced into Ripley's string of falsehoods as charge 15th, being, in its nature, personal, seems to require some more particular notice. I have always taken upon me to think for myself, and, on all proper occasions, to express my opinions on political matters, and in relation to candidates for office. As regards Mr. Crawford, of whom I had always thought, in the general, well, I can truly say that, for the last year previous to the late presidential election, he stood, in my estimation, second among the candidates for that high office; and if I had not made up my mind some years previously in favor of the present incumbent, which nothing had occurred to change, and had my vote or opinion between them been of importance, I should have felt some difficulty in deciding between them. As for the Commissioner of the General Land Office, all I knew of him at the time of my last interview with Wilson was, that he had sent me the President's commission appointing me to my present office, which, of itself, was calculated, upon a well-known faculty of the human mind, with which reason has no concern, to give him a considerable hold on my friendship. Nothing had, up to that time, occurred to change those feelings; and it forms no part of my disposition or character to join in the course of conversation either in eulogizing or censuring absent persons contrary to my own opinion or feelings.

But in the case under consideration, as well as in others, Ripley has taken care to charge me with an offence of which he had been apprised that Wilson was known to be guilty. In speaking to me when at this office in October, 1824, on the subject of his having been required to refund money which had been improperly paid to him by Mr. Wailes as salary for a period during which he had been amusing himself for several months on the route between New York and this place, Wilson indulged in very irrelevant language against the Secretary of the Treasury and the Commissioner of the General Land Office. He observed that the Commissioner having once decided against him, and in favor of Gabriel Winter, he had persisted in his former incorrect determination, and had prevailed on the Secretary of the Treasury to support him in it, after he (Wilson) had proven to the Commissioner that his former opinion and decision had been wrong and unjust.—(See the instructions to Mr. Wailes, dated August 8 and 19, 1823, and February, \*1824, all which I had occasion to refer to as authority for withholding the money.)

\*Date not given in the copy from General Land Office.



Wilson on that occasion remarked that he contemplated resigning the office of principal deputy at the end of the year, and entering into copartnership in the editing of a newspaper in New Orleans, when he intended to expose the unjust conduct of the Secretary and Commissioner in causing him—as he called them—"just demands" to be withheld, at the same time intimating that if I was not very prompt in settling his accounts, he should notice me also in his contemplated capacity of a newspaper editor. As this was not the first time he had thrown out similar hints, I took off my spectacles, and laying them down, informed him—with, I suppose, some appearance of sternness—that if he again repeated his threat, he might go elsewhere to obtain a settlement of his accounts, as it was not incumbent on me to submit to be dragged into a duty, whether real or supposed. The creature recollecting some distorted account given him of me, I presume by Rollins, and being, I believe, a great poltroon, he exhibited symptoms of alarm, apprehending, no doubt, that I was going to chastise his insolence upon the spot. If this simple occurrence, which has been here fairly stated, did not give rise to Ripley's charges, numbered 9, 10, 11, 13, and 15, I am altogether unable to conjecture what did.

The charge thus raised by Wilson against the Commissioner and Secretary of the Treasury, founded upon the letters of the Commissioner to Mr. Wailes, referred to in a preceding page of this letter, and afterwards exhibited as charge 11 against me, must be viewed as a most serious one, especially when it is considered that they were decisions solemnly made under oaths of office. In *withholding* the money (I believe it would be very difficult to compel a deputy surveyor to *refund* money,) I only obeyed orders. But who are so high, so great, or so good, as to be safe against the slanders of such men as Eleazer W. Ripley and John Wilson?

This hopeful pair charge me with perjury and some other indictable offences. It might be a sufficient answer to those charges to inquire if the authors of them were restrained by *friendship* from instituting criminal prosecutions against me when I was in New Orleans during most of the month of February, 1825. But this charge being a serious one, I will observe that the district attorney at New Orleans, when in possession of every fact relating to the case of Wilson's withholding the public property, drew up, at the foot of the petition upon which Wilson was held to bail, such an affidavit as he must have thought I ought to take. He was acting on his oath of office; was said to be a religious man, and could have no motive for misleading me into the error of taking a false oath. The case of thus holding an individual to bail in order to wrest from him property not his own was not a singular one in Louisiana. A case took place in a State court in New Orleans, in the winter of 1818-19, of the agent of a steamboat (the *Tamerlane*) against the captain, who refused to be superseded by another. The captain being held to bail, was actually committed to jail, and the property was afterwards sequestered. The consequence was, a suit by the captain against Mr. Story, the plaintiff in the first suit, for damages. False imprisonment was perhaps charged, but the captain undertook to support that charge, I believe, upon the nature of the compact between himself, as master and part owner, and the other owners of the steamboat, and perhaps upon wages due, which gave him a right to keep possession. I heard the case ably argued. Duncan and Hawkins for plaintiff, and Livingston and Morse for Story, defendant. The case involved so many knotty points that the jury were kept out for some time, and left the court, after which I never heard what was the verdict. Malicious or false swearing formed no part of the charge against Mr. Story, who is as honorable a merchant, and, I believe, as much respected, as any other in New Orleans.—(See my notes on the accompanying letters, numbered 22 and 42.)

Wilson and Ripley make charges against me for writing to deputy surveyors who were acting under him, without letting the letters pass through his hands, and for forbidding *him* (Wilson) to write to the Secretary of the Treasury and Commissioner of the General Land Office. Those charges, false as they are, will be found, when compared together, to be also in the highest degree absurd. In the course of Wilson's boastings of correspondence with different members of the government, and of holding his appointment from the government as principal deputy surveyor, independent of this office, I suggested to him the idea that it must be extremely harassing to the heads of departments to be called upon by deputy surveyors and chain-bearers for instructions in the course of their duty; and I appealed to him as a "man of war," or as a military man, for his opinion as to the propriety of the President of the United States or the Secretary of War issuing their orders to the non-commissioned officers of the army. I was in hopes to have checked, by this mode of turning his conduct into ridicule, an impropriety that must have been extremely troublesome and offensive to the Secretary of the Treasury, and which, I supposed, might have been the cause in part of the hint I had received from the Commissioner, soon after I came into office, to dismiss Wilson.

Whether I have written too much or too little, I am perfectly disgusted with writing, and shall conclude by referring you to a careful perusal of the enclosed correspondence, together with the notes on the backs of the letters, and by a request that, if more be necessary to be said on any point, I may be advised of it.

I am, very respectfully, sir, your obedient servant,

G. DAVIS.

GEORGE GRAHAM, Esq., *Commissioner of the General Land Office, Washington City.*

P. S.—I omitted in the foregoing letter to notice the assertion of my having made my acquaintance with Fletcher in the calaboose or jail, where he was confined for some criminal offence, and where it is understood that I was also confined. As Ripley, who, without doubt, drew up those charges, is a practitioner in the courts in New Orleans, he must know that his statement respecting Fletcher's being confined on some criminal charge is utterly false. Ripley well knows, and therefore Wilson might and does also know, that assertion to be utterly false. The lie was only invented to reflect upon my character for making an acquaintance with a person while confined in jail under a criminal charge. I have no kind of disposition to defend Fletcher's character. His offence was, however, that of being in debt. On a short acquaintance he appeared to me, as a man of education and talents in distress, to be an object of compassion. But mankind are not, nor am I, in the habit of making bosom friends and intimate associates of all persons who are capable of exciting our compassion. Wilson, as I have said in my notes on the accompanying papers, had made application to me for more deputies, without mentioning Bringier.—(See letter No. 1.) I could prevail on no old hand to work under him; and believing Fletcher to be tolerably well qualified, I was bound, by my official situation, to give him the appointment. It was a transaction which resulted from a sense of duty, and from which all ideas or feelings of friendship were excluded. The appointments of Fletcher and Grinage were made before Bringier was mentioned to me.—(See note on No. 11, accompanying this.)



My own difficulties at the time of my first acquaintance with Fletcher resulted from a faithful and determined execution of my duty to the government as an officer of the revenue, a faithful representation of which would occupy several sheets of paper, and in which I should have to introduce myself as the hero of my own story. It is sufficient, in my opinion, to say that at that time, and under the circumstances to which I have alluded, of my becoming acquainted with Fletcher, (in the winter of 1818-'19,) I was an officer of the customs, in which capacity I continued up to the time of my appointment to this office. I think that during the time I was attached to the custom-house both the collector, naval officer, and surveyor, suffered confinement merely for doing their duty.

It may not be amiss to observe that the laws of Louisiana make, perhaps, at the discretion of the judge, imprisonment a part of the punishment under conviction of offences of every description, however trivial, such as assaults with or without battery, libels of the lowest grade, &c., &c., and that truth, according to the English common law, is there, under the usual circumstances, a libel.

G. DAVIS.

GENERAL LAND OFFICE, *March 15, 1826.*

SIR: I enclose a letter, together with the accompanying documents, received a few days ago from Mr. Davis, in relation to the charges brought against him by his late principal deputy surveyor.

It appears from these papers that the suit instituted by Mr. Davis against Mr. Wilson at New Orleans is still pending, as well as that brought by Wilson against him. I had been under the impression that these suits had been dismissed, and have written to day to Mr. Davis to inquire the reason of keeping on the docket that against Mr. Wilson. I enclose the letters of Mr. Davis relative to the dismissal of Mr. Wilson, and the measures taken to recover the public documents from him.

With great respect, your obedient servant,

GEO. GRAHAM.

Hon. R. RUSH.

The conduct of Mr. Wilson in relation to the delay in surveying the lands of General Lafayette was, I think, satisfactorily explained by him.

NOTE.—This letter was in the possession of Mr. Wilson from the 10th of May until he was compelled to surrender it and other papers to the committee on Friday morning, 23d of February.

On the 9th charge, Mr. Graham referred to the following letters and extracts:

SURVEYOR'S OFFICE, *Washington, Miss., January 3, 1824.*

SIR: I enclose you an original letter, recently received from Mr. Wilson, dated the 22d ultimo, and the copy of a letter from Mr. William S. Lyman, dated the 24th ultimo. The original of the first is sent in consequence of the superscription on the back, which, I presume, does not deserve any comment.

I should not say anything of Mr. Lyman, but that I understand he is assailed, or is likely to be assailed, in a letter to you from Mr. Wilson; on which account I shall merely observe that, although I have never in my life spoken to Mr. Lyman otherwise than by letter, I know, from information, that there is not in Louisiana a man of fairer character than he. The character of dissipation imputed to him, as I am informed, by Mr. Wilson, is, I can assure you, without the shadow of foundation; and it can only be intended by Mr. Wilson, as a turning of the tables upon Mr. Lyman.

As to the improper conduct imputed, as I understand, to Mr. Harper by Mr. Wilson, I can only say that I *know nothing* of it, and but little of Mr. Harper himself; but of this more, perhaps, hereafter.

Mr. Wilson appears, and you must have had occasion to perceive it heretofore, to have been laboring under misconceptions with regard to the laws by which his office was created, and some of the duties of it imposed. He has thought proper to seize upon the act of April 28, 1806, pages 508 and 509 of Ingersoll's Digest, which has no relation to the subject.

I enclose you a statement made by a deputy surveyor just now from Donaldsonville, who was present when my letter to Mr. Wilson was presented to him by Mr. Lyman, which puts the infatuation of Mr. Wilson as regards the withholding of the plats of surveys beyond question. Being much occupied in examining Mr. Lawson's accounts, I have but a moment to spare for writing.

I am, respectfully, sir, your most obedient servant,

G. DAVIS.

GEORGE GRAHAM, Esq., *Commissioner General Land Office, Washington City.*

P. S.—When about to pay Mr. Wilson the money due to himself and Mr. Lloyd, in October, I inquired for the plats of surveys, and he showed and left with me a copy of your letter to him of October 12, 1823; and, having no doubt of your orders having been complied with, I forgot to get his certificates to that effect at that time, and have been unable to obtain them since. On this subject, I beg leave to refer you to Mr. Turner's statement.

G. D.

DONALDSONVILLE, *December 24, 1824.*

DEAR SIR: On Saturday last I received your letter of the 14th instant, enclosing my commission as principal deputy surveyor. I arrived at this place on Monday morning, and presented a letter to Mr. Wilson, requiring him to deliver over to me all the books, papers, &c., &c., in his possession, as late principal deputy surveyor. After reading it, and pouring forth a torrent of abuse, which he appears well qualified to exhibit, but would not become me to repeat, he refused to comply with the instructions of the letter, and said he must have time to consider whether he would deliver up the papers, &c. Yesterday, on hearing that he was going to New Orleans, I went with a friend of mine, Mr. Dewey, as a witness

of the demand which I made for the documents above alluded to, which he positively refused to deliver in the presence of Mr. Dewey. Afterwards, I called for legal advice on C. D. White, esq., who informed me that he knew of no process in the State court whereby I could enforce the delivery of the property belonging to government, and that, if there was any statute in relation to the subject, it was vested in the courts of the United States. I could do no more. In all my interviews with Mr. Wilson, my feelings have been extremely wounded in listening to the most uncharitable, untrue, and insulting epithets heaped on you and Mr. Harper; but, through the whole time, I have not said anything to produce a quarrel, or authorize the treatment he extends to me.

Mr. Harper anticipated the result, and cautioned me to write you immediately, and that, no doubt, you would come to Donaldsonville, which I most sincerely wish you would; for, as you mentioned that my salary will only commence from the time I take possession of the office, and as I expended all my funds in the outfit, it renders my situation extremely embarrassing as well as expensive. Mr. Wilson will go to New Orleans to-morrow, and no one can tell when he will return.

I have executed, as far as in my power, the instructions you gave me. The bond was signed by Mr. Harper and Mr. John Nicholson, and the sufficiency of the sureties certified by the United States district attorney. The bond is now in my possession; and, believing you will come to this place, I do not forward it at this time. On the morning of my departure from New Orleans, I called at your house, and Mrs. Davis showed me that part of the letter which related to the account of Mr. Wilson. I was extremely sorry to find your son unwell; Mrs. Davis said he had caught cold, which produced a fever, but, having taken medicine, was in hopes he would soon recover.

The plats, together with the check to the order of Mr. Bonnet, I understood had been transmitted to you by your son. As respects the triplicate receipts you called for of Mr. Wilson, he refuses to have anything to do with them; and I hope, in consideration of all circumstances, you will come to Donaldsonville.

Mr. Turner left this a few hours since, in the steamboat Rambler, for St. Francisville, I believe.

I hope you will excuse this hastily written and unconnected epistle, as I have to write partly on a bed, with a poor pen, and disturbed almost every minute.

With sentiments of great respect and esteem, I remain, sir, your sincere friend,

WM. S. LYMAN.

GEORGE DAVIS, Esq.

[I answered Mr. Lyman immediately, telling him that his salary should have commenced on the 23d of December, and making him a small remittance. An entire copy is given above, as preferable to an extract.]

G. DAVIS.]

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*Extract of a letter from G. Davis to the Commissioner of the General Land Office, dated Washington, Mississippi, January 21, 1825.*

"Previously to writing my letter of the 12th instant, in which I intimated an intention of resigning, I had received information from Mr. W. S. Lyman that at an interview between Mr. Wilson and himself at the office of the district attorney in New Orleans Mr. Wilson had promised that, on his return to Donaldsonville, where he expected to be on the 12th instant, he would give up the public documents, &c., of his late office of principal deputy surveyor, which, as heretofore communicated to you, he had at first refused to do. Since then I have been informed, through another channel, that Mr. Wilson was still in New Orleans on the day upon which he had promised to put his successor in possession of his late office."

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*Extract of a letter from G. Davis to the Commissioner of the General Land Office, dated New Orleans, February 5, 1825.*

"Agreeably to the intimation contained in my letter of the 1st instant, I left my office at Washington on the 2d, and arrived at Donaldsonville about 12 o'clock in the night of the 3d instant. Finding, in the morning, that Mr. Wilson had not returned to that village, and that the public property of his late office still remained locked up, I embarked on board the first steamboat that passed, and leaving Donaldsonville about one o'clock yesterday, I arrived at my home here at four o'clock this morning.

"As soon as the public offices were open I addressed a note to Mr. Smith, the district attorney, requesting his aid in obtaining possession of the public property withheld by Mr. Wilson.

"The adventures of this extraordinary man have been communicated to me up to about sunset this afternoon, at which time, however, I may be grieved to write, or you to read, the account, he was seen, in company with one of the marshal's officers, hastening with a quick pace down Chartres street

— towards 'that bourne  
Whence no' honest man 'returns'—

because, according to Mr. Wilson's own system of ethics, a man becomes contaminated by being confined within the walls of a jail, even though such a state of degradation should have been the consequence of a faithful, a zealous, discharge of a public duty, as sometimes happens.

"It had been at first intended to have commenced with the process of sequestration, in order to wrest the public property from Mr. Wilson in that way; but after the arrival of the mail of to-day, it was ascertained that Mr. W., who might have been apprised of my movements by letter from one of my late clerks, was about to make his escape on board a steamboat bound up the river. Mr. Smith, who was apprised before me of this circumstance, sent to me for Wilson's bond, with which I had taken care to be armed, and upon which a suit has been commenced holding him to bail. This, I hope, he will not be able to obtain before the marshal shall be in possession of the appurtenances of the principal deputy surveyor's office. For, were Mr. W. to obtain his liberty, and get ahead of that officer, it might be reasonably apprehended that a very bad account would be rendered of the records, maps, &c., belonging to the

government. He was caught, I understand, on board a steamboat just as she was about to leave the levee."

"P. S.—Since writing the above, I find, or have reason to believe, that the trouble and opposition I have met with from Messrs. Wilson and Dinsmoor have been influenced in a considerable degree by an individual whose turpitude, as a public officer, I found it my duty to expose some ten years ago; and who, like Milton's devil, has been busily employed in attempts, having fallen himself, to pull me down to a level with himself. His name and character may be found on the files of the Navy Department."

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*Extract of a letter from G. Davis to the Commissioner of the General Land Office.*

"NEW ORLEANS, February 17, 1825.

"Since the date of my last of the 10th instant, a very singular turn has been given to the legal proceedings between myself, on the part of the government, and Mr. John Wilson. He, with the assistance of General Ripley as his counsel, has procured a release of his bail; but whether by an application to the judge of the United States court, or by the mere act and on the responsibility of Mr. Smith, the district attorney, I am unable to say.

"I had at first understood it to be the opinion of the judge that an action upon the bond could not be sustained, because the bond itself was unauthorized by law; but on speaking to Mr. Smith upon the subject myself, he stated that *he had himself* been doubtful on the subject. Being greatly disgusted with the transaction, I have not yet pursued my inquiries far enough to ascertain whether the release has been the extra-official act of the attorney himself, or the result of an application to the court; but I have reason to believe the former to be the fact.

"The consequence has been that an action for false imprisonment and defamation has been instituted against me in the name of Mr. Wilson; which is not the less vexatious for having, as I assure you, no foundation in truth. No person could have been disposed to act more cautiously, or could have been less influenced by personal feeling than myself in the course of this business. On my arrival here I addressed, as heretofore stated to you, a note to the district attorney, a copy of which is herewith enclosed; the bond, the existence of which had been sometime previously made known to him, was sent for by Mr. Smith. The petition, the form in which all suits are commenced here, was prepared, and the affidavit endorsed on it, and the papers sent in that state to my house, without any other communications having taken place between us than what you will find in my letter to him. It was immediately discovered, however, that there was an omission, amounting, I presume, to a fatal error in the drawing up of the petition, which may perhaps have caused Mr. Smith to adopt the course he has taken. Over his measures I cannot be expected to have any control. If an action upon the official bond of Mr. Wilson could not be sustained, it ought not to have been commenced by Mr. Smith; I asked advice of him, but I certainly offered no suggestion of my own.\*

"Wilson, in order to lay the foundation for a double suit, sent his boarding-house keeper with an account against the government for \$125, as salary for the first quarter of the last year; which, not being due, I refused to pay, but, for the satisfaction of the individual, I told him that, whenever Mr. Wilson should deliver up the public property in his possession which he was now withholding, there would probably be due from the government fifty or sixty dollars. I was soon informed that this individual was a person of bad character, from whom danger, in any possible case, was to be apprehended. Accordingly I was served the next day, the 11th instant, with the usual citation, copy of petition," &c.

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NEW ORLEANS, February 5, 1825.

SIR: Having been recently compelled, by an indispensable duty, to remove Mr. John Wilson from his office of principal deputy surveyor of the southeastern district of Louisiana, it has been since represented to me by Mr. William S. Lyman, who was appointed his successor, that Mr. Wilson positively refused to deliver up the records and other public property appertaining to his late office; and, although it has been now nearly ten months since the demand was made, yet the books, maps, and other public documents appertaining to the office are still withheld, which has necessarily put an entire stop to the surveying business in the district lately under his superintendence.

Knowing of no means by which a transfer of the property of the office can be obtained without an appeal to the United States court, the object of this communication is to request that you will, in your official capacity, move the court in behalf of the government for such order or process as shall be likely, in the most speedy manner, to compel Mr. Wilson to surrender the documents, &c., of his late office to his successor.

I am, very respectfully, sir, your most obedient servant,

GEORGE DAVIS.

*Surveyor of the Public Lands south of the State of Tennessee.*

JOHN W. SMITH, Esq.,  
United States District Attorney, New Orleans.

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SURVEYOR'S OFFICE, Washington, Mississippi, December 14, 1824.

SIR: It has become my duty, rendered so by circumstances with which you are presumed to be acquainted, to revoke your commission as principal deputy surveyor.

\* When I became apprehensive that Wilson's bail might, perhaps, be released, I sent a verbal request to Mr. Smith that the release should not take place until the public property withheld by him should be given up; but my messenger not finding him at his office, the release afterwards took place before the message was delivered, as I have been informed.



You will be pleased, therefore, to deliver over to your successor, Mr. William S. Lyman, all the books, papers, instructions, maps, and documents of every description appertaining to the office of principal deputy surveyor for the southeastern district of Louisiana, taking duplicate receipts for the same, one of which you will be pleased to forward to this office. You are requested, also, to deliver to Mr. Lyman the check I gave you about the 15th of October last, drawn to the order of Mr. Auguste Bonnet, for one hundred and forty dollars and eight cents, for which you have never furnished me with a voucher, unless you shall have previously delivered it to any person authorized to receive it for me.

I am, &c.,

G. DAVIS.

JOHN WILSON, Esq., *Late Principal Deputy Surveyor, Donaldsonville, Louisiana.*

TREASURY DEPARTMENT, *Register's Office, February 19, 1827.*

The above is a true copy of the original document on file in this office.

JOSEPH NOURSE, *Register of Treasury United States.*

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*Extract of a letter from George Davis to the Commissioner of the General Land Office, dated New Orleans, February 22, 1825.*

"I have heretofore said nothing more of Mr. Wilson than was found indispensably necessary in the course of business. Your letter seems to render it necessary that I should prove to you (I thought I had already proved to you) that he is unfit for any office, if either honesty or industry be a necessary qualification for an office, and that therefore I should have been justifiable in removing him even if it had been necessary to leave the office vacant. This I shall do in due time."

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*Extract of a letter from George Davis to the Commissioner of the General Land Office, dated Washington, Mississippi, March 18, 1825.*

"I enclose also, numbered 3 and 4, respectively, the copy of a letter which I addressed to Mr. Harper, the register, while I was in New Orleans, and his original letter in reply, and I must ask of you the favor of an attested copy or exemplification of your letter to Mr. Wilson of October 13, 1823, as it may be required of me to show to the satisfaction of a court and jury, not only that he was guilty of extortion in his charges upon claimants whose lands he surveyed, or caused to be surveyed, while principal deputy surveyor, but that he was equally unmindful both of your instructions and of mine, and that he had adopted, in all its essential parts, the old Spanish regime of 'fleeing the natives.'"

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*Extract of a letter from G. Davis to the Commissioner of the General Land Office, dated Washington, Mississippi.*

"By letters received from Mr. Turner since the date of my last to you from New Orleans, of which I intend to transmit copies as soon as leisure shall permit, it appears that an order which Mr. Wilson gave to Mr. Smith, the district attorney at New Orleans, for the public property at his late office, was addressed to a person who had never been in possession of them, while another person held them as a pledge for a debt owed to the latter by Mr. Wilson; that a writ of sequestration, in the name of the United States, was afterwards obtained, and that the marshal's deputy, after executing the writ, keeps possession of the public property until he shall make return of the writ in May next, instead of delivering them up to Mr. Turner."

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*Extract of a letter from George Davis to the Commissioner of the General Land Office, dated Washington, Mississippi, May 27, 1825.*

"Lest Mr. Wilson should attempt to have his accounts settled at the city of Washington, without a reference to this office, I will avail myself of this occasion to inform you that I have ascertained that some of the examining and recording accounts approved by Mr. Wailes, paid by myself, and rendered in my account for the fourth quarter of the last year, were false, the recording not having been done. I shall, when more at leisure, transmit, for your information, extracts from the letters on the subject received not long since from Mr. Turner, the present principal deputy surveyor of the southeastern district of Louisiana."

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NEW ORLEANS, *July 16, 1826.*

Sir: On receiving your letters of the 12th ultimo, it appeared to me very desirable that I should have a personal interview with Mr. James P. Turner previous to his setting out for Mobile, and I had intended to travel to his office, a distance of about a hundred miles from Washington by land, but was prevented partly by the excessive heat of the weather, and partly by the accident of my carriage-horse becoming lame at the very time I was about to set out. As Mr. Turner would, very probably, have to come to this place to obtain a passage for Mobile, I notified him of my desire to see him, and of my intention to be here between the 15th and 20th instant; I arrived two or three days earlier than was at first expected, and Mr. Turner is now hourly looked for.

Mr. John C. Turner, the principal deputy of the southeast district, came with me from Donaldsonville to this place; has received his books, stationery, and a case of instruments, the cost of which amounted to \$60 75, and has left this on his return to his office to-day.

Since my arrival here I have learned that the suit commenced against me in the name of John Wilson, in February, 1825, in consequence of his removal from office, was dismissed at the late term of the United States court. This was foreseen; but had I neglected to employ counsel, judgment would have gone against me by default; and as the damages were, without any oath, of course, laid, as well as I now recollect, at \$2,000, a fair pretext was thus afforded to the profession of the law to refuse taking it in hand without a large fee, which was, no doubt, the only motive for instituting that fictitious suit.

I am, with due respect, sir, your obedient servant,

G. DAVIS, *Surveyor, &c.*

GEORGE GRAHAM, Esq., *Washington City.*

GENERAL LAND OFFICE, *August 16, 1826.*

SIR: Your letter, dated at New Orleans, advising the dismissal of the suit brought against you by Mr. Wilson, has been received, and it is presumed that the suit instituted by you against Wilson has also been dismissed. Your previous letter, in reply to the charges made by Wilson, had been put in his hands, and it was presumed that he would make a rejoinder. He has not, however, yet done so, but has made frequent applications for the payment of a balance which he claims as due to him. He has been informed that his account cannot be settled by the accounting officers until it has been submitted to you for adjustment; this he has declined to do, though I think it probable some balance may be due to him.

Very respectfully, your obedient servant,

GEORGE GRAHAM.

GEORGE DAVIS, Esq., *Surveyor General, Washington, Mississippi.*

A true copy from the record.

J. M. MOORE, *Chief Clerk.*

On the tenth charge Mr. Graham referred to the testimony of Mr. Wood, and the following extracts of letters of G. Davis, of October 24, 1824, and November 24, 1824, in reply to the charge of misrepresentation as to the date of the dismissal of S. Dinsmoor; and in reply to the other branch of this charge Mr. Graham referred to testimony of S. D. King, and to the following correspondence:

*Extract of a letter from George Davis to the Commissioner of the General Land Office, dated Washington, Mississippi, October 24, 1824.*

"I find that I must visit St. Helena in the course of a few, say ten or twelve days, and shall, perhaps, visit General Morgan. Would his appointment be approved? I most respectfully ask."

*Extract of a letter from George Davis to the Commissioner of the General Land Office, dated Washington, Mississippi, November 24, 1824.*

"I have not been able to leave this office as intended at the date of my last visit to St. Helena. General David B. Morgan has lately visited me. Please to authorize his appointment as successor to Silas Dinsmoor, who, I am assured, intends to resign when ordered to comply with the law which directs the location of his office in the district of St. Helena. General Morgan resides near Madisonville, in the district of St. Helena, which, on many accounts, is an eligible position for the office. I state to you now, and will demonstrate it hereafter if I have not already done it, that I cannot nor ought not to be held responsible for the correctly conducting of the surveying business in his districts while he has the superintendence of it. He has no bond in this office that I can find, and I am therefore afraid to pay accounts approved by him while the plats and field notes are withheld from this office, let the cause for their detention be what it may. Whatever remaining accounts he may have of his own, I certainly shall not pay them without a bond, or a special order from you. Why is not this fixed by law?"

GENERAL LAND OFFICE, *December 20, 1824.*

SIR: The act of March 3, 1819, requiring that the President of the United States should approve of the appointment of the principal deputy surveyor authorized by that act, I enclose a letter from George Davis, Esq., advising of the appointment of General Morgan to that office, and requesting the approval of the President.

With great respect, your obedient servant,

GEORGE GRAHAM.

HON. WILLIAM H. CRAWFORD.

SURVEYOR'S OFFICE, *Washington, Mississippi, November 22, 1824.*

SIR: I enclose for your information the copy of a notice to land claimants and deputy surveyors recently sent to New Orleans for publication. The necessity of the notice to land claimants, as well as in part to deputy surveyors, has been produced by what I have understood to be a fact, that persons holding or pretending to hold old appointments from this office have been in the practice of surveying land, furnishing plats, and charging surveying expenses without any legal authority, and without any intention of ever making returns of their work to the proper offices. The obstructions which such practices must necessarily throw in the way of legally authorized surveyors when afterwards attempting to survey the same lands must be self-evident.

The notice is intended to apply to principal deputy surveyors also, which is rendered necessary by the insufficiency of some of their bonds on file in this office.

Your estimate for the year 1825, so repeatedly called for, has not been received.

Your most obedient servant,

G. DAVIS.

SILAS DINSMOOR, Esq., *Principal Deputy Surveyor, Mobile.*

P. S.—Your bond, in which Mr. Stone only is joined with you, is deemed insufficient. His township maps are all returned from the General Land Office, and will have to be sent, at Mr. Stone's expense, to your office by express. In the meanwhile, if you have the length of the township and sectional lines marked upon them, respectively, from the field notes, and the want of coincidence between his township and sectional parts on the line of demarcation with those of the work north of that line, if such should exist, time will be saved on the return of the maps to your office. G. D.

*Notice to land claimants in the State of Louisiana, and to deputy surveyors.*

Land claimants are hereby notified, and respectfully requested, not to pay deputy surveyors for any surveys made after the present date, unless a certificate that the survey upon which fees may be demanded has been returned to the proper office and approved shall be produced; which certificate must be signed either by the *principal deputy surveyor in whose district the land may be situated*, or by the *undersigned*. To the certificate should also be added a receipt, signed by the deputy who may have made the survey, for the amount of fees paid to him.

Deputy surveyors holding commissions or appointments from *former incumbents* of this office are also respectfully notified that their said commissions or appointments will cease and determine January 1, 1825. Such of them as may desire reappointments will please to apply for them at this office, provided with the necessary recommendations and securities. This last measure has been rendered necessary by a variety of causes, and among others by the circumstance of there having been no regular register heretofore kept in the office by which the number and names of deputy surveyors holding appointments from it can now be known.

G. DAVIS, Surveyor, &c.

SURVEYOR'S OFFICE, Washington, Mississippi, November 20, 1824.

*Extract of a letter addressed by George Graham, Commissioner of the General Land Office, to the register and receiver of the land office at St. Helena Court-house, Louisiana, dated August 13, 1823.*

"I enclose a copy of a letter addressed by Mr. Gallatin to Mr. Briggs relative to surveying the private claims in Mississippi. This relates principally to the mode of sectioning the claims as connected with the township; and I will thank you to furnish the principal deputy surveyor with a copy of it, and also submit this letter to him for perusal."

A correct copy from the record.

J. M. MOORE, Chief Clerk.

*Extract of a letter from George Graham, Commissioner of the General Land Office, to L. Wailes, surveyor general, Washington, Mississippi, dated August 19, 1825.*

"Having received from the register and receiver at St. Helena several applications relative to the execution of the act of March 3, 1819, and that supplemental thereto dated May 8, 1822, for adjusting the land claims in the district east of New Orleans, and finding that no general instructions had been given from this office relative to the construction of these acts, or as to the manner of locating and surveying the claims confirmed by them, I have written to these officers fully on the subject; and as it is particularly to be wished that the manner of surveying all the private claims should be uniform throughout your district, I have forwarded you a copy of my letter to those officers, in order that you may give such instructions to the principal deputy surveyors within your district as you may, from a full view of the subject, deem proper and necessary to obtain that uniformity.

"I give you no positive instructions on the subject, because I presume that the surveying has generally been executed in conformity to the principles stated in my letter, and, in cases of difference, an attempt to correct them may possibly defeat the object we have in view, to wit: an accurate and correct location of the claims and survey of the country, and despatch and economy in the execution."

A correct copy from the record.

J. M. MOORE, Chief Clerk.

GENERAL LAND OFFICE, September 17, 1824.

SIR: Your letter of the 21st ultimo has been received. On August 13, 1823, I addressed a letter to the register and receiver at St. Helena, explanatory of the several acts for the adjustment of the claims to lands in the district east of the island of New Orleans, a copy of which was sent to the land officers at Jackson Court-house, with a request that they would submit it to you for your information; but it would appear from your letter that it has not been seen by you, and I now enclose an extract of that part relating to the manner in which the surveys ought to be made, by which you will perceive that when the bounds of any private claim corresponding with sectional or divisional lines, it was not intended to give it any other than regular sectional number, but it must be colored on your maps as a private claim.

By the 5th section of the act of May 8, 1822, it was made the duty of the register and receiver to decide between the parties in all conflicting and interfering claims to lots in the town of Mobile, and it is a duty that must be performed by them before a patent will be issued for any lot the boundaries of which are disputed.

With great respect, &c.,

SILAS DINSMOOR, Esq., P. D. S., Mobile, Ala.

GEO. GRAHAM.

*Note by Mr. Graham.*

It was the duty of the surveyor general, Mr. Wailes, to have furnished Mr. Dinsmoor with the instructions, but as it was expected that his duties would call him to the office of the register and receiver, they were requested to communicate to him my letter of August 13, 1823.

SURVEYOR'S OFFICE, Washington, Miss., February 1, 1825.

SIR: I enclose herewith a list of all the maps in this office of townships of land in the districts east of the island of New Orleans. The *field notes* of these, as well as *maps* and *field notes* of all the other townships and sectional surveying done in those districts, remained in the possession of Mr. Dinsmoor, the late principal deputy surveyor, who refuses to deliver them.



A deputy surveyor, Mr. Stephen Roberts, lately here from the district of St. Helena for a renewal of his commission, left with me the field notes of all the private claims, amounting to 37, in four townships, namely, townships 1, 2, 3, and 4, in range 8 east, in that district; and if I were in possession of the maps and field notes of the township and sectional lines, I should be able immediately to have the private claims in them returned in a proper state for being patented. Even if I were in possession of the township maps, nothing could be done with them without the *field notes*, as the distances on the township and sectional lines are usually left blank by Mr. Dinsmoor. Whether or not the withholding of those distances from the maps has been a part of the systematic plan of independence in which Mr. Dinsmoor has so studiously contrived to keep his office, it would be useless for me to inquire. I think it a great misfortune, however, to the interest of the surveying business, that the construction with which you have furnished me in your letter of the 26th ultimo\* had not been earlier adopted; as it is, I perceive no remedy within my reach.

Since commencing this letter, I am informed by a friend in Natchez that he has, in consequence of a request made some days since, engaged me a passage on board a steamboat for Donaldsonville, which leaves Natchez to-morrow morning, and which puts me in a hurry. I shall therefore enclose herewith the vouchers for money paid within the past month, to be referred to in the account at the end of the quarter, viz:

Charles M. Lawson's account, voucher No. 1.....	\$1,065 59
Charles M. Lawson's account, voucher No. 2.....	1,439 77
E. S. Ludlow's account, voucher No. 3.....	247 75
John B. Peyton's account, voucher No. 4.....	560 03

Making in all.....	3,313 14
If to this be added fifty dollars, put into the hands of Mr. Harper, to pay for the surveying of General Lafayette's land.....	50 00
Also forty dollars sometime since advanced to Deputy Surveyor Reid, for which the proper voucher has not yet been received.....	40 00
And fifty dollars advanced as a salary to William S. Lyman, principal deputy surveyor of the southeast district of Louisiana.....	50 00

The aggregate becomes.....	3,453 14
Add to this my salary account for the last quarter.....	909 94

And if from the balance remaining at my control, as exhibited in my general account, on the 31st December.....	25,629 33
The foregoing amount be deducted.....	4,363 08

There will remain.....	21,266 25
There is <i>bona fide</i> deposited in the bank at Natchez.....	\$17,087 97
And at the United States Bank at New Orleans.....	4,298 78
	<u>21,386 75</u>

At the date of your letter of the 20th December you reasonably supposed I had got through with the paying off demands against the government, and I have but a moment to say why your expectations have not been realized.

Doxey's demand of two thousand dollars has not been called for. He resides in the State of Alabama, and has been requested, through a friend of his, to call and settle his account; but he has not yet arrived.

I have paid Lawson all for which he has rendered an account. He is supposed to have still due twelve or thirteen hundred dollars; but when here, in the beginning of January, being in a hurry to attend the State legislature, then in session, and of which he is a member, he could not have waited for the examination of the whole of his work, even if there had been no objections to the complete liquidation of his whole demand. But, considering money in hand the best bond, I should have withheld a part, even had there been no other obstacle in the way, on account of omissions in his work and the very bad state of his field notes. Perhaps I ought not to have paid him any part until those omissions and defects had been removed. If you will take townships 2, 3, and 4, in ranges 1, both east and west of the basis meridian, in the Choctaw district, and place them beside each other, you will perceive that those of the western range are deficient of the traverse of Pearl river in those townships; and if you will compare this omission with the last item in voucher No. 2, now transmitted, the cause of detention will be explained.

The cause of a temporary suspension of payment in the southwest district of Louisiana will be explained in my next letter, to be written at the first place at which I shall make a sufficient stay in my intended excursion to Louisiana.

I am, very respectfully, sir, your most obedient servant,

G. DAVIS.

GEORGE GRAHAM, Esq., *Commissioner General Land Office, Washington City.*

NOTE.—This note shows the propriety of suspending all proceedings in relation to the township plats returned by Mr. Dinsmoor, and the payment of the accounts of the deputy surveyors employed by him, until the field notes could be obtained.

Maps of townships of land in the districts east of the island of New Orleans, west of the basis meridian, and east of Pearl river, viz:

- Townships 1, 2, 3, 4, 5, 6, 7, and 8, range 5, single.
- Townships 1, 2, 3, 4, 5, 6, 7, and 8, range 6, single.
- Townships 1, 2, 3, 7, and 8, range 7, single.
- Townships 1, 2, 3, 4, 5, 6, and 7, range 8, single.
- Townships 1, 2, 3, and 4, range 13, single.

Townships 1, 2, 3, and 4, range 14, single.

Townships 1, 2, and 3, range 15, single.

Townships 1, 2, 3, and 4, range 16, single.

Townships 3 and 4, range 17, single.

Maps of townships of land in the districts east of the island of New Orleans, east of the basis meridian, and west of Pearl river, viz:

Townships 1, † 2, † and 3, † range 1, duplicates.

Townships 1, 2, 3, † and 4, range 2, duplicates.

Townships 1, 3, and 4, range 3, duplicates.

Townships 5 and 6, range 5, duplicates.

Townships 5 and 6, range 6, duplicates.

Townships 5 and 6, range 7, duplicates.

Township 6, range 8, duplicates.

The foregoing are all the township maps in the surveyor's office at Washington of lands in the districts east of the island of New Orleans.

G. DAVIS.

SURVEYOR'S OFFICE, *Washington, Mississippi, February 1, 1825.*

GENERAL LAND OFFICE, *January 16, 1826.*

SIR: Your letter of November 23, covering a duplicate of your letter to Mr. J. B. Peyton, has been received. Presuming that Mr. Peyton has been furnished with the original, and that he will reply to it, time will be given for that purpose.

Yours of the 5th, 6th, and 14th of December have also been received, and Mr. Wailes' letter of October 13, 1824, is returned.

I enclose a copy of a letter received from Mr. Doxey relative to his accounts. The reason assigned is, no doubt, not the real one for the delay in paying the account. I have advised him that a copy of his letter has been sent to you, and that the account will be paid, without there are good reasons for withholding payment.

The enclosed letter from Mr. Gurley, in relation to Mr. Gilmore's account, has been submitted to the President, together with your letter of the 19th of September, and the extract from Mr. Morgan's letter to you of June 10, 1825; and he has directed me to say to you that payment should not be withheld on an account presented by a deputy for surveying executed and approved by you, because there may be ground to suspect that surveying previously executed by such deputy, approved and paid for by you or your predecessor, was erroneously executed. He therefore directs the account of Mr. Gilmore to be paid, without deduction, for surveying previously, and supposed to be erroneously executed, unless you have such official information as will enable you to designate the particular errors that have been committed; in which case Mr. Gilmore will be called upon to correct them within a limited time, and if he fails to do so, you will then be at liberty to detain such sum as will cover the reasonable expenses of correcting the specified errors.

By "official information," I mean the township plat and field notes of Mr. Gilmore, or those of other authorized deputies, who have by surveying the same or adjacent lands ascertained the special error of Mr. Gilmore.

This decision of the President has reference altogether to general principles, and not to any of the particular facts in controversy between yourself and Mr. Gilmore; should it ultimately appear that Mr. Gilmore has been paid for surveying grossly erroneous, you will stand completely justified.

The case of Mr. Dinsmoor, jr., is different from that of Mr. Gilmore: he demands payment for surveying returned to, and approved by, a former principal deputy; you require the field notes to be produced, and object to the certificate on which such accounts are paid by you, on account of the omission of date. If you have good reason to believe that the surveying for which payment is required to be made has been erroneously executed, it is your duty to require the production of the field notes, and examine the work previous to payment. But if, in this instance, you have no reason to believe that the surveying charged for in the account presented by Mr. Dinsmoor has been erroneously executed, then the omission of the date to the certificate of the principal deputy surveyor, or the suspicion of errors in surveying previously executed by Mr. Dinsmoor, and for which he has been paid, ought not to be considered as sufficient reasons for withholding the payment.

An extract of your letter, assigning the reasons for the non-payment of Mr. Washington's account, has been forwarded to him.

I am, &c.,

GEO. GRAHAM.

GEORGE DAVIS, Esq., *Surveyor General, Washington, Mississippi.*

NOTE.—This letter accounts for the non-payment by Mr. Davis of the accounts of those deputy surveyors who executed work under the directions of Mr. Silas Dinsmoor, sr., the field notes of which work he retained in his possession.

*Extract of a letter from George Graham to George Davis, surveyor, &c., dated General Land Office, April 4, 1826*

"With respect to the payment of the account of Mr. Silas Dinsmoor, it was not expected, after the expression of your opinions in relation to the execution of the surveys in the district south of the 31st degree of latitude, that you would have paid them until you were furnished with and had examined the field notes, or were otherwise entirely satisfied as to the correctness of the work charged for. Whenever

† The four marked thus † are the ones mentioned by mistake, in my letter to the General Land Office of October 27, as being east instead of west of Pearl river.

that is the case, you will pay the account without reference to the State line, it not having as yet been connected with the township plats south of the 31st degree of latitude."

On the 11th charge, Mr. Graham referred to Mr. Dinsmoor's deposition.

On the 12th charge, Mr. Graham laid before the committee the following letters:

GENERAL LAND OFFICE, *August 10, 1826.*

Sir: Your note of the 9th instant, together with the papers accompanying it, including an account current against the United States for surveying, are this moment received. All surveying accounts are settled by the First Auditor of the Treasury, and there is no power in this office either to approve or reject the accounts.

No surveyors, except the surveyors general and those vested in their particular districts with the powers of the surveyors general, being authorized to transmit their accounts through this office to the First Auditor, your accounts ought to have been presented, as heretofore, for adjustment and payment to the surveyor of the lands south of the State of Tennessee, within whose surveying district the services were performed.

Your account current, and the papers accompanying it, are therefore returned, that you may take that regular course with them which the regulations of the treasury prescribe.

If you desire it, the accounts can be transmitted for adjustment through this office to the surveyor of the lands south of the State of Tennessee.

If there be any special reasons why your accounts should take a course of settlement different from that prescribed by the rules of the treasury for the settlement of the accounts of all other principal deputy surveyors, and the course heretofore pursued in relation to the settlement of your own accounts, application should be made to the Secretary of the Treasury, who will give such directions in your case as the circumstances incident to it may require.

It is proper to state, that this office having been informed by the surveyor of the lands south of the State of Tennessee that you had refused to transfer to the gentleman appointed by him to supersede you in office of principal deputy surveyor the books, papers, and records belonging to that office, instructions have been given to him to take such legal measures as may be deemed proper to compel you to deliver them up.

I am, &c.,

GEO. GRAHAM.

SILAS DINSMOOR, Esq., *now in Washington City.*

GENERAL LAND OFFICE, *January 30, 1827.*

Sir: In reply to your letters of the 26th and 29th instant relative to the adjustment of our accounts, I must refer you to my communication heretofore made to you on that subject.

You intimate that the government having obtained possession of the papers and records heretofore withheld by you, the principal cause for not adjusting your accounts at the treasury is removed. The withholding of those papers was a good cause for the refusal to adjust your accounts at all, but the fact of the government having obtained possession of them is no reason why your accounts should be adjusted in a manner different from that prescribed by the rules and regulations of the treasury, and different from that in which you have hitherto been accustomed to settle them; that is, by the surveyor of the district in which you were one of the principal deputies, he being the only person who has the means within his power of checking your accounts, so far as they relate to charges for examining and recording surveys. So far as you may have a claim for salary, the First Auditor may be able to check your account, and may, therefore, under the direction of the Comptroller, settle it out of the usual routine for adjusting those accounts.

You allege the want of confidence in the present surveyor as the reason why your accounts should not be acted upon by him, and submit certain papers to justify the allegation. The allegations are general, and if they are deemed sufficient to withdraw from the settlement of the surveyor your accounts, they are equally applicable to the settlement of all other accounts by him, and the question, therefore, is one for the consideration of the President, and not for that of the accounting officer.

Yours, respectfully,

GEO. GRAHAM.

P. S.—The papers submitted by you are herewith returned.

SILAS DINSMOOR, Esq., *now at Washington.*

# APPLICATION OF INDIANA TO BE ALLOWED TO SELL THE LANDS IN THAT STATE RESERVED FOR SCHOOLS.

COMMUNICATED TO THE SENATE FEBRUARY 27, 1827.

A JOINT RESOLUTION on the subject of school lands in the State of Indiana.

Resolved by the general assembly of the State of Indiana, That our senators in Congress be instructed, and our representatives requested, to use their best exertions to procure the passage of an act of Congress



extending to the legislature of the State of Indiana the same right and authority, under similar restrictions, to convey, in fee simple, all or any part of the lands heretofore reserved and appropriated by Congress for the use of schools within this State, as has been given to the legislature of the State of Ohio by an act of Congress entitled "An act to authorize the legislature of the State of Ohio to sell the lands heretofore appropriated for the use of schools in that State," approved February 1, 1826.

*Resolved*, That his excellency the governor be requested to transmit to each of our senators and representatives in Congress a copy of the foregoing resolution as soon as practicable.

H. H. MOORE, *Speaker of the House of Representatives.*  
JOHN H. THOMPSON, *President of the Senate.*

19TH CONGRESS.]

No. 585.

[2D SESSION.]

## SETTLERS ON THE CHOCTAW LANDS IN ARKANSAS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 27, 1827.

Mr. SCOTT, from the Committee on Public Lands, to whom was referred the memorial of the legislature of the Territory of Arkansas, praying that some measures might be adopted to relieve the settlers, and remunerate them for the improvements which they had made on the lands ceded to the Choctaw nation of Indians, (see No. 528,) reported:

That by a treaty with the Quapaw nation of Indians, August 24, 1818, the United States acquired title to a large and valuable tract of country in the Territory of Arkansas, upon which settlements had been made, and on which extensive and valuable improvements were made after the date of the treaty. It appears to have been the views of the government to have intended to retain a portion of the country acquired by the treaty aforesaid exempt from settlements, to be given in exchange for the lands belonging to Indian tribes east of the Mississippi river. As early as December 15, 1818, an order issued from the War Department, by direction of the President, to General Jackson, then commanding the division of the south, requiring him to prevent the extension of the settlements in Arkansas west of a line connecting the sources of the Kiamichi, emptying into Red river, and the Poteau, emptying into the Arkansas river. On January 5, 1819, General Jackson issued his orders to the commanding officer at Fort Smith, directing him to carry the views of the government into effect, which, by the papers herewith, appears to have been done. In the year 1819 the lands, by order of the government, were surveyed nearly to the line connecting the sources of the Kiamichi and Poteau, and the people continued to extend their settlements and improvements on these lands, believing that when they were brought into market they could become the purchasers from the government of the improvements they were making. It is stated that about two thousand souls reside on those lands, and form a part of two counties. The committee would remark that before Arkansas was erected into a separate territorial government the people now spoken of were within the civil jurisdiction, and the process of the courts and the laws extended to them. In 1820, on the 18th of October, a treaty was made with the Choctaw Indians, by which all that tract of country west of a line beginning on the Arkansas river, opposite a point where the lower Cherokee boundary strikes the same, and running to Red river, three miles below Little river, was ceded to the Choctaw Indians. This treaty contained no stipulation for the removal of the white people within or settled on the land ceded, although a large portion of the white people of Arkansas was thus transferred to the Indians. Great discontents, however, prevailed, and after repeated remonstrances, and renewed assurances that effective measures should be taken to secure the people settled on this land, a treaty was ultimately concluded with the Choctaws January 20, 1825, by which their title to the lands acquired by the treaty of October 18, 1820, was extinguished as far west as a line drawn from just below Fort Smith due south to Red river. This treaty, however, only provided a partial remedy for the evil and injury of which the people complained; and it is to have some further remedy applied that the memorial now under consideration was draughted and forwarded by the legislature of the Territory of Arkansas.

This memorial emphatically prays that some provisions may be made, either in lands or money, for the relief of those of their fellow-citizens who have settled on and improved lands lying west of a line from below Fort Smith, on the Arkansas river, to Red river, and east of a line connecting the sources of the Kiamichi and Poteau; and allege, as a reason why they apply and think the government bound to comply, that permission, or at least a constructive permission, was given to make those settlements and improvements by the order from the President and War Department, December 15, 1818, and the order from the commanding general of the south, January 5, 1819. The Committee on Public Lands have seen, with regret, that this wandering and migrating spirit of the people leads them into constant violations of the law of the land in relation to the settlement on the public lands. The law in regard to settlement on the public lands is positive and imperative, and makes it the duty of the President to remove all intruders. The committee cannot, therefore, think that, had the orders from the President, through the War Department, of December 15, 1818, been positive in granting permission to settle on those lands, such order would have superseded the established and fixed law on the subject, or secured to the settlers any claims on the government for indemnity for improvements made. It is not, however, contended that the order of December 15, 1818, was positive in giving permission to settle, but that it *implied* permission to settle on all that tract of country east of a line connecting the sources of the Kiamichi and the Poteau, because it only positively forbid settlements to be made west of that line, and for those who had settled west to be removed east. This implied permission is, then, weaker than the case above stated by the committee, and, in their opinion, gave no right to make the settlement, nor created any claim on the government for remuneration in the event of the ultimate loss of their labor and improvements. It is this wandering and migrating disposition of the people that has been the foundation and given rise to all the doctrine of

the rights of pre-emption. At an earlier stage of the government, when it was an object to have the country explored; when the surveying was not completed; when the settlements were unconnected; and the toil, hardships, and dangers of new and distant settlements were infinitely more than at present, there may have been some reason for the special privileges and protection given to settlers; but the committee think that time past. The great abundance of good lands surveyed and prepared for market within the best settlements, at reduced prices, in small tracts, the committee believe, puts it in the power of any man to acquire a home; and that it is full time for Congress to make a decided and unbending stand against all further special privileges or pre-emptions within the several States and Territories.

The committee cannot conclude this report without remarking, in justice to the people here alluded to, that they do not rank them with those lawless intruders on the public lands who resort to it for the mere purpose of destroying the timber, or digging up the bowels of the earth for minerals, and go off with the booty. The people in question were, doubtless, like many others who are far removed from the seat of government, many of them, ignorant of its laws, and apt to believe that whatever a superior officer of the government says or does is certainly right, and within the scope of his powers. These people may have *inferred* the right to settle from the orders of December 15, 1818, and the orders of January 5, 1819. They appear to have settled *bona fide* to secure homes, and the committee sincerely regret that they cannot recommend any relief to these unfortunate people without violating the fixed principles in regard to the public lands, establishing a dangerous precedent, awarding a premium for the violation of the law, and holding out assurances that for similar transgressions future rewards will be given; although there was no absolute obligation on the government to provide for or notice the actual condition of the settlers on those lands when the treaty of October 18, 1820, was concluded. It is not the less remarkable that, in that treaty, the Indians made professions to secure the improvements, or an equivalent to those of their tribe residing on the lands in the State of Mississippi, ceded by them to the United States, while the commissioners on the part of the United States entirely overlooked the situation of the white people on the lands ceded to the Indians. The commissioners could not plead ignorance in this matter, because one of them, General Jackson, who made the treaty, was the identical person to whom the order of December 15, 1818, had been directed by the War Department, and who, based on this order, issued his of January 5, 1819, to the commander at Fort Smith. This may, however, be one of the reasons why these people should not now be provided for; because, it is to be presumed, if the government had acknowledged any rights or claims to indemnity, it would have, in all probability, been noticed in that treaty. The committee would be glad to see those people, for whom relief is prayed in the memorial, placed in some situation where they might hereafter realize their wishes, and secure, by purchase from the government, their homes and improvements. This, however, cannot be done without extinguishing the title of the Choctaw Indians which they acquired by the treaty of October 18, 1820. To do this belongs to the treaty-making power, and is not a subject for the committee to pass on. They, however, think it a subject worthy the consideration of the government, and submit the following resolution:

*Resolved*, That the Committee on the Public Lands be discharged from the further consideration of the subject, and that it be referred to the Secretary of War.

Upon the request of Mr. Conway, delegate in Congress from the Territory of Arkansas, I make the following statement:

In the month of June, in the year one thousand eight hundred and nineteen, being in command of the United States troops stationed at Fort Smith, on the Arkansas river, I received an order from the commanding officer of the southern division, (General Jackson,) commanding me to remove all the settlers who should be found west of a line drawn from the sources of the Kiamichi to the Poteau, the former a stream emptying into Red river, the latter into the Arkansas river, and to compel all such settlers to return to the east side of said line. Upon the receipt of the order I sat out with some half a dozen soldiers on horseback, a corporal's guard, and proceeded to the tract of country on which the intruders had settled. I found about two hundred families, in the whole, on the west side of the line designated; some of them had crops growing; others none. I read the orders which I had received to the heads of the different families, requiring those who had no crops growing to obey it immediately, and to those who had time was allowed till October. The order was universally obeyed, and some of those to whom I had given leave to remain till their crop was gathered were driven in before that time by Captain Combs, commanding at Natchitoches, who had received a similar order, and executed it in the district of country next to Red river, in some instances burning the houses and destroying the crops. Afterwards Mr. Downs and Mr. Woodward, being authorized by government to run certain lines in Arkansas, fixed upon a line from the mouth of the Canadian Fork, southwardly to the head of Jack's Fork, of Kiamichi, and down to its mouth. This line was further west than the one designated in the order which I had received and executed; and immediately after many of those who had removed under the order of myself and Captain Combs reoccupied the ground from thich they had been removed. Information of this having reached the government of the United States, an order was sent to Colonel Arbuckle, commanding at Fort Smith, in the fall of the last year, commanding him to drive back all such intruders to the east side of the line from the sources of the Kiamichi and Poteau. This was accordingly done; and the people then, twice removed back, settled in the counties of Miller and Crawford, and I should suppose that about two thousand souls were cut off from the territory by the line fixed for the western boundary of Arkansas at the last session of Congress.

Given under my hand, at Washington city, March 25, 1824.

W. BRADFORD.

DEPARTMENT OF WAR, December 19, 1826.

Sir: In reply to your letter of the 13th instant, respecting the removal of certain settlers on the public lands in Arkansas Territory, I transmit herewith a report of the clerk in charge of the Indian business of this department, with documents marked A and B, which gives the information required.

I have the honor to be your obedient servant,

JAMES BARBOUR.

HON. THOMAS WHIPPLE, *House of Representatives.*

DEPARTMENT OF WAR, *Office of Indian Affairs, December 19, 1826.*

SIR: In compliance with your directions, accompanied by a letter from the honorable Thomas Whipple, of the 13 instant, requesting that you will transmit, as soon as may be, the order from the Department of War for the removal of certain settlers on the public lands in the Arkansas Territory, of December 15, 1818, and also the report made on the same subject in the year 1821 by Colonel Henry D. Downs, who was commissioner to run the boundary line established by the Choctaw treaty of October 18, 1820, I have the honor to enclose herewith copies of said order and report, marked A and B.

I have the honor to be your most obedient servant,

THO. L. McKENNEY.

HON. JAMES BARBOUR, *Secretary of War.*

A.

DEPARTMENT OF WAR, *December 15, 1818.*

SIR: Under the late treaty with the Quapaws and Osages very extensive tracts of land have been acquired, a considerable portion of which is not intended to be brought immediately into market, and which may hereafter become the means of exchange for lands on this side of the Mississippi, above the mouth of the Kiamichi, and on the Arkansas above the mouth of the Poteau, and to the west of the main branch of the Kiamichi and Poteau, and a line drawn between their sources.

The President has directed me to issue orders to prevent, for the present, the extension of the settlements on Red river. Those persons settled to the west of the line specified, or at points higher up the Red river and the Arkansas than those mentioned, will be removed.

You will give the necessary orders to carry the views of the President into effect. It will be advisable to take the necessary measures at an early period, so as to give to such families as may be removed an opportunity to make arrangements for planting the next spring.

I have, &c.,

J. C. CALHOUN.

MAJOR GENERAL ANDREW JACKSON, *Nashville, Tennessee.*

B.

WARRENTON, *Mississippi, December 24, 1821.*

SIR: In obedience to your instruction to me, I have run, according to the treaty, the eastern line of the land ceded by the United States to the Choctaw nation west of the Mississippi; beginning at the mouth of Little river, running thence down Red river to a point three miles below the mouth of Little river; running thence north twenty-nine degrees and fifteen minutes east, one hundred and fifteen miles ten chains and fifty links, to a post on the south bank of the Arkansas river, where the lower boundary line of the Cherokees strikes the same; running thence with the course of the Arkansas river to the mouth of the Canadian Fork; a plat of which survey is herewith enclosed, and a map subjoined thereto of the country west of the eastern boundary which is settled by the whites, designating the position of the settlements; which map, and the field notes accompanying the same, you will please consider as a part of this report, to which I refer you for a more particular description of the line, and for some other information not herein detailed. The connexions of surveys marked in the map were surveys made prior to the Choctaw treaty. The settlements on the Arkansas are immediately on the river, extending from the eastern boundary nearly as far west as the mouth of the Canadian Fork. The settlements on Red river also extend from the eastern boundary westerly as far as the Kiamichi, and are more widely spread than they are on the Arkansas. A direct line from the mouth of the Poteau to the mouth of the Kiamichi would not relieve the white settlers, as was expected. Therefore, the line that I have considered best to suggest to you for that purpose will be a direct line from the junction of the Canadian with the Arkansas to the mouth of Jack's Fork of the Kiamichi; thence down Kiamichi river to Red river. This contemplated line would include about three hundred and seventy-five families, averaging about seven persons to a family, and about six millions five hundred thousand acres of land, which would be, from the best information I have been able to obtain, only a very small part of the Choctaw cession.

I have the honor to be, &c.,

HENRY D. DOWNS, *Commissioner, &c.*

HON. J. C. CALHOUN, *Secretary of War.*



19TH CONGRESS.]

No. 586.

[2D SESSION.]

## APPLICATION OF OHIO AND ALABAMA FOR FURTHER RELIEF TO THE PURCHASERS OF PUBLIC LANDS, AND IN RELATION TO LANDS FOR A UNIVERSITY AND SCHOOLS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES FEBRUARY 28, 1827.

*To the honorable the Senate and House of Representatives in Congress assembled:*

The undersigned inhabitants of the State of Alabama, beg leave to represent: That their situation, in respect to the public land debt. \* \* \* [For this memorial see No. 533.]

MEMORIAL to the Congress of the United States, asking permission for the trustees of the University of Alabama to select other lands in lieu of those herein described.

*Memorial to the Senate and House of Representatives of the United States of America in Congress assembled:*

The memorial of the senate and house of representatives of the State of Alabama, in general assembly convened, respectfully represents: That section twelve, containing 638.80 acres, the northeast quarter of section seventeen, containing 159.11 acres, the northeast quarter of section twenty-eight, containing 158.81 acres, and the east part of the northeast quarter of section thirty-four, containing 106.12 acres, in township four, range eleven west, in the Huntsville land district, patented to the trustees of the University of Alabama, July 16, 1824, have been subsequently sold by the United States to individuals who are now in peaceable possession thereof, and have made considerable and valuable improvements thereon.

In order that the quiet possession of innocent and *bona fide* purchasers should not be disturbed, and believing that a selection of other lands could be made as equally beneficial, your memorialists respectfully submit to your honorable bodies the propriety of passing a law granting permission to the said trustees of the University of the State of Alabama to make a selection of other lands in lieu thereof, giving said trustees the power of selecting any lands which have been forfeited, reverted, or relinquished to the United States, at any of the land offices in this State, in lieu of the above-described lands.

*Resolved by the senate and house of representatives of the State of Alabama in general assembly convened,* That our senators in Congress be instructed, and our representatives requested, to use their efforts to obtain the passage of a law in conformity with the foregoing memorial.

*Be it further resolved,* That his excellency the governor be requested to transmit to our senators and representatives in Congress one copy of the foregoing memorial and resolutions.

SAMUEL W. OLIVER, *Speaker of the House of Representatives.*  
NICHOLAS DAVIS, *President of the Senate.*

Approved January 12, 1827.

JOHN MURPHY.

SECRETARY OF STATE'S OFFICE, Tuscaloosa, January 16, 1827.

I do certify the foregoing report and resolutions to be a correct copy of the original on file in this office.

JAMES I. THORNTON.

*To the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the legislature of the State of Ohio respectfully represents: That by the act of Congress passed on the 13th day of April, A. D. 1802, making certain appropriations to the people of the territory northwest of the river Ohio, preparatory to the formation of a State government therein, it was proposed that section No. 16 in every township, and where such section had been sold or disposed of, other lands equivalent thereto, and most contiguous to the same, should be granted to the inhabitants of such township for the use of schools; which said propositions were, by an ordinance of the convention of said Territory, passed November 29, 1802, (after adding certain conditions by way of modification,) acceded to; by which said modification, in addition to the proposition securing section No. 16, as aforesaid, it was proposed that a donation, equal to one thirty-sixth part of the amount of land in the United States military tract, should be made for the support of schools within that district; that a like provision should be made for the Virginia reservation, so far as the unlocated lands in that tract would supply the proportion aforesaid; and, also, that a donation of the same kind, or such other provision as Congress might deem expedient, should be made to the inhabitants of the Western Reserve; and that all the lands which might thereafter be purchased of Indian tribes by the United States, lying within the State of Ohio, the one thirty-sixth part thereof should be given, as aforesaid, for the support of public schools; which said propositions of the convention aforesaid were accepted and agreed to on the part of the general government, as appears from an act of Congress passed March 3, A. D. 1803, granting, agreeably to the propositions aforesaid, to the United States and Virginia military tracts their just proportion of school lands; and granting, also, to the said Western Reserve 56,000 acres of land, being equal in amount to one thirty-sixth part of all that section of said Western Reserve to which the Indian title had at that time been extinguished. From these circumstances, and the acts above alluded to, your memorialists infer that it was the intention of Congress, and the just expectation of the inhabitants of said territory, that corresponding donations should be made for the balance of said Western Reserve as soon as the Indian title thereto might be extinguished; which, in a treaty concluded between the United States and sundry Indian tribes, at Fort Industry, July 4, A. D. 1805, was fully accomplished; and the Indian title to all the residue of said Western Reserve, being all that portion thereof lying west of the Cuyahoga river, containing about

1,540,000 acres, was thereby extinguished; an equivalent, equal to the one thirty-sixth part thereof, amounts, according to the estimates aforesaid, to 44,000 acres, to which your memorialists, agreeably to the acts, ordinance, and propositions aforesaid, conceive themselves justly entitled; and your memorialists doubt not but Congress, on a fair investigation of the subject, will concur with them in opinion as to the justice of their claim, and cheerfully adopt such measures as will render the inhabitants of said Western Reserve equal participators with other sections of their State in the benevolent liberalities of Congress.

The legislature of the State of Ohio being now engaged in making provision by law for the sale of all their school lands, and investing the avails thereof in productive funds, deem it highly important that the entire interest of each section of said State should be fully and clearly defined; your memorialists, therefore, respectfully invite the attention of Congress to this important subject, and earnestly request that provision be made for granting to the State of Ohio, for the use of schools in said Western Reserve, their just proportion of school lands not heretofore appropriated, amounting, as your memorialists have previously shown, to 44,000 acres. And your memorialists would further suggest to the consideration of your honorable bodies, inasmuch as the appropriation has been long delayed, the propriety of permitting said lands to be located in sections, out of any lands belonging to the United States in the State of Ohio not otherwise disposed of, by such agents as the governor of said State, for the time being, may appoint.

*Resolved*, That the foregoing memorial be submitted to Congress, and that the governor be requested to transmit to the President of the Senate and Speaker of the House of Representatives of Congress copies thereof, with a request that the same be laid before the Houses over which they respectively preside.

EDWARD KING, *Speaker of the House of Representatives.*  
A. SHEPHERD, *Speaker of the Senate.*

JANUARY 24, 1827.

SECRETARY OF STATE'S OFFICE, *Columbus, Ohio, January 26, 1827.*

I certify the foregoing to be a correct copy of the original roll remaining on file in this office.

JER. M'LENE, *Secretary of State.*

EXECUTIVE DEPARTMENT, *Columbus, Ohio, February 1, 1827.*

Sir: The accompanying memorial and resolution of the legislature of this State are communicated, with a request that you will be pleased to submit them to the body over which you preside.

With great respect, your obedient servant,

ALLEN TRIMBLE.

EXECUTIVE DEPARTMENT, *Ohio, Columbus, February 1, 1827.*

Sir: The following resolutions are communicated in obedience to the request of the legislature of this State.

With great respect, your obedient servant,

ALLEN TRIMBLE.

*Resolved by the general assembly of the State of Ohio*, That our senators and representatives in Congress be requested to use their exertions to procure the extension of the relief laws of the United States, so as to embrace purchasers of public lands who have forfeited their payments on the same, and to enable said purchasers, or their assignees, to invest the several sums so forfeited in any new purchase of public lands.

*Resolved*, That the governor be requested to transmit a copy of the foregoing resolution to the Speaker of the Senate and the Speaker of the House of Representatives of the United States, and to each of our senators and representatives in Congress.

EDWARD KING, *Speaker of the House of Representatives.*  
A. SHEPHERD, *Speaker of the Senate.*

JANUARY 29, 1827.

SECRETARY OF STATE'S OFFICE, *Columbus, Ohio, January 29, 1827.*

I certify the foregoing to be a correct copy of the original roll remaining on file in this office.

JER. M'LENE, *Secretary of State.*

19TH CONGRESS.]

No. 587.

[2d Session.]

# APPLICATION OF LOUISIANA FOR A GRANT OF LAND TO THE DISBANDED OFFICERS OF THE LATE ARMY OF THE UNITED STATES OF THE WAR OF 1812-15.

COMMUNICATED TO THE SENATE MARCH 3, 1827.

*Be it resolved by the senate and house of representatives of the State of Louisiana in general assembly convened*, That our senators and representatives in the Congress of the United States be instructed and requested to use their best and most energetic endeavors to have passed into a law a bill making provision, in lands, for the disbanded officers of the late army of the United States, according to their respective grades.

*And be it further resolved*, That the governor of the State of Louisiana be requested to transmit to each of the said senators and representatives a copy of the above resolution.

OCT. LA BRANCHE, *Speaker of the House of Representatives.*  
A. BEAUVAIS, *President of the Senate.*

Approved January 18, 1827.

H. JOHNSON, *Governor of the State of Louisiana.*

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